

By the Committees on Governmental Oversight and Productivity;
Education; and Senator Villalobos

302-2333-02

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 providing for the designation of fees for

1 technology improvement; authorizing a district
2 board to establish separate fees; reenacting s.
3 240.353, F.S., relating to a procedure for
4 determining the number of instruction units;
5 reenacting and amending s. 240.3575, F.S.,
6 relating to economic development centers;
7 authorizing the State Board of Education to
8 award grants; reenacting and amending s.
9 240.359, F.S., relating to state financial
10 support and annual apportionment of funds;
11 eliminating provisions providing for funding
12 programs for disabled students; conforming
13 provisions to changes made by the act;
14 reenacting and amending s. 240.36, F.S.;
15 renaming the Dr. Philip Benjamin Academic
16 Improvement Program for Community Colleges;
17 consolidating current matching grant programs;
18 establishing guidelines for contributions;
19 revising the allocation process; reenacting and
20 amending s. 240.361, F.S., relating to budgets
21 for community colleges; requiring the Division
22 of Community Colleges to review budgets;
23 reenacting and amending s. 240.363, F.S.,
24 relating to financial accounting and
25 expenditures; requiring the State Board of
26 Education to adopt rules; authorizing a
27 district board of trustees to adopt rules for
28 transferring funds to direct-support
29 organizations; reenacting s. 240.364, F.S.,
30 relating to prohibited expenditures; reenacting
31 s. 240.365, F.S., relating to delinquent

1 accounts; reenacting and amending s. 240.367,
2 F.S., relating to current loans to community
3 college district boards of trustees;
4 transferring approval power from the Department
5 of Education to the State Board of Education;
6 reenacting s. 240.369, F.S., relating to an
7 exemption provided for community colleges from
8 regulation by a county civil service
9 commission; reenacting s. 240.371, F.S.,
10 relating to the transfer of benefits arising
11 under local or special acts; reenacting and
12 amending s. 240.375, F.S., relating to costs
13 for civil actions against officers, employees,
14 or agents of district boards of trustees;
15 providing that failure of a board to take
16 certain actions does not constitute a cause of
17 action against the board; reenacting and
18 amending s. 240.376, F.S.; providing
19 responsibilities of a board of trustees with
20 respect to property held for the benefit of the
21 community colleges; reenacting and amending s.
22 240.3763, F.S.; providing requirements for a
23 district board of trustees with respect to
24 self-insurance services; reenacting and
25 amending s. 240.377, F.S.; clarifying the
26 authority of a district board of trustees over
27 the budget for promotions and public relations;
28 reenacting s. 240.379, F.S., relating to the
29 applicability of certain laws to community
30 colleges; reenacting and amending s. 240.38,
31 F.S., relating to community college police;

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

1 reenacting and amending ss. 240.40202,
2 240.40203, 240.40204, F.S.; revising
3 eligibility requirements for the Florida Bright
4 Futures Scholarship Program; revising
5 application dates; requiring certain reports
6 concerning a high school student's progress
7 toward eligibility for an award; providing for
8 initial acceptance of a scholarship to conform
9 to changes made by the act; prohibiting awards
10 to students earning credit hours designated at
11 the postbaccalaureate level; eliminating
12 obsolete provisions; reenacting and amending
13 ss. 240.40205, 240.40206, 240.40207, F.S.,
14 relating to Florida Academic Scholars awards;
15 conforming provisions to changes made by the
16 act; eliminating obsolete provisions; providing
17 for the calculation of awards; repealing s.
18 240.40208, F.S., relating to a transition from
19 certain scholarships to the Bright Futures
20 Program; reenacting and amending s. 240.40209,
21 F.S.; requiring that awards be calculated using
22 fees prescribed by the Department of Education;
23 reenacting s. 240.40242, F.S., relating to the
24 use of criteria under the Bright Futures
25 Program for scholarships for children of
26 deceased or disabled veterans; reenacting and
27 amending s. 240.404, F.S.; revising eligibility
28 requirements for state-funded student
29 assistance; conforming provisions to changes
30 made by the act; reenacting and amending s.
31 240.40401, F.S.; revising requirements for

1 developing the state-funded student assistance
2 database; reenacting ss. 240.4041, 240.4042,
3 F.S., relating to state financial aid for
4 students with a disability and the appeal
5 process for financial aid; creating s.
6 240.4043, F.S.; providing state-funded fee
7 waivers for certain students at state
8 universities, public postsecondary education
9 institutions, technical centers, and community
10 colleges; reenacting and amending s. 240.405,
11 F.S.; providing for state-funded assistance for
12 school employees; requiring that the Department
13 of Education administer the program; providing
14 for loan repayments and tuition reimbursement
15 of college expenses for students who are
16 employed in areas of certain critical
17 shortages; providing for a loan forgiveness
18 program; providing for a grant program;
19 providing for a minority teacher education
20 scholars program; providing eligibility
21 requirements; repealing ss. 240.4063, 240.4064,
22 240.4065, F.S., relating to the Florida Teacher
23 Scholarship and Forgivable Loan Program, the
24 Critical Teacher Shortage Tuition Reimbursement
25 Program, and the Critical Teacher Shortage
26 Program; reenacting s. 240.4067, F.S., relating
27 to the Medical Education Reimbursement and Loan
28 Repayment Program; repealing s. 240.40685,
29 F.S., relating to the Certified Education
30 Paraprofessional Welfare Transition Program;
31 reenacting and amending s. 240.4069, F.S.,

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

1 Program; reenacting and amending s. 240.4126,
2 F.S.; authorizing certain scholarships under
3 the Rosewood Family Scholarship Program;
4 reenacting s. 240.4128, F.S., relating to the
5 minority teacher education scholars program;
6 reenacting and amending s. 240.4129, F.S.;
7 revising the appointment of members to the
8 Florida Fund for Minority Teachers, Inc., to
9 conform to changes made by the act; reenacting
10 and amending s. 240.413, F.S., relating to the
11 Seminole and Miccosukee Indian Scholarships;
12 revising eligibility requirements; repealing
13 ss. 240.414, 240.4145, 240.4146, 240.417, F.S.,
14 relating to the Latin American and Caribbean
15 Basin Scholarship Program, the African and
16 Afro-Caribbean Scholarship Program, the
17 Nicaraguan and Haitian Scholarship Program, and
18 increased registration or tuition fees for
19 funding financial aid programs; reenacting s.
20 240.418, F.S., relating to need-based financial
21 aid; reenacting and amending s. 240.421, F.S.;
22 creating the Florida Advisory Council for
23 State-Funded Student Assistance; conforming
24 provisions to changes made in the act;
25 reenacting and amending s. 240.424, F.S.;
26 revising duties of the Department of Education
27 to conform to changes made in the act;
28 reenacting ss. 240.429, 240.431, F.S., relating
29 to certain activities of the department and
30 funding; reenacting and amending s. 240.437,
31 F.S.; providing for developing and

1 administering state-funded student assistance;
2 reenacting ss. 240.439, 240.441, 240.447,
3 240.449, 240.451, 240.453, 240.457, 240.459,
4 240.4595, 240.461, 240.463, F.S., relating to
5 the Student Loan Program; reenacting and
6 amending s. 240.465, F.S., relating to the
7 handling of delinquent accounts by the
8 Department of Education; reenacting ss. 240.47,
9 240.471, 240.472, 240.473, 240.474, 240.475,
10 240.476, 240.477, 240.478, 240.479, 240.48,
11 240.481, 240.482, 240.483, 240.484, 240.485,
12 240.486, 240.487, 240.488, 240.489, 240.49,
13 240.491, 240.492, 240.493, 240.494, 240.495,
14 240.496, 240.497, F.S., relating to the Florida
15 Higher Education Loan Act; reenacting s.
16 240.4975, F.S., relating to the authority of
17 the State Board of Administration to borrow and
18 lend funds to finance student loans; reenacting
19 and amending s. 240.498, F.S.; revising
20 requirements for appointing members to the
21 board of the Florida Education Fund; repealing
22 s. 240.4986, F.S., relating to the Health Care
23 Education Quality Enhancement Challenge Grant
24 Program for Community Colleges; reenacting and
25 amending s. 240.4987, F.S.; expanding the
26 institutions participating in the Florida
27 Minority Medical Education Program; reenacting
28 ss. 240.4988, 240.4989, F.S., relating to the
29 Theodore R. and Vivian M. Johnson Scholarship
30 Program and educational leadership enhancement
31 grants; creating s. 240.499, F.S.; providing

1 for the William L. Boyd, IV, Florida resident
2 access grants; providing requirements for
3 eligibility; providing a funding formula;
4 creating s. 240.4991, F.S.; providing for an
5 Ethics in Business Scholarship Program;
6 creating s. 240.4992, F.S.; providing for
7 ethics in business scholarships; authorizing
8 the State Board of Education to adopt rules;
9 creating s. 240.4993, F.S.; providing for a
10 Florida Work Experience Program; providing for
11 eligibility; requiring the department to adopt
12 rules; reenacting and amending s. 240.501,
13 F.S.; revising provisions authorizing the Board
14 of Trustees of the University of Florida to
15 receive grants of money appropriated under a
16 specified Act of Congress; requiring that
17 agricultural and home economics extension work
18 be carried on in connection with the Institute
19 of Food and Agricultural Sciences; repealing s.
20 240.503, F.S., relating to assent by the
21 Legislature to receive certain grants; creating
22 s. 240.504, F.S.; providing the assent of the
23 Legislature to provisions of a specified Act of
24 Congress; authorizing the Board of Trustees of
25 Florida Agricultural and Mechanical University
26 to receive certain grants; reenacting and
27 amending s. 240.505, F.S.; providing for the
28 administration of and program support for the
29 Florida Cooperative Extension Service;
30 providing for extension agents to be appointed
31 as faculty members; providing for joint

1 employment and personnel policies; requiring
2 availability of certain program materials;
3 reenacting and amending s. 240.507, F.S.;
4 authorizing the Institute of Food and
5 Agricultural Sciences to pay the employer's
6 share of certain required premiums; reenacting
7 s. 240.5095, F.S., relating to research and
8 development programs funded by pari-mutual
9 wagering revenues; reenacting and amending s.
10 240.511, F.S.; authorizing acceptance of
11 certain federal appropriations for the
12 Institute of Food and Agricultural Sciences;
13 reenacting and amending s. 240.5111, F.S.,
14 relating to the Multidisciplinary Center for
15 Affordable Housing; conforming provisions to
16 changes made by the act; reenacting and
17 amending ss. 240.512, 240.5121, F.S.; revising
18 certain provisions for use of lands and
19 facilities on the campus of the University of
20 South Florida; revising requirements for the
21 not-for-profit corporation operating the H. Lee
22 Moffitt Cancer Center and Research Institute;
23 establishing an approval process for
24 not-for-profit corporate subsidiaries;
25 providing conditions for sovereign immunity for
26 the not-for-profit corporation and its
27 subsidiaries; providing duties of a chief
28 executive officer; providing duties of the
29 State Board of Education; conforming provisions
30 to changes made by the act; authorizing the
31 State Board of Education to adopt rules;

1 reenacting and amending s. 240.513, F.S.,
2 relating to the J. Hillis Miller Health Center
3 at the University of Florida; including
4 additional teaching hospitals as part of the
5 center; providing duties of the university
6 board of trustees; conforming provisions to
7 changes made by the act; reenacting and
8 amending s. 240.5135, F.S., relating to Shands
9 Jacksonville Healthcare, Inc.; authorizing the
10 Board of Trustees of the University of Florida
11 to secure liability coverage; eliminating
12 references to the Board of Regents; reenacting
13 and amending s. 240.514, F.S.; eliminating
14 authorization of the Louis De La Parte Florida
15 Mental Health Institute to use the pay plan of
16 the State University System; reenacting s.
17 240.515, F.S., relating to the Florida Museum
18 of Natural History; reenacting s. 240.516,
19 F.S., relating to vertebrate paleontological
20 sites and remains; reenacting s. 240.5161,
21 F.S., relating to the program of vertebrate
22 paleontology within the Florida Museum of
23 Natural History; reenacting and amending s.
24 240.5162, F.S., relating to field investigation
25 permits; conforming a cross-reference;
26 reenacting s. 240.5163, F.S., relating to the
27 preservation of certain rights of mine or
28 quarry operators and dragline or heavy
29 equipment operations; reenacting and amending
30 s. 240.517, F.S., relating to the furnishing of
31 books by the Clerk of the Supreme Court;

1 eliminating references to the Board of Regents;
2 reenacting s. 240.518, F.S., relating to the
3 Historically Black College and University
4 Library Improvement Program; amending s.
5 240.5185, F.S.; providing for small grants to
6 faith-based organizations for partnerships with
7 universities and colleges; eliminating obsolete
8 reporting requirements; repealing s.
9 240.5186(10), F.S., relating to the community
10 computer access grant program; eliminating
11 obsolete reporting requirements; repealing ss.
12 240.519, 240.52, F.S., relating to a school of
13 optometry and collections management for
14 museums and galleries of the State University
15 System; reenacting and amending s. 240.527,
16 F.S., relating to the University of South
17 Florida at St. Petersburg; providing duties of
18 the State Board of Education; eliminating
19 obsolete funding requirements; providing
20 rulemaking authority; amending s. 240.5275,
21 F.S., relating to the University of South
22 Florida Sarasota/Manatee; conforming provisions
23 to changes made by the act; providing
24 rulemaking authority; amending s. 240.5277,
25 F.S., relating to New College of Florida;
26 conforming provisions; providing that the
27 student body president is an ex officio, voting
28 member of the board of trustees; amending s.
29 240.5278, F.S.; revising requirements for
30 certain policies of St. Petersburg College;
31 providing duties of the State Board of

1 Education; requiring that the Commissioner of
2 Education resolve issues involving
3 upper-division students; eliminating obsolete
4 provisions; repealing ss. 240.528, 240.5285,
5 F.S., relating to the Broward County campuses
6 of Florida Atlantic University and the Florida
7 Atlantic University campuses; reenacting and
8 amending s. 240.529, F.S., relating to public
9 accountability and state approval for teacher
10 preparation programs; eliminating obsolete
11 provisions; authorizing colleges to establish
12 preteacher and teacher education pilot
13 programs; repealing ss. 240.52901, 240.5291,
14 240.53, F.S., relating to rules for teaching
15 students with limited English proficiency,
16 teaching profession enhancement grants, and
17 postdoctoral programs to train faculty to
18 provide middle childhood education training and
19 technical assistance; reenacting and amending
20 s. 240.531, F.S.; providing for governance of
21 educational research centers by the university
22 board of trustees rather than the Board of
23 Regents; authorizing boards of trustees to
24 adopt rules; authorizing funding using a
25 portion of the Capital Improvement Trust Fund;
26 reenacting and amending s. 240.5321, F.S.;
27 requiring the State Board of Education rather
28 than the Board of Regents to establish a Center
29 for Brownfield Rehabilitation Assistance;
30 reenacting and amending s. 240.5325, F.S.;
31 providing duties of the State Board of

1 Education and the Commissioner of Education
2 with respect to research activities relating to
3 solid and hazardous waste management;
4 eliminating obsolete provisions; repealing s.
5 240.5326, F.S., relating to research protocols
6 to determine the most appropriate pollutant
7 dispersal agents; reenacting s. 240.5329, F.S.,
8 relating to the Florida LAKEWATCH Program;
9 reenacting and amending s. 240.533, F.S.;
10 creating the Council on Equity in Athletics
11 from among the state universities and colleges;
12 requiring the Commissioner of Education to
13 serve as chair of the council; providing for
14 membership on the council; requiring the State
15 Board of Education to determine the level of
16 funding and support for women's intercollegiate
17 athletics; requiring gender equity plans;
18 eliminating obsolete provisions; repealing ss.
19 240.5339, 240.5340, 240.5341, 240.5342,
20 240.5343, 240.5344, 240.5345, 240.5346,
21 240.5347, 240.5348, 240.5349, F.S., relating to
22 the Collegiate Athletic Association Compliance
23 Enforcement Procedures Act; reenacting and
24 amending s. 240.535, F.S.; assigning the New
25 World School of the Arts to the State Board of
26 Education and other entities; conforming
27 provisions to changes made by the act;
28 repealing ss. 240.539, 240.540, 240.541, F.S.,
29 relating to advanced technology research, the
30 incubator facilities program, and postsecondary
31 education programs of excellence; amending s.

1 240.551, F.S., relating to the Florida Prepaid
2 College Program; conforming provisions to
3 changes made by the act; including certain
4 colleges within state postsecondary
5 institutions; providing for the Attorney
6 General, the Chief Financial Officer, the
7 Director of the Division of Colleges and
8 Universities, and the Director of the Division
9 of Community Colleges to be members of the
10 Florida Prepaid College Board; requiring the
11 Chief Financial Officer to approve qualified
12 public depositories; providing for strategic
13 alliances with certain entities; reenacting s.
14 240.552, F.S., relating to the Florida Prepaid
15 Tuition Scholarship Program; reenacting and
16 amending s. 240.553, F.S.; authorizing the
17 Florida College Savings Program Board to
18 establish agreements with colleges; authorizing
19 alliances with certain entities; repealing ss.
20 240.6045, 240.605, 240.6054, 240.606, F.S.,
21 relating to the limited-access competitive
22 grant program, William L. Boyd, IV, Florida
23 resident access grants, ethics in business
24 scholarships, and the Florida Work Experience
25 Program; reenacting and amending s. 240.607,
26 F.S.; authorizing community college boards of
27 trustees to develop and sign articulation
28 agreements; eliminating obsolete provisions;
29 repealing ss. 240.6071, 240.6072, 240.6073,
30 240.6074, 240.6075, 240.609, F.S., relating to
31 the occupational therapist or physical

1 therapist critical shortage program, a student
2 loan forgiveness program, a scholarship loan
3 program, a tuition reimbursement program, and
4 postsecondary endowment grants; reenacting and
5 amending s. 240.61, F.S., relating to the
6 college reach-out program; conforming
7 provisions to changes made by the act;
8 eliminating a requirement that the State Board
9 of Education give preference to a program that
10 identifies participants from among students who
11 are not already enrolled in similar programs;
12 eliminating a requirement that certain
13 appropriations be for initiatives and
14 performances; revising the membership of the
15 advisory council; requiring that the
16 Commissioner of Education appoint members to
17 the advisory council unless otherwise provided;
18 authorizing representation from the Council for
19 Education Policy Research and Improvement,
20 state colleges, universities, community
21 colleges, and equal opportunity coordinators;
22 revising reporting requirements; eliminating
23 funding requirements; reenacting s. 240.631,
24 F.S., relating to the Institute for
25 Nonviolence; reenacting and amending s.
26 240.632, F.S.; requiring the State Board of
27 Education to establish the Institute for
28 Nonviolence; revising membership of the
29 advisory board; reenacting ss. 240.633,
30 240.634, F.S., relating to the powers and
31 duties of the Institute for Nonviolence and

1 institute fellowships; reenacting and amending
2 s. 240.636, F.S., relating to research of the
3 Rosewood incident; eliminating obsolete
4 provisions; reenacting and amending s. 240.70,
5 F.S.; including state colleges in provisions
6 for courses to assist substance-abuse
7 recognition and referral; reenacting and
8 amending s. 240.701, F.S.; including state
9 colleges in provisions establishing incentives
10 for internships for disadvantaged areas;
11 reenacting and amending s. 240.702, F.S.;
12 authorizing the Commissioner of Education to
13 designate a conflict resolution consortium
14 center; eliminating obsolete provisions;
15 reenacting and amending s. 240.705, F.S.;
16 authorizing colleges to participate in
17 partnerships to develop child protection
18 workers; reenacting and amending s. 240.706,
19 F.S., relating to the Leadership Board for
20 Applied Public Services; conforming provisions
21 to changes made by the act; reenacting and
22 amending s. 240.709, F.S.; including state
23 colleges in provisions creating the Institute
24 on Urban Policy and Commerce; amending s.
25 240.710, F.S.; authorizing the State Board of
26 Education to create the Digital Media Education
27 Coordination Group; eliminating obsolete
28 provisions; amending ss. 240.7101, 240.7105,
29 F.S., relating to the colleges of law at
30 Florida International University and Florida
31 Agricultural and Mechanical University;

1 conforming provisions to changes made by the
2 act; amending s. 240.711, 242.3305, F.S.,
3 relating to the Ringling Center for Cultural
4 Arts and the School for the Deaf and the Blind;
5 conforming cross-references; amending ss.
6 243.01, 243.105, 243.141, 243.151, F.S.,
7 relating to the educational institutions law;
8 providing for the State Board of Education to
9 assume the duties of the former Board of
10 Regents; eliminating obsolete references;
11 authorizing university and college boards of
12 trustees to enter into certain agreements to
13 lease land, purchase, or lease-purchase certain
14 lands, facilities, and related improvements;
15 providing that all agreements executed by the
16 former Board of Regents for certain purposes
17 are validated, ratified, and confirmed;
18 amending s. 243.52, F.S.; revising definitions
19 governing the funding of educational facilities
20 to conform to changes made by the act; amending
21 s. 282.005, F.S., relating to information
22 resources management; assigning certain
23 functions to the boards of trustees of
24 universities, colleges, and community colleges;
25 amending ss. 282.103, 282.105, F.S.; requiring
26 state universities, colleges, and other
27 entities to use SUNCOM; amending s. 282.106,
28 F.S.; providing for SUNCOM service to the
29 libraries of state colleges and universities;
30 amending s. 282.3031, F.S.; assigning functions
31 of information resources management to boards

1 of trustees of universities, colleges, and
2 community colleges; amending ss. 282.3063,
3 282.310, F.S.; eliminating a requirement that
4 the State University System submit a specified
5 planning and management report to the State
6 Technology Office; requiring that an annual
7 report include such planning and management
8 information from annual reports prepared by the
9 university and college boards of trustees and
10 the community college district boards of
11 trustees; eliminating obsolete provisions;
12 amending s. 284.34, F.S.; excluding
13 professional medical liability and nuclear
14 energy liability of the university boards of
15 trustees from the State Risk Management Trust
16 Fund; eliminating obsolete provisions; amending
17 s. 287.042, F.S., relating to state purchasing;
18 conforming a cross-reference to changes made by
19 the act; amending s. 447.203, F.S.;
20 establishing the university and college boards
21 of trustees as a public employer rather than
22 the former Board of Regents; eliminating
23 provisions authorizing graduate assistants as
24 nonpublic employees; providing that the
25 university or college board of trustees is the
26 legislative body for purposes of collective
27 bargaining; providing requirements for
28 selecting a student representative for
29 collective bargaining purposes; amending s.
30 447.301, F.S.; eliminating provisions
31 authorizing reimbursement for university

1 representatives for travel and per diem
2 expenses from student activity fees; amending
3 s. 447.403, F.S.; revising provisions for
4 resolving disputes involving a collective
5 bargaining agreement; eliminating obsolete
6 provisions; amending s. 766.112, F.S.;
7 prescribing applicability of provisions
8 relating to comparative fault to boards of
9 trustees; amending s. 768.28, F.S.; providing
10 venue in actions brought against boards of
11 trustees; providing applicability of provisions
12 relating to waiver of sovereign immunity to
13 boards of trustees; amending s. 626.852, F.S.;
14 providing inapplicability of provisions
15 relating to insurance adjusters to employees
16 and agents of a board of trustees; amending s.
17 627.912, F.S.; requiring certain reports with
18 respect to actions for damages caused by
19 employees or agents of a board of trustees;
20 providing effective dates.

21
22 Be It Enacted by the Legislature of the State of Florida:
23

24 Section 1. Section 11.061, Florida Statutes, is
25 amended to read:

26 11.061 State, university, college, and community
27 college employee lobbyists; registration; recording
28 attendance; penalty; exemptions.--

29 (1) Any person employed by any executive, judicial, or
30 quasi-judicial department of the state or community college,
31 college, or university of the state who seeks to encourage the

1 passage, defeat, or modification of any legislation by
2 personal appearance or attendance before the House of
3 Representatives or the Senate, or any committee thereof,
4 shall, prior thereto, register as a lobbyist with the joint
5 legislative office on a form to be provided by the joint
6 legislative office in the same manner as any other lobbyist is
7 required to register, whether by rule of either house or
8 otherwise. This shall not preclude any person from contacting
9 her or his legislator regarding any matter during hours other
10 than the established business hours of the person's respective
11 agency, university, college, or community college.

12 (2)(a) Each state, university, college, or community
13 college ~~employee or employee of a community college~~ registered
14 pursuant to the provisions of this section shall:

15 1. Record with the chair of the committee any
16 attendance before any committee during established business
17 hours of the agency, university, college, or community college
18 employing the person.

19 2. Record with the joint legislative office any
20 attendance in the legislative chambers, committee rooms,
21 legislative offices, legislative hallways, and other areas in
22 the immediate vicinity during the established business hours
23 of the agency, university, college, or community college
24 employing the person.

25 (b) Any person who appears before a committee or
26 subcommittee of the House of Representatives or the Senate at
27 the request of the committee or subcommittee chair as a
28 witness or for informational purposes shall be exempt from the
29 provisions of this subsection.

30 (3) Any state, university, college, or community
31 college ~~employee or employee of a community college~~ who

1 violates any provision of this section by not registering with
2 the joint legislative office as a lobbyist or by failing to
3 record hours spent as a lobbyist in areas and activities as
4 set forth in this section during the established business
5 hours of the agency, university, college, or community college
6 employing the person shall have deducted from her or his
7 salary an amount equivalent to her or his hourly wage times
8 the number of hours that she or he was in violation of this
9 section.

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

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

19 11.062 Use of state funds for lobbying prohibited;
20 penalty.--

21 (2)(a) A department of the executive branch, a state
22 university, a state college, a community college, or a water
23 management district may not use public funds to retain a
24 lobbyist to represent it before the legislative or executive
25 branch. However, full-time employees of a department of the
26 executive branch, a state university, a state college, a
27 community college, or a water management district may register
28 as lobbyists and represent that employer before the
29 legislative or executive branch. Except as a full-time
30 employee, a person may not accept any public funds from a
31 department of the executive branch, a state university, a

1 state college, a community college, or a water management
2 district for lobbying.

3 (b) A department of the executive branch, a state
4 university, a state college, a community college, or a water
5 management district that violates this subsection may be
6 prohibited from lobbying the legislative or executive branch
7 for a period not exceeding 2 years.

8 (c) This subsection shall not be construed to prohibit
9 a department of the executive branch, a state university, a
10 state college, a community college, or a water management
11 district from retaining a lobbyist for purposes of
12 representing the entity before the executive or legislative
13 branch of the Federal Government. Further, any person so
14 retained is not subject to the prohibitions of this
15 subsection.

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

19 110.123 State group insurance program.--

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

21 (b) "Enrollee" means all state officers and employees,
22 retired state officers and employees, surviving spouses of
23 deceased state officers and employees, and terminated
24 employees or individuals with continuation coverage who are
25 enrolled in an insurance plan offered by the state group
26 insurance program. "Enrollee" includes all state university
27 and college officers and employees, retired state university
28 and college officers and employees, surviving spouses of
29 deceased state university and college officers and employees,
30 and terminated university and college employees or individuals

31

1 with continuation coverage who are enrolled in an insurance
2 plan offered by the state group insurance program.

3 (c) "Full-time state employees" includes all full-time
4 employees of all branches or agencies of state government
5 holding salaried positions and paid by state warrant or from
6 agency funds, and employees paid from regular salary
7 appropriations for 8 months' employment, including university
8 personnel on academic contracts, but in no case shall "state
9 employee" or "salaried position" include persons paid from
10 other-personal-services (OPS) funds. "Full-time employees"
11 includes all full-time employees of the state universities and
12 colleges.

13 (f) "Part-time state employee" means any employee of
14 any branch or agency of state government paid by state warrant
15 from salary appropriations or from agency funds, and who is
16 employed for less than the normal full-time workweek
17 established by the department or, if on academic contract or
18 seasonal or other type of employment which is less than
19 year-round, is employed for less than 8 months during any
20 12-month period, but in no case shall "part-time" employee
21 include a person paid from other-personal-services (OPS)
22 funds. "Part-time state employee" includes any part-time
23 employee of the state universities and colleges.

24 (g) "Retired state officer or employee" or "retiree"
25 means any state, university, or college officer or state,
26 university, or college employee who retires under a state
27 retirement system or a state optional annuity or retirement
28 program or is placed on disability retirement, and who was
29 insured under the state group insurance program at the time of
30 retirement, and who begins receiving retirement benefits

31

1 immediately after retirement from state, university, or
2 college office or employment.

3 (h) "State agency" or "agency" means any branch,
4 department, or agency of state government. "State agency" or
5 "agency" includes any state university or college for purposes
6 of this section only.

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

9 120.52 Definitions.--As used in this act:

10 (6) "Educational unit" means a local school district,
11 a community college district, the Florida School for the Deaf
12 and the Blind, a state university, or a state college ~~or a~~
13 ~~unit of the State University System other than the Board of~~
14 ~~Regents.~~

15 Section 5. Paragraph (a) of subsection (1) and
16 paragraph (a) of subsection (4) of section 120.55, Florida
17 Statutes, are amended to read:

18 120.55 Publication.--

19 (1) The Department of State shall:

20 (a)1. Publish in a permanent compilation entitled
21 "Florida Administrative Code" all rules adopted by each
22 agency, citing the specific rulemaking authority pursuant to
23 which each rule was adopted, all history notes as authorized
24 in s. 120.545(9), and complete indexes to all rules contained
25 in the code. Supplementation shall be made as often as
26 practicable, but at least monthly. The department may
27 contract with a publishing firm for the publication, in a
28 timely and useful form, of the Florida Administrative Code;
29 however, the department shall retain responsibility for the
30 code as provided in this section. This publication shall be
31 the official compilation of the administrative rules of this

1 state. The Department of State shall retain the copyright
2 over the Florida Administrative Code.

3 2. Rules general in form but applicable to only one
4 school district, community college district, or county, or a
5 part thereof, or university or college rules relating to
6 internal personnel or business and finance shall not be
7 published in the Florida Administrative Code. Exclusion from
8 publication in the Florida Administrative Code shall not
9 affect the validity or effectiveness of such rules.

10 3. At the beginning of the section of the code dealing
11 with an agency that files copies of its rules with the
12 department, the department shall publish the address and
13 telephone number of the executive offices of each agency, the
14 manner by which the agency indexes its rules, a listing of all
15 rules of that agency excluded from publication in the code,
16 and a statement as to where those rules may be inspected.

17 4. Forms shall not be published in the Florida
18 Administrative Code; but any form which an agency uses in its
19 dealings with the public, along with any accompanying
20 instructions, shall be filed with the committee before it is
21 used. Any form or instruction which meets the definition of
22 "rule" provided in s. 120.52 shall be incorporated by
23 reference into the appropriate rule. The reference shall
24 specifically state that the form is being incorporated by
25 reference and shall include the number, title, and effective
26 date of the form and an explanation of how the form may be
27 obtained.

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

31

1 1. One subscription to each federal and state court
2 having jurisdiction over the residents of the state; the
3 Legislative Library; each state university library; each state
4 college; the State Library; each depository library designated
5 pursuant to s. 257.05; and each standing committee of the
6 Senate and House of Representatives and each state legislator.

7 2. Two subscriptions to each state department.

8 3. Three subscriptions to the library of the Supreme
9 Court of Florida, the library of each state district court of
10 appeal, the division, the library of the Attorney General,
11 each law school library in Florida, the Secretary of the
12 Senate, and the Clerk of the House of Representatives.

13 4. Ten subscriptions to the committee.

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

16 120.81 Exceptions and special requirements; general
17 areas.--

18 (1) EDUCATIONAL UNITS.--

19 (e) Educational units, other than the state
20 universities and colleges ~~units of the State University System~~
21 and the Florida School for the Deaf and the Blind, shall not
22 be required to make filings with the committee of the
23 documents required to be filed by s. 120.54 or s.
24 120.55(1)(a)4.

25 (g) Sections 120.569 and 120.57 do not apply to any
26 proceeding in which the substantial interests of a student are
27 determined by a state university, a state college ~~the State~~
28 ~~University System~~ or a community college district. Each
29 university and college board of trustees ~~The Board of Regents~~
30 shall establish a committee, at least half of whom shall be
31 appointed by the student government association ~~Council of~~

1 ~~Student Body Presidents~~, which shall establish rules and
2 guidelines ensuring fairness and due process in judicial
3 proceedings involving students in the state university or
4 college State University System.

5 Section 7. Section 231.621, Florida Statutes, is
6 repealed.

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

12 239.117 Workforce development postsecondary student
13 fees.--

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

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

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

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

27 ~~(b) A student who has a high school diploma or its~~
28 ~~equivalent and who has academic skills at or below the eighth~~
29 ~~grade level pursuant to state board rule. A student is~~
30 ~~eligible for this exemption from fees if the student's skills~~
31 ~~are at or below the eighth grade level as measured by a test~~

1 ~~administered in the English language and approved by the~~
2 ~~Department of Education, even if the student has skills above~~
3 ~~that level when tested in the student's native language.~~

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

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

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

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

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

29 ~~(e) A student who lacks a fixed, regular, and adequate~~
30 ~~nighttime residence or whose primary nighttime residence is a~~
31 ~~public or private shelter designed to provide temporary~~

1 ~~residence for individuals intended to be institutionalized, or~~
2 ~~a public or private place not designed for, or ordinarily used~~
3 ~~as, a regular sleeping accommodation for human beings.~~

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

23 (3)(5) School districts and community colleges may
24 waive fees for any fee-nonexempt student. The total value of
25 fee waivers granted by the school district or community
26 college may not exceed the amount established annually in the
27 General Appropriations Act. Any student whose fees are waived
28 in excess of the authorized amount may not be reported for
29 state funding purposes. Any school district or community
30 college that waives fees and requests state funding for a
31 student in violation of the provisions of this section shall

1 be penalized at a rate equal to 2 times the value of the
2 full-time student enrollment reported.

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

19 Fee-nonexempt students enrolled in vocational-preparatory
20 instruction shall be charged fees equal to the fees charged
21 for certificate career education instruction. Each community
22 college that conducts college-preparatory and
23 vocational-preparatory instruction in the same class section
24 may charge a single fee for both types of instruction.

25 (b) Fees for continuing workforce education shall be
26 locally determined by the school board or community college.
27 However, at least 50 percent of the expenditures for the
28 continuing workforce education program provided by the
29 community college or school district must be derived from
30 fees.

31

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

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

9 (5)~~(7)~~ Each year the State Board of Community Colleges
10 shall review and evaluate the percentage of the cost of adult
11 programs and certificate career education programs supported
12 through student fees. For students who are residents for
13 tuition purposes, the schedule so adopted must produce
14 revenues equal to 25 percent of the prior year's average
15 program cost for college-preparatory and certificate-level
16 workforce development programs. Fees for continuing workforce
17 education shall be locally determined by the school board or
18 community college. However, at least 50 percent of the
19 expenditures for the continuing workforce education program
20 provided by the community college or school district must be
21 derived from fees. Fees for students who are not residents for
22 tuition purposes must offset the full cost of instruction.

23 (6)~~(8)~~ Each school board and community college board
24 of trustees may establish a separate fee for financial aid
25 purposes in an additional amount of up to 10 percent of the
26 student fees collected for workforce development programs
27 funded through the Workforce Development Education Fund. All
28 fees collected shall be deposited into a separate workforce
29 development student financial aid fee trust fund of the
30 district or community college to support students enrolled in
31 workforce development programs. Any undisbursed balance

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

9 (7)~~(9)~~ The State Board of Education and the State
10 Board of Community Colleges shall adopt rules to allow the
11 deferral of registration and tuition fees for students
12 receiving financial aid from a federal or state assistance
13 program when such aid is delayed in being transmitted to the
14 student through circumstances beyond the control of the
15 student. The failure to make timely application for such aid
16 is an insufficient reason to receive a deferral of fees. The
17 rules must provide for the enforcement and collection or other
18 settlement of delinquent accounts.

19 (8)~~(10)~~ Any veteran or other eligible student who
20 receives benefits under chapter 30, chapter 31, chapter 32,
21 chapter 34, or chapter 35 of Title 38, U.S.C., or chapter 106
22 of Title 10, U.S.C., is entitled to one deferment each
23 academic year and an additional deferment each time there is a
24 delay in the receipt of benefits.

25 (9)~~(11)~~ Each school district and community college
26 shall be responsible for collecting all deferred fees. If a
27 school district or community college has not collected a
28 deferred fee, the student may not earn state funding for any
29 course for which the student subsequently registers until the
30 fee has been paid.

31

1 (10)~~(12)~~ Any school district or community college that
2 reports students who have not paid fees in an approved manner
3 in calculations of full-time equivalent enrollments for state
4 funding purposes shall be penalized at a rate equal to 2 times
5 the value of such enrollments. Such penalty shall be charged
6 against the following year's allocation from the Florida
7 Workforce Development Education Fund or the Community College
8 Program Fund and shall revert to the General Revenue Fund.
9 The State Board of Education shall specify, in rule, approved
10 methods of student fee payment. Such methods must include,
11 but need not be limited to, student fee payment; payment
12 through federal, state, or institutional financial aid; and
13 employer fee payments.

14 (11)~~(13)~~ Each school district and community college
15 shall report only those students who have actually enrolled in
16 instruction provided or supervised by instructional personnel
17 under contract with the district or community college in
18 calculations of actual full-time enrollments for state funding
19 purposes. A student who has been exempted from taking a
20 course or who has been granted academic or vocational credit
21 through means other than actual coursework completed at the
22 granting institution may not be calculated for enrollment in
23 the course from which the student has been exempted or for
24 which the student has been granted credit. School districts
25 and community colleges that report enrollments in violation of
26 this subsection shall be penalized at a rate equal to 2 times
27 the value of such enrollments. Such penalty shall be charged
28 against the following year's allocation from the Workforce
29 Development Education Fund and shall revert to the General
30 Revenue Fund.

31

1 (12)~~(14)~~ School boards and community college boards of
2 trustees may establish scholarship funds using donations. If
3 such funds are established, school boards and community
4 college boards of trustees shall adopt rules that provide for
5 the criteria and methods for awarding scholarships from the
6 fund.

7 (13)~~(15)~~ Each school board and community college board
8 of trustees may establish a separate fee for capital
9 improvements, technology enhancements, or equipping buildings
10 which may not exceed 5 percent of the matriculation fee for
11 resident students or 5 percent of the matriculation and
12 tuition fee for nonresident students. Funds collected by
13 community colleges through these fees may be bonded only for
14 the purpose of financing or refinancing new construction and
15 equipment, renovation, or remodeling of educational
16 facilities. The fee shall be collected as a component part of
17 the registration and tuition fees, paid into a separate
18 account, and expended only to construct and equip, maintain,
19 improve, or enhance the certificate career education or adult
20 education facilities of the school district or community
21 college. Projects funded through the use of the capital
22 improvement fee must meet the survey and construction
23 requirements of chapter 235. Pursuant to s. 216.0158, each
24 school board and community college board of trustees shall
25 identify each project, including maintenance projects,
26 proposed to be funded in whole or in part by such fee. Capital
27 improvement fee revenues may be pledged by a board of trustees
28 as a dedicated revenue source to the repayment of debt,
29 including lease-purchase agreements and revenue bonds, with a
30 term not to exceed 20 years, and not to exceed the useful life
31 of the asset being financed, only for the new construction and

1 equipment, renovation, or remodeling of educational
2 facilities. Community colleges may use the services of the
3 Division of Bond Finance of the State Board of Administration
4 to issue any bonds authorized through the provisions of this
5 subsection. Any such bonds issued by the Division of Bond
6 Finance shall be in compliance with the provisions of the
7 State Bond Act. Bonds issued pursuant to the State Bond Act
8 shall be validated in the manner provided by chapter 75. The
9 complaint for such validation shall be filed in the circuit
10 court of the county where the seat of state government is
11 situated, the notice required to be published by s. 75.06
12 shall be published only in the county where the complaint is
13 filed, and the complaint and order of the circuit court shall
14 be served only on the state attorney of the circuit in which
15 the action is pending. A maximum of 15 cents per credit hour
16 may be allocated from the capital improvement fee for child
17 care centers conducted by the school board or community
18 college board of trustees.

19 (14)~~(16)~~ Community colleges and district school boards
20 are not authorized to charge students enrolled in workforce
21 development programs any fee that is not specifically
22 authorized by statute. In addition to matriculation, tuition,
23 financial aid, capital improvement, and technology fees, as
24 authorized in this section, community colleges and district
25 school boards are authorized to establish fee schedules for
26 the following user fees and fines: laboratory fees; parking
27 fees and fines; library fees and fines; fees and fines
28 relating to facilities and equipment use or damage; access or
29 identification card fees; duplicating, photocopying, binding,
30 or microfilming fees; standardized testing fees; diploma
31 replacement fees; transcript fees; application fees;

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

22 (15)~~(17)~~ Each district school board and community
23 college district board of trustees is authorized to establish
24 specific fees for workforce development instruction not
25 reported for state funding purposes or for workforce
26 development instruction not reported as state funded full-time
27 equivalent students. District school boards and district
28 boards of trustees are not required to charge any other fee
29 specified in this section for this type of instruction.

30 (16)~~(18)~~ Each district school board and community
31 college district board of trustees is authorized to establish

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

13 Section 9. Notwithstanding subsection (7) of section 3
14 of chapter 2000-321, Laws of Florida, section 240.105, Florida
15 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 (Substantial rewording of section. See
19 s. 240.105, F.S., for present text.)

20 240.105 Statement of purpose and mission.--

21 (1) The Legislature finds that postsecondary education
22 is an integral part of the systemwide support structure that
23 upholds the principles of Florida's educational mission. Under
24 these principles, postsecondary education is to maintain
25 effective coordination with other levels and sectors of
26 education, center its efforts and accomplishments on students,
27 continuously improve student access and equity, and promote
28 accountability for student achievement and improvement to the
29 highest possible level of academic excellence. This level of
30 excellence requires each participant in postsecondary
31 educational efforts to promote education which:

- 1 (a) Is of the highest possible quality.
2 (b) Enables students of all ages, backgrounds, and
3 levels of income to participate in the search for knowledge
4 and individual development.
5 (c) Stresses undergraduate teaching as its main
6 priority.
7 (d) Offers selected professional, graduate, and
8 research programs with emphasis on state and national needs.
9 (e) Fosters diversity of educational opportunity.
10 (f) Promotes service to the public.
11 (g) Makes effective and efficient use of human and
12 physical resources.
13 (h) Functions cooperatively with other educational
14 institutions and systems.
15 (i) Promotes internal coordination and the wisest
16 possible use of resources.
17 (2) In providing postsecondary education, the state's
18 mission is to develop the workforce and human resources, to
19 discover and disseminate knowledge, and to extend knowledge
20 and its application beyond the campus to the benefit and
21 stimulation of society. Postsecondary education may accomplish
22 its mission only if it develops in students heightened
23 intellectual, cultural, and humane sensitivities; scientific,
24 professional, and technological expertise; and a sense of
25 purpose. Inherent in this broad mission are methods of
26 instruction, research, extended training, and public service
27 designed to educate people and improve the human condition.
28 Basic to every purpose of the system is the search for truth.
29 Section 10. Notwithstanding subsection (7) of section
30 3 of chapter 2000-321, Laws of Florida, section 240.107,
31

1 Florida Statutes, shall not stand repealed January 7, 2003, as
2 scheduled by that law, but that section is reenacted to read:

3 240.107 College-level communication and computation
4 skills examination.--

5 (1) It is the intent of the Legislature that the
6 examination of college-level communication and computation
7 skills provided in s. 229.551 serve as a mechanism for
8 students to demonstrate that they have mastered the academic
9 competencies prerequisite to upper-division undergraduate
10 instruction. It is further intended that the examination
11 serve as both a summative evaluation instrument prior to
12 student enrollment in upper-division programs and as a source
13 of information for student advisers. It is not intended that
14 student passage of the examination supplant the need for a
15 student to complete the general education curriculum
16 prescribed by an institution.

17 (2) State universities and community colleges shall
18 conduct a minimum of two administrations, one of which may
19 consist of an alternative administration, of the college-level
20 communication and computation skills examination per academic
21 term. Such administrations shall be available to all
22 lower-division students seeking associate in arts or
23 baccalaureate degrees upon completion of at least 18 semester
24 hours or the equivalent. State universities and community
25 colleges shall report at a minimum the examination scores of
26 all students tested at each administration of the
27 college-level communication and computation skills
28 examination.

29 (3) No state university or community college shall
30 confer an associate in arts or baccalaureate degree upon any
31 student who fails to complete successfully the examination of

1 college-level communication and computation skills. Students
2 who received their associate in arts degree prior to September
3 1, 1982, shall be exempt from the provisions of this
4 subsection.

5 (4) The State Board of Education, by rule, shall set
6 the minimum scores that constitute successful completion of
7 the examination. In establishing the minimum scores that
8 constitute successful completion of the examination, the State
9 Board of Education shall consider any possible negative impact
10 of the tests on minority students. Determinations regarding a
11 student's successful completion of the examination shall be
12 based on the minimum standards prescribed by rule for the date
13 the student initially takes the examination.

14 (5) Any student who, in the best professional opinion
15 of the university, has a specific learning disability such
16 that the student can not demonstrate successful completion of
17 one or more sections of the college-level communication and
18 computation skills examination and is achieving at the college
19 level in every area except that of the disability, and whose
20 diagnosis indicates that further remediation will not succeed
21 in overcoming the disability, may appeal through the
22 appropriate dean to a committee appointed by the president or
23 vice president for academic affairs for special consideration.
24 The committee shall examine the evidence of the student's
25 academic and medical records and may hear testimony relevant
26 to the case. The committee may grant a waiver for one or more
27 sections of the college-level communication and computation
28 skills examination based on the results of its review.

29 (6) Each community college president and university
30 president shall establish a committee to consider requests for
31 waivers from the provisions of subsection (3). The committee

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

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

29 (8) The State Board of Education, by rule, shall
30 establish fees for the administration of the examination at
31 times other than regularly scheduled dates to accommodate

1 examinees who are unable to be tested on those dates. The
2 board shall establish the conditions under which examinees may
3 be admitted to the special administrations.

4 (9) Any student fulfilling one or both of the
5 following requirements before completion of associate in arts
6 degree requirements or baccalaureate degree requirements is
7 exempt from the testing requirements of this section:

8 (a) Achieves a score that meets or exceeds a minimum
9 score on a nationally standardized examination, as established
10 by the Articulation Coordinating Committee; or

11 (b) Demonstrates successful remediation of any
12 academic deficiencies identified by the college placement test
13 and achieves a cumulative grade point average of 2.5 or above,
14 on a 4.0 scale, in postsecondary-level coursework identified
15 by the Postsecondary Education Planning Commission. The
16 Department of Education shall specify the means by which a
17 student may demonstrate successful remediation.

18
19 Any student denied a degree prior to January 1, 1996, based on
20 the failure of at least one subtest of the CLAST may use
21 either of the alternatives specified in this subsection for
22 receipt of a degree if such student meets all degree program
23 requirements at the time of application for the degree under
24 the exemption provisions of this subsection. This section does
25 not require a student to take the CLAST before being given the
26 opportunity to use any of the alternatives specified in this
27 subsection. The exemptions provided herein do not apply to
28 requirements for certification as provided in s. 231.17.

29 Section 11. Notwithstanding subsection (7) of section
30 3 of chapter 2000-321, Laws of Florida, section 240.115,
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:

3 240.115 Articulation agreement; acceleration
4 mechanisms.--

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

1 have successfully completed 60 credit hours of work, including
2 36 hours of general education. Community college associate in
3 arts graduates shall receive priority for admission to a state
4 university over out-of-state students. Orientation programs
5 and student handbooks provided to freshman enrollees and
6 transfer students at state universities must include an
7 explanation of this provision of the articulation agreement.

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

1 this subsection shall satisfy institutional requirements on
2 the same basis as credits awarded to native students.

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

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

23 (e) The Commissioner of Education, in conjunction with
24 the Florida Partnership for School Readiness, the Council for
25 Education Policy Research and Improvement ~~Postsecondary~~
26 ~~Education Planning Commission~~, and the Education Standards
27 Commission, shall conduct a statewide assessment to determine
28 the extent and nature of instruction for those who work or are
29 training to work in the fields of child care and early
30 childhood education, as well as an assessment of the market
31 demand for individuals trained at various levels. Based on

1 this assessment, the Articulation Coordinating Committee shall
2 establish an articulated career path for school
3 readiness-related professions, which shall lead from
4 entry-level employment in child care and early childhood
5 education to a baccalaureate degree. The career path shall
6 provide for the articulation of:

7 1. Technical ~~Vocational~~ credit to college credit for
8 associate in science degrees;

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

12 3. Credit awarded by public and private institutions;
13 and

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

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

24 (2) The universities, community colleges ~~college~~
25 ~~district boards of trustees~~, and school districts may ~~district~~
26 ~~school boards are authorized to~~ establish intrainstitutional
27 and interinstitutional programs to promote ~~maximize this~~
28 articulation. Programs may include upper-division-level
29 courses offered at the community college, distance education
30 ~~learning~~, transfer agreements that facilitate the transfer of
31 credits between public and nonpublic postsecondary

1 institutions, and the concurrent enrollment of students at a
2 community college and a state university to enable students to
3 take any level of baccalaureate degree coursework. If these
4 programs conflict with ~~Should the establishment of these~~
5 ~~programs necessitate the waiver of~~ existing State Board of
6 Education rules or require the, reallocation of funds, or
7 revision or modification of student fees, each college or
8 university shall submit the proposed articulation program to
9 the State Board of Education for review and approval. The
10 State Board of Education may ~~is authorized to~~ waive its rules
11 and make appropriate reallocations, revisions, or
12 modifications to support articulation innovations in
13 ~~accordance with the above.~~

14 (3) The ~~universities and~~ boards of trustees of the
15 community colleges and universities shall identify their core
16 curricula, including ~~which shall include~~ courses required by
17 the State Board of Education. The universities and community
18 colleges shall work with their school districts to assure that
19 high school curricula coordinate with the core curricula and
20 to prepare students for college-level work. The State Board of
21 Education shall adopt in rule core curricula for associate in
22 arts programs, including ~~shall be adopted in rule by the State~~
23 ~~Board of Education and shall include~~ 36 semester hours of
24 general education courses in the subject areas of
25 communication, mathematics, social sciences, humanities, and
26 natural sciences. ~~By January 1, 1996,~~ General education
27 coursework shall be identified by statewide ~~common~~ course ~~code~~
28 numbers, consistent with the recommendations of the
29 Articulation Coordinating Committee, pursuant to s.
30 229.551(1)(f)4. ~~By fall semester 1996,~~ degree program
31 ~~prerequisite courses and course substitutions shall be~~

1 ~~available at community colleges. With the exception of~~
2 ~~programs approved by the Board of Regents pursuant to s.~~
3 ~~240.209(5)(f),~~ Degree program prerequisite courses shall be
4 common across delivery systems, available at community
5 colleges, and ~~shall be~~ identified by their statewide common
6 course ~~code~~ number consistent with the recommendations of the
7 Articulation Coordinating Committee, pursuant to s.
8 229.551(1)(f)5. A college or university may not offer any
9 unique program or program prerequisite unless it is
10 recommended by the Articulation Coordinating Committee and
11 approved by the State Board of Education or the director of
12 the Division of Colleges and Universities, if the board
13 delegates that responsibility.

14 ~~(4) The levels of postsecondary education shall~~
15 ~~collaborate in further developing and providing articulated~~
16 ~~programs in which students can proceed toward their~~
17 ~~educational objectives as rapidly as their circumstances~~
18 ~~permit. Time-shortened educational programs, as well as the~~
19 ~~use of acceleration mechanisms, shall include, but not be~~
20 ~~limited to, the International Baccalaureate, credit by~~
21 ~~examination or demonstration of competency, advanced~~
22 ~~placement, early admissions, and dual enrollment.~~

23 ~~(4)(5) By fall semester of 1995,~~ Each state university
24 and community college shall offer to all students each
25 semester, prior to drop-add, nationally standardized
26 examinations listed in the articulation agreement, or
27 institutionally developed examinations, through which students
28 may earn credit in those general subject areas which are
29 required or may be applied toward general education
30 requirements for a baccalaureate degree at that university or
31 associate degree at the community college. A student

1 satisfactorily completing such examinations shall receive full
2 credit for the course the same as if it had been taken,
3 completed, and passed.

4 (5)(6) An associate in arts degree requires ~~shall~~
5 ~~require~~ no more than 60 semester hours of college credit,
6 including 36 semester hours of general education coursework.
7 Except for college-preparatory coursework required pursuant to
8 s. 240.117, all required coursework shall count toward the
9 associate in arts degree or the baccalaureate degree. ~~By fall~~
10 ~~semester of 1996,~~A baccalaureate degree program requires
11 ~~shall require~~ no more than 120 semester hours of college
12 credit, including 36 semester hours of general education
13 coursework, unless prior approval has been granted by the
14 State Board of Education or the director of the Division of
15 Colleges and Universities if the board delegates that
16 responsibility Board of Regents. Of the credit hours in
17 courses required for each baccalaureate degree, a student must
18 be able to earn at least half through courses designated as
19 lower-division courses, except in degree programs approved by
20 the State Board of Education or the director of the Division
21 of Colleges and Universities, if the board delegates that
22 responsibility. Any community college may offer a course
23 designated as lower division.

24 (6)(7) A student who received an associate in arts
25 degree for successfully completing 60 semester credit hours
26 may continue to earn additional credits at a community
27 college. The university must provide credit toward the
28 student's baccalaureate degree for an additional community
29 college course if, according to the statewide course numbering
30 ~~common course numbering and designation~~ system, the community
31 college course is a course listed in the university catalog as

1 required for the degree or as prerequisite to a course
2 required for the degree.

3 Section 12. Notwithstanding subsection (7) of section
4 3 of chapter 2000-321, Laws of Florida, section 240.116,
5 Florida Statutes, shall not stand repealed January 7, 2003, as
6 scheduled by that law, but that section, as amended by section
7 6 of chapter 2001-254, Laws of Florida, is reenacted and
8 amended to read:

9 240.116 Articulated acceleration.--

10 (1) ~~It is the intent of the Legislature that a variety~~
11 ~~of Articulated acceleration mechanisms should be widely be~~
12 available for secondary and postsecondary students attending
13 ~~public educational institutions. It is intended that~~
14 ~~articulated acceleration serve to shorten the time needed to~~
15 ~~earn necessary for a student to complete the requirements~~
16 ~~associated with the conference of a high school diploma and a~~
17 postsecondary degree, broaden the scope of curricular options
18 available to students, or increase the depth of study
19 available for a particular subject. Eligible ~~It is the intent~~
20 ~~of the Legislature that students who meet the eligibility~~
21 ~~requirements of this subsection and who choose to participate~~
22 in dual enrollment programs, including early admissions
23 programs, are be exempt from ~~the payment of~~ registration,
24 matriculation, and laboratory fees. Annually, the Legislature
25 shall reimburse ~~Such fees for dually enrolled students shall~~
26 ~~be reimbursed to~~ participating postsecondary institutions as
27 provided ~~annually~~ in the General Appropriations Act; however,
28 a postsecondary institution that earns dual enrollment FTE
29 funds from the Florida Education Finance Program as a charter
30 school is not ~~shall not be~~ eligible for the tuition
31 reimbursement. Articulated acceleration mechanisms ~~shall~~

1 include at least, ~~but not be limited to~~, dual enrollment,
2 early admission, advanced placement, credit by examination,
3 and the International Baccalaureate Program. A student is
4 exempt from the payment of any fees for administration of an
5 examination required to earn college credit after enrollment
6 in an advanced placement or International Baccalaureate
7 Program.The State Board of Education shall adopt rules for
8 any dual enrollment programs involving requirements for high
9 school graduation.

10 (2)(a)1. The dual enrollment program is the enrollment
11 of an eligible secondary student in a postsecondary course
12 creditable toward a technical ~~vocational~~ certificate or an
13 associate or baccalaureate degree. For the purpose of this
14 subparagraph, an eligible secondary student is a student who
15 is enrolled in a Florida public secondary school or in a
16 Florida nonpublic secondary school that ~~which~~ is in compliance
17 with s. 229.808 and conducts a secondary curriculum pursuant
18 to s. 232.246. A student may ~~Students enrolled in~~
19 ~~postsecondary instruction that is not creditable toward the~~
20 ~~high school diploma shall not be classified as a dual~~
21 enrollment student unless the student's postsecondary course
22 work provides credit toward the high school diploma
23 ~~enrollments. Eligible students may who are eligible for dual~~
24 ~~enrollment pursuant to this section shall be permitted to~~
25 enroll in dual enrollment courses regardless of whether they
26 are conducted during school hours, after school hours, or ~~and~~
27 during the summer term. Instructional time for such enrollment
28 may exceed 900 hours; however, the school district may ~~only~~
29 report the student for a maximum of 1.0 FTE, as provided in s.
30 236.013(5). The following courses are not dual enrollment
31 courses:~~Any student so enrolled is exempt from the payment of~~

1 ~~registration, matriculation, and laboratory fees. With the~~
2 ~~exception of~~ vocational-preparatory instruction,
3 college-preparatory instruction, any and other forms of
4 precollegiate instruction, and as well as physical education
5 or recreation and leisure studies courses that focus on the
6 physical execution of a skill rather than the intellectual
7 attributes of the activity, ~~are ineligible for inclusion in~~
8 ~~the dual enrollment program. Recreation and leisure studies~~
9 ~~courses shall be evaluated individually in the same manner as~~
10 ~~physical education courses for potential inclusion in the~~
11 ~~program.~~

12 2. The Department of Education shall adopt guidelines
13 designed to achieve comparability across school districts of
14 both student qualifications and teacher qualifications for
15 dual enrollment courses. A qualified student qualifications
16 must demonstrate readiness for the level of coursework in
17 which the student wishes to enroll college-level coursework if
18 the student is to be enrolled in college courses. The
19 interinstitutional articulation agreement must identify any
20 additional participation requirements, such as specific
21 grade-point averages. ~~Student qualifications must demonstrate~~
22 ~~readiness for vocational-level coursework if the student is to~~
23 ~~be enrolled in vocational courses. In addition to the common~~
24 ~~placement examination, student qualifications for enrollment~~
25 ~~in college credit dual enrollment courses must include a 3.0~~
26 ~~unweighted grade point average, and student qualifications for~~
27 ~~enrollment in vocational certificate dual enrollment courses~~
28 ~~must include a 2.0 unweighted grade point average. Exceptions~~
29 ~~to the required grade point averages may be granted if the~~
30 ~~educational entities agree and the terms of the agreement are~~
31 ~~contained within the dual enrollment interinstitutional~~

1 ~~articulation agreement. Community college boards of trustees~~
2 ~~may establish additional admissions criteria, which shall be~~
3 ~~included in the district interinstitutional articulation~~
4 ~~agreement developed according to s. 240.1161, to ensure~~
5 ~~student readiness for postsecondary instruction. Additional~~
6 requirements included in the agreement may ~~shall~~ not
7 arbitrarily prohibit students who have demonstrated the
8 ability to master advanced courses from participating in dual
9 enrollment courses. School districts may not refuse to enter
10 into an agreement with a local community college if that
11 community college has the capacity to offer dual enrollment
12 courses.

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

1 ~~program is supportive of legislative intent; however, such~~
2 ~~provision~~ is not mandatory.

3 (c)1. Each school district shall inform all secondary
4 students of dual enrollment as an educational option and
5 mechanism for acceleration. Students shall be informed of
6 eligibility criteria, the option for taking dual enrollment
7 courses beyond the regular school year, and the 24 minimum
8 academic credits required for graduation. School districts
9 shall annually assess the demand for dual enrollment and other
10 advanced courses, and the district school board shall consider
11 strategies and programs to meet that demand.

12 2. The Articulation Coordinating Committee shall
13 develop a statement on transfer guarantees which will inform
14 students, prior to enrollment in a dual enrollment course, of
15 the potential for the dual enrollment course to articulate as
16 an elective or a general education course into a postsecondary
17 education certificate or degree program. The statement shall
18 be provided to each district superintendent of schools, who
19 shall include the statement in the information provided to all
20 secondary students as required pursuant to this paragraph. The
21 statement may also include additional information including,
22 but not limited to, dual enrollment options, guarantees,
23 privileges, and responsibilities.

24 3. In calculating grade point averages or weighting
25 grades, a school district may not discriminate against dual
26 enrollment foreign language courses and dual enrollment
27 courses that meet high school graduation requirements in the
28 four academic core areas of language arts, mathematics,
29 science, and social studies, as determined by the Articulation
30 Coordinating Committee. School districts, community colleges,
31 and universities must weigh these dual enrollment courses the

1 same as honors, advanced placement, or international
2 baccalaureate courses when calculating grade point averages
3 for any purpose.

4 4. The commissioner may approve dual enrollment
5 agreements for limited course offerings that have statewide
6 appeal.

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

14 (4) Early admission in career and technical education
15 programs is a form of dual enrollment through which eligible
16 secondary students enroll full time in a technical center or a
17 community college in courses that are creditable toward the
18 high school diploma and a technical certificate or associate
19 degree. Early admission into a career and technical education
20 program is limited to students who have completed a minimum of
21 six semesters of full-time secondary enrollment, including
22 studies undertaken in the ninth grade. Students enrolled in
23 dual enrollment or early admissions are exempt from
24 registration, matriculation, and laboratory fees.

25 ~~(5)(4)~~ Advanced placement shall be the enrollment of
26 an eligible secondary student in a course offered through the
27 Advanced Placement Program administered by the College Board.
28 Postsecondary credit for an advanced placement course shall be
29 limited to students who score a minimum of 3, on a 5-point
30 scale, on the corresponding Advanced Placement Examination.
31 The Articulation Coordinating Committee shall determine the

1 specific courses for which students receive such credit ~~shall~~
2 ~~be determined by the community college or university that~~
3 ~~accepts the student for admission. Students enrolled pursuant~~
4 ~~to this subsection shall be exempt from the payment of any~~
5 ~~fees for administration of the examination.~~

6 (6)(5) Credit by examination is ~~shall be~~ the program
7 through which secondary and postsecondary students generate
8 postsecondary credit based on the receipt of a specified
9 minimum score on nationally standardized general or
10 subject-area examinations. For ~~the purpose of~~ statewide
11 application, such examinations and the corresponding minimum
12 scores required for an award of credit must be listed ~~shall be~~
13 ~~delineated by the State Board of Education in the statewide~~
14 ~~articulation agreement. A student may not generate additional~~
15 ~~credit by examination if the student has already taken and~~
16 ~~passed a postsecondary course whose content is covered by the~~
17 ~~examination. The maximum credit generated by a student~~
18 ~~pursuant to this subsection shall be mitigated by any related~~
19 ~~postsecondary credit earned by the student prior to the~~
20 ~~administration of the examination. This subsection shall not~~
21 ~~preclude~~ Community colleges and universities may also award
22 ~~from awarding~~ credit by examination based on student
23 performance on examinations developed within and recognized by
24 the ~~individual postsecondary~~ institutions.

25 (7)(6) The International Baccalaureate Program is
26 ~~shall be~~ the curriculum in which eligible secondary students
27 ~~are enrolled in a program of studies~~ offered through the
28 International Baccalaureate Program administered by the
29 International Baccalaureate Office. The State Board of
30 Education shall ~~establish rules which~~ specify the cutoff
31 scores and International Baccalaureate Examinations that ~~which~~

1 will be used to grant postsecondary credit at community
2 colleges and universities. If the board raises ~~Any such rules,~~
3 ~~which have the effect of raising the required cutoff score or~~
4 ~~changes of changing the correlation of the International~~
5 ~~Baccalaureate Examinations and which will be used to grant~~
6 ~~postsecondary credit, that action applies shall only apply to~~
7 ~~students who take the examination after the change is made~~
8 ~~taking International Baccalaureate Examinations after such~~
9 ~~rules are adopted by the State Board of Education. Students~~
10 ~~may earn shall be awarded~~ a maximum of 30 semester credit
11 ~~hours through the International Baccalaureate Program pursuant~~
12 ~~to this subsection. The Articulation Coordinating Committee~~
13 ~~shall determine~~ the specific course for which a student
14 receives such credit ~~shall be determined by the community~~
15 ~~college or university that accepts the student for admission.~~
16 Students enrolled in an International Baccalaureate Program
17 are pursuant to this subsection shall be exempt from the
18 payment of any fees for administration of the examinations.
19 ~~During the 1997-1998, 1998-1999, and 1999-2000 school years,~~
20 ~~the Department of Education shall assist up to three school~~
21 ~~districts in conducting a pilot of the Advanced International~~
22 ~~Certificate of Education Program administered by the~~
23 ~~University of Cambridge Local Examinations Syndicate. The~~
24 ~~department shall produce an evaluation report and~~
25 ~~recommendations regarding the comparability of the Advanced~~
26 ~~International Certificate of Education Program to the~~
27 ~~International Baccalaureate Program and submit the report to~~
28 ~~the President of the Senate and the Speaker of the House of~~
29 ~~Representatives on or before October 1, 2000.~~

30 (8)(7)(a) It is the intent of the Legislature to
31 provide articulated acceleration mechanisms for students who

1 are in home education programs, as defined in s. 228.041(34),
2 consistent with the educational opportunities available to
3 public and private secondary school students. Home education
4 students may participate in dual enrollment for college credit
5 or technical credit, ~~vocational dual enrollment~~, early
6 admission, and credit by examination. Credit earned by home
7 education students through dual enrollment applies ~~shall apply~~
8 toward the completion of a home education program that meets
9 the requirements of s. 232.0201.

10 (b) The dual enrollment program for home education
11 students consists of the enrollment of an eligible home
12 education secondary student in a postsecondary course
13 creditable toward an associate degree, a technical ~~vocational~~
14 certificate, or a baccalaureate degree. To participate in the
15 dual enrollment program, an eligible home education secondary
16 student must:

17 1. Provide proof of enrollment in a home education
18 program pursuant to s. 232.0201.

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

21 (c) Each community college and each state university
22 shall:

23 1. Delineate courses and programs for dually enrolled
24 home education students. Courses and programs may be added,
25 revised, or deleted at any time.

26 2. Identify eligibility criteria for home education
27 student participation, not to exceed those required of other
28 dually enrolled students.

29 ~~(9)(8)~~ The State Board of Education may adopt rules
30 necessary to implement the provisions of this section pursuant
31 to ss. 120.536(1) and 120.54.

1 Section 13. Notwithstanding subsection (7) of section
2 3 of chapter 2000-321, Laws of Florida, section 240.1161,
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:

6 240.1161 District interinstitutional articulation
7 agreements.--

8 (1) Superintendents of schools and community college
9 presidents shall jointly develop and implement a comprehensive
10 articulated acceleration program for the students enrolled in
11 their respective school districts and service areas. Within
12 this general responsibility, each superintendent and president
13 shall develop a comprehensive interinstitutional articulation
14 agreement for the school district and community college that
15 serves the school district. The superintendent and president
16 shall establish an articulation committee for the purpose of
17 developing this agreement. Each state university president is
18 encouraged to designate a university representative to
19 participate in the development of the interinstitutional
20 articulation agreements for each school district within the
21 university service area.

22 (2) The district interinstitutional articulation
23 agreement for each school year must be completed before high
24 school registration for the fall term of the following school
25 year. The agreement must include, but is not limited to, the
26 following components:

27 (a) A ratification or modification of all existing
28 articulation agreements.

29 1. A delineation of the requirements for participation
30 in the dual enrollment program. These requirements must
31 include passing the common placement examination and earning

1 at least an unweighted grade-point average of 3.0 for college
2 credit dual enrollment or 2.0 for technical credit dual
3 enrollment. Exceptions to the grade-point-average requirement
4 are allowed if the educational agencies agree and the terms of
5 the agreement are contained in the dual enrollment
6 interinstitutional articulation agreement.

7 ~~2.1.~~ A delineation of courses and programs available
8 to students eligible to participate in dual enrollment. This
9 delineation must include a plan for the community college to
10 provide guidance services to participating students on the
11 selection of courses in the dual enrollment program. The
12 process of community college guidance should make maximum use
13 of the Statewide Student Advisement System and any other
14 automated advisement systems used by public and nonpublic
15 colleges and universities ~~automated advisement system for~~
16 ~~community colleges~~. The plan must assure that each dual
17 enrollment student is encouraged to identify a postsecondary
18 education objective with which to guide the course selection.
19 At a minimum, each student's plan should include a list of
20 courses that will result in an Applied Technology Diploma, an
21 Associate in Science degree, or an Associate in Arts degree.
22 If the student identifies a baccalaureate degree as the
23 objective, the plan must include courses that will meet the
24 general education requirements and any prerequisite
25 requirements for entrance into a selected baccalaureate degree
26 program.

27 ~~3.2.~~ A delineation of the process by which students
28 and their parents are informed about opportunities to
29 participate in articulated acceleration programs.
30
31

1 4.3. A delineation of the process by which students
2 and their parents exercise their option to participate in an
3 articulated acceleration program.

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

6 5. Provision for postsecondary courses that meet the
7 criteria for inclusion in a district articulated acceleration
8 program to be counted toward meeting the graduation
9 requirements of s. 232.246.

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

12 7. A delineation of institutional responsibilities
13 regarding student screening prior to enrollment and monitoring
14 student performance subsequent to enrollment in dual
15 enrollment courses and programs.

16 8. An identification of the criteria by which the
17 quality of dual enrollment courses and programs are to be
18 judged and a delineation of institutional responsibilities for
19 the maintenance of instructional quality.

20 9. A delineation of institutional responsibilities for
21 assuming the cost of dual enrollment courses and programs that
22 includes such responsibilities for student instructional
23 materials.

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

27 11. A delineation of high school credits earned for
28 completion of each dual enrollment course,~~the process for~~
29 ~~converting college credit hours earned through dual enrollment~~
30 ~~and early admission programs to high school credit based on~~
31

1 ~~mastery of course outcomes~~ as determined by the Articulation
2 Coordinating Committee in accordance with s. 229.551(1)(f)6.

3 (c) Mechanisms and strategies for reducing the
4 incidence of postsecondary remediation in math, reading, and
5 writing for first-time-enrolled recent high school graduates,
6 based upon all available data on graduates' performance in
7 college and the workplace ~~the findings in the postsecondary~~
8 ~~readiness-for-college report produced pursuant to s. 240.118.~~

9 Each articulation committee shall annually analyze and assess
10 the effectiveness of the mechanisms toward meeting the goal of
11 reducing postsecondary remediation needs. Results of the
12 assessment shall be annually presented to participating
13 district school boards and community college boards of
14 trustees. ~~and shall include, but not be limited to:~~

- 15 1. ~~Mechanisms currently being initiated.~~
- 16 2. ~~An analysis of problems and corrective actions.~~
- 17 3. ~~Anticipated outcomes.~~
- 18 4. ~~Strategies for the better preparation of students~~
19 ~~upon graduation from high school.~~
- 20 5. ~~An analysis of costs associated with the~~
21 ~~implementation of postsecondary remedial education and~~
22 ~~secondary-level corrective actions.~~
- 23 6. ~~The identification of strategies for reducing costs~~
24 ~~of the delivery of postsecondary remediation for recent high~~
25 ~~school graduates, including the consideration and assessment~~
26 ~~of alternative instructional methods and services such as~~
27 ~~those produced by private providers.~~

28
29 Wherever possible, public schools and community colleges are
30 encouraged to share resources, form partnerships with private
31 industries, and implement innovative strategies and mechanisms

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

23 (d) Mechanisms and strategies for promoting "tech
24 prep" programs of study. Such mechanisms should raise
25 awareness about the programs, promote enrollment in the
26 programs, and articulate students from a secondary portion
27 into a planned, related postsecondary portion of a sequential
28 program of study that leads to a terminal postsecondary
29 vocational or technical education degree or certificate.

30 (3) The superintendent of schools is responsible for
31 incorporating, either directly or by reference, all dual

1 enrollment courses contained within the district
2 interinstitutional articulation agreement within the district
3 pupil progression plan.

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

8 (5) School districts and community colleges may enter
9 into additional interinstitutional articulation agreements
10 with state universities for the purposes of this section.
11 School districts may also enter into interinstitutional
12 articulation agreements with eligible independent colleges and
13 universities pursuant to s. 236.081(1)(g). State universities
14 and community colleges may enter into interinstitutional
15 articulation agreements with nonpublic secondary schools
16 pursuant to s. 240.116.

17 (6) The Articulation Coordinating Committee shall
18 approve any course for inclusion in the dual enrollment
19 program that is contained within the statewide ~~common~~ course
20 ~~designation and~~ numbering system. However,
21 college-preparatory and other forms of precollegiate
22 instruction, and physical education and other courses that
23 focus on the physical execution of a skill rather than the
24 intellectual attributes of the activity, may not be so
25 approved, but must be evaluated individually for potential
26 inclusion in the dual enrollment program.

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

31

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

4 Section 14. Notwithstanding subsection (7) of section
5 3 of chapter 2000-321, Laws of Florida, section 240.1162,
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:

9 240.1162 Articulation accountability process.--The
10 State Board of Education shall develop articulation
11 accountability measures which assess the status of systemwide
12 articulation processes authorized under s. 240.115. The State
13 Board of Education shall establish an articulation
14 accountability process which at a minimum shall address:

15 (1) The impact of articulation processes on ensuring
16 educational continuity and the orderly and unobstructed
17 transition of students between public secondary and
18 postsecondary education systems and between the public and
19 independent sectors.

20 (2) The adequacy of preparation of public secondary
21 students to smoothly articulate to a public postsecondary
22 institution.

23 (3) The effectiveness of articulated acceleration
24 mechanisms available to secondary students.

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

27 (5) An examination of degree requirements which exceed
28 the parameters of 60 credit hours for an associate degree and
29 120 hours for a baccalaureate degree in public postsecondary
30 programs.

31

1 (6) The relationship between the College Level
2 Academic Skills Test Program and articulation to the upper
3 division in public postsecondary institutions.

4 Section 15. Notwithstanding subsection (7) of section
5 3 of chapter 2000-321, Laws of Florida, section 240.1163,
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:

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

11 (1) Each school district, community college, and state
12 university may conduct advanced placement instruction within
13 dual enrollment courses. Each joint dual enrollment and
14 advanced placement course shall be incorporated within and
15 subject to the provisions of the district interinstitutional
16 articulation agreement pursuant to s. 240.1161. Such agreement
17 shall certify that each joint dual enrollment and advanced
18 placement course integrates, at a minimum, the course
19 structure recommended by the College Board and the structure
20 that corresponds to the statewide ~~common~~ course number.

21 (2) Each student enrolled in a joint dual enrollment
22 and advanced placement course may be funded pursuant to either
23 the dual enrollment or advanced placement formula specified in
24 s. 236.081; however, no student shall be funded through both
25 programs for enrollment in a course provided through this
26 section. The district school board reporting enrollments for
27 such courses shall utilize the funding formula that more
28 closely approximates the cost of conducting the course. No
29 student shall be reported for advanced placement funding who
30 fails to meet the examination requirement for such funding.

31

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

12 ~~(4) School districts and community colleges must weigh~~
13 ~~college-level dual enrollment courses the same as honors~~
14 ~~courses and advanced placement courses when grade point~~
15 ~~averages are calculated. Alternative grade calculation or~~
16 ~~weighting systems that discriminate against dual enrollment~~
17 ~~courses are prohibited.~~

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

22 Section 16. Notwithstanding subsection (7) of section
23 3 of chapter 2000-321, Laws of Florida, section 240.117,
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:

27 240.117 Common placement testing for public
28 postsecondary education.--

29 (1) The State Board of Education shall develop and
30 implement a common placement test to assess ~~for the purpose of~~
31 ~~assessing~~ the basic computation and communication skills of

1 students who intend to enter a degree program at any public
2 community college or state university. The State Board of
3 Education shall adopt rules which enable the community
4 colleges and state universities to implement appropriate
5 modifications of the test instruments or test procedures for
6 students with disabilities.

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

18 (3) The Articulation Coordinating Committee shall
19 recommend and the State Board of Education shall adopt rules
20 that would require high schools to give the common placement
21 test prescribed in this section, or an equivalent test
22 identified by the State Board of Education, at the beginning
23 of the tenth grade year before enrollment in the eleventh
24 grade year in public high school for the purpose of obtaining
25 remedial instruction prior to entering public postsecondary
26 education.

27 (4)(a) Community college or state university students
28 who have been identified as requiring additional preparation
29 pursuant to subsection (1) shall enroll in college-preparatory
30 or other adult education pursuant to s. 239.301 in community
31 colleges to develop needed college-entry skills. These

1 students shall be permitted to take courses within their
2 degree program concurrently in other curriculum areas for
3 which they are qualified while enrolled in college-preparatory
4 instruction courses. A student enrolled in a
5 college-preparatory course may concurrently enroll only in
6 college credit courses that do not require the skills
7 addressed in the college-preparatory course. The Articulation
8 Coordinating Committee shall recommend and the State Board of
9 Education ~~Community Colleges~~ shall specify the college credit
10 courses that are acceptable for students enrolled in each
11 college-preparatory skill area, ~~pursuant to s. 240.311(3)(g).~~
12 A student who wishes to earn an associate in arts or a
13 baccalaureate degree, but who is required to complete a
14 college-preparatory course, must successfully complete the
15 required college-preparatory studies by the time the student
16 has accumulated 12 hours of lower-division college credit
17 degree coursework; however, a student may continue enrollment
18 in degree-earning coursework provided the student maintains
19 enrollment in college-preparatory coursework for each
20 subsequent semester until college-preparatory coursework
21 requirements are completed, and the student demonstrates
22 satisfactory performance in degree-earning coursework. To
23 complete college-preparatory studies, a student must earn a
24 passing score on a standardized, institutionally developed
25 test of ~~must be achieved before a student is considered to~~
26 ~~have met~~ basic computation and communication skills
27 ~~requirements; however, a no student is not shall be~~ required
28 to retake any test or subtest that the student has already was
29 ~~previously passed by said student.~~ If a student enrolls shall
30 ~~be funded to enroll~~ in the same college-preparatory course
31 more than ~~class within a skill area only~~ twice, after which

1 ~~time~~ the student shall pay 100 percent of the full cost of
2 instruction to support continuous enrollment of that student
3 in the same class and ~~such student~~ shall not be included in
4 calculations of full-time equivalent enrollments for state
5 funding purposes; however, students who withdraw or fail a
6 class due to extenuating circumstances may be granted an
7 exception only once for each class, provided approval is
8 granted according to policy established by the board of
9 trustees. Each community college may ~~shall have the authority~~
10 ~~to review and reduce fees paid by~~ individual students who need
11 to continue ~~due to continued~~ enrollment in a
12 college-preparatory class and who have ~~on an individual basis~~
13 ~~contingent upon the student's~~ financial hardship, pursuant to
14 definitions and fee levels established by the board of
15 trustees ~~State Board of Community Colleges~~. Credit awarded for
16 college-preparatory instruction may not be counted towards
17 ~~fulfilling the number of credits required for a degree.~~

18 (b) The administrators of a state university may
19 contract with a community college board of trustees for the
20 community college to provide such instruction on the state
21 university campus. Any state university in which the
22 percentage of incoming students requiring college-preparatory
23 instruction equals or exceeds the average percentage of such
24 students for the community college system may offer
25 college-preparatory instruction without contracting with a
26 community college; however, any state university offering
27 college-preparatory instruction as of January 1, 1996, may
28 continue to provide such services.

29 (5) A student may not be enrolled in a dual-enrollment
30 college credit mathematics or English course ~~on a dual~~
31 ~~enrollment basis~~ unless the student has demonstrated adequate

1 precollegiate preparation on the appropriate section of the
2 basic computation and communication skills assessment required
3 pursuant to subsection (1) ~~that is appropriate for successful~~
4 ~~student participation in the course.~~

5 Section 17. Notwithstanding subsection (7) of section
6 3 of chapter 2000-321, Laws of Florida, section 240.118,
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:

10 240.118 Postsecondary feedback of information to high
11 schools.--

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

27 (2) The Commissioner of Education shall report, by
28 high school, to the State Board of Education and the
29 Legislature, no later than November 31 of each year, on the
30 number of prior year Florida high school graduates who
31 enrolled for the first time in public postsecondary education

1 in this state during the previous summer, fall, or spring
2 term, indicating the number of students whose scores on the
3 common placement test indicated the need for remediation
4 through college-preparatory or vocational-preparatory
5 instruction pursuant to s. 240.117 or s. 239.213.

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

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

16 (5) The Commissioner of Education shall annually
17 recommend to the Legislature statutory changes to reduce the
18 incidence of postsecondary remediation in mathematics,
19 reading, and writing for first-time-enrolled recent high
20 school graduates.

21 Section 18. Notwithstanding subsection (7) of section
22 3 of chapter 2000-321, Laws of Florida, section 240.1201,
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:

26 240.1201 Determination of resident status for tuition
27 purposes.--Students shall be classified as residents or
28 nonresidents for the purpose of assessing tuition fees in
29 public community colleges and universities.

30 (1) As defined under this section:
31

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

5 (b) The term "institution of higher education" means
6 any of the constituent institutions under the jurisdiction of
7 the State University System or the Florida Community College
8 System.

9 (c) A "legal resident" or "resident" is a person who
10 has maintained his or her residence in this state for the
11 preceding year, has purchased a home which is occupied by him
12 or her as his or her residence, or has established a domicile
13 in this state pursuant to s. 222.17.

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

16 (e) A "resident for tuition purposes" is a person who
17 qualifies as provided in subsection (2) for the in-state
18 tuition rate; a "nonresident for tuition purposes" is a person
19 who does not qualify for the in-state tuition rate.

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

21 1. A person or, if that person is a dependent child,
22 his or her parent or parents must have established legal
23 residence in this state and must have maintained legal
24 residence in this state for at least 12 months immediately
25 prior to his or her qualification.

26 2. Every applicant for admission to an institution of
27 higher education shall be required to make a statement as to
28 his or her length of residence in the state and, further,
29 shall establish that his or her presence or, if the applicant
30 is a dependent child, the presence of his or her parent or
31 parents in the state currently is, and during the requisite

1 12-month qualifying period was, for the purpose of maintaining
2 a bona fide domicile, rather than for the purpose of
3 maintaining a mere temporary residence or abode incident to
4 enrollment in an institution of higher education.

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

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

21 (3) An individual shall not be classified as a
22 resident for tuition purposes and, thus, shall not be eligible
23 to receive the in-state tuition rate until he or she has
24 provided such evidence related to legal residence and its
25 duration as may be required by officials of the institution of
26 higher education from which he or she seeks the in-state
27 tuition rate.

28 (4) With respect to a dependent child, the legal
29 residence of such individual's parent or parents is prima
30 facie evidence of the individual's legal residence, which
31 evidence may be reinforced or rebutted, relative to the age

1 and general circumstances of the individual, by the other
2 evidence of legal residence required of or presented by the
3 individual. However, the legal residence of an individual
4 whose parent or parents are domiciled outside this state is
5 not prima facie evidence of the individual's legal residence
6 if that individual has lived in this state for 5 consecutive
7 years prior to enrolling or reregistering at the institution
8 of higher education at which resident status for tuition
9 purposes is sought.

10 (5) In making a domiciliary determination related to
11 the classification of a person as a resident or nonresident
12 for tuition purposes, the domicile of a married person,
13 irrespective of sex, shall be determined, as in the case of an
14 unmarried person, by reference to all relevant evidence of
15 domiciliary intent. For the purposes of this section:

16 (a) A person shall not be precluded from establishing
17 or maintaining legal residence in this state and subsequently
18 qualifying or continuing to qualify as a resident for tuition
19 purposes solely by reason of marriage to a person domiciled
20 outside this state, even when that person's spouse continues
21 to be domiciled outside of this state, provided such person
22 maintains his or her legal residence in this state.

23 (b) A person shall not be deemed to have established
24 or maintained a legal residence in this state and subsequently
25 to have qualified or continued to qualify as a resident for
26 tuition purposes solely by reason of marriage to a person
27 domiciled in this state.

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

1 (6) Any nonresident person, irrespective of sex, who
2 marries a legal resident of this state or marries a person who
3 later becomes a legal resident may, upon becoming a legal
4 resident of this state, accede to the benefit of the spouse's
5 immediately precedent duration as a legal resident for
6 purposes of satisfying the 12-month durational requirement of
7 this section.

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

12 (8) A person who has been properly classified as a
13 resident for tuition purposes but who, while enrolled in an
14 institution of higher education in this state, loses his or
15 her resident tuition status because the person or, if he or
16 she is a dependent child, the person's parent or parents
17 establish domicile or legal residence elsewhere shall continue
18 to enjoy the in-state tuition rate for a statutory grace
19 period, which period shall be measured from the date on which
20 the circumstances arose that culminated in the loss of
21 resident tuition status and shall continue for 12 months.
22 However, if the 12-month grace period ends during a semester
23 or academic term for which such former resident is enrolled,
24 such grace period shall be extended to the end of that
25 semester or academic term.

26 (9) Any person who ceases to be enrolled at or who
27 graduates from an institution of higher education while
28 classified as a resident for tuition purposes and who
29 subsequently abandons his or her domicile in this state shall
30 be permitted to reenroll at an institution of higher education
31 in this state as a resident for tuition purposes without the

1 necessity of meeting the 12-month durational requirement of
2 this section if that person has reestablished his or her
3 domicile in this state within 12 months of such abandonment
4 and continuously maintains the reestablished domicile during
5 the period of enrollment. The benefit of this subsection
6 shall not be accorded more than once to any one person.

7 (10) The following persons shall be classified as
8 residents for tuition purposes:

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

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

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

21 (d) Full-time instructional and administrative
22 personnel employed by state public schools, community
23 colleges, and institutions of higher education, as defined in
24 s. 228.041, and their spouses and dependent children.

25 (e) Students from Latin America and the Caribbean who
26 receive scholarships from the federal or state government.
27 Any student classified pursuant to this paragraph shall
28 attend, on a full-time basis, a Florida institution of higher
29 education.

30
31

1 (f) Southern Regional Education Board's Academic
2 Common Market graduate students attending Florida's state
3 universities.

4 (g) Full-time employees of state agencies or political
5 subdivisions of the state when the student fees are paid by
6 the state agency or political subdivision for the purpose of
7 job-related law enforcement or corrections training.

8 (h) McKnight Doctoral Fellows and Finalists who are
9 United States citizens.

10 (i) United States citizens living outside the United
11 States who are teaching at a Department of Defense Dependent
12 School or in an American International School and who enroll
13 in a state university ~~Board of Regents-approved~~ graduate level
14 education program which leads to a Florida teaching
15 certificate.

16 (j) Active duty members of the Canadian military
17 residing or stationed in this state under the North American
18 Air Defense (NORAD) agreement, and their spouses and dependent
19 children, attending a public community college or university
20 within 50 miles of the military establishment where they are
21 stationed.

22 (11) The State Board of Education shall by rule
23 designate classifications of students as residents or
24 nonresidents for tuition purposes at public community colleges
25 and universities.

26 (12) An electronic signature may be accepted on an
27 admissions application and statement of residency for tuition
28 purposes.

29 Section 19. Sections 240.122, 240.124, 240.125, and
30 240.126, Florida Statutes, are repealed.

31

1 Section 20. Notwithstanding subsection (7) of section
2 3 of chapter 2000-321, Laws of Florida, section 240.127,
3 Florida Statutes, shall not stand repealed January 7, 2003, as
4 scheduled by that law, but that section is reenacted to read:

5 240.127 Florida Uniform Management of Institutional
6 Funds Act.--

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

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

10 (a) "Institution" means an incorporated or
11 unincorporated organization organized and operated exclusively
12 for educational purposes, or a governmental entity to the
13 extent that it holds funds exclusively for educational
14 purposes.

15 (b) "Institutional fund" means a fund held by an
16 institution for its exclusive use, benefit, or purposes, but
17 does not include a fund held for an institution by a trustee
18 that is not an institution or a fund in which a beneficiary
19 that is not an institution has an interest, other than
20 possible rights that could arise upon violation or failure of
21 the purposes of the fund.

22 (c) "Endowment fund" means an institutional fund, or
23 any part thereof, not wholly expendable by the institution on
24 a current basis under the terms of the applicable gift
25 instrument.

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

28 (e) "Historic dollar value" means the aggregate fair
29 value in dollars of an endowment fund at the time it became an
30 endowment fund, each subsequent donation to the fund at the
31 time it is made, and each accumulation made pursuant to a

1 direction in the applicable gift instrument at the time the
2 accumulation is added to the fund. The determination of
3 historic dollar value made in good faith by the institution is
4 conclusive.

5 (f) "Gift instrument" means a will, deed, grant,
6 conveyance, agreement, memorandum, writing, or other governing
7 document, including the terms of any institutional
8 solicitations from which an institutional fund resulted, under
9 which property is transferred to or held by an institution as
10 an institutional fund.

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

21 (4) RULE OF CONSTRUCTION.--Subsection (3) does not
22 apply if the applicable gift instrument indicates the donor's
23 intention that net appreciation shall not be expended. A
24 restriction upon the expenditure of net appreciation may not
25 be implied from a designation of a gift as an endowment, or
26 from a direction or authorization in the applicable gift
27 instrument to use only "income," "interest," "dividends," or
28 "rents, issues or profits," or "to preserve the principal
29 intact," or a direction which contains other words of similar
30 import. This rule of construction applies to gift instruments
31 executed or in effect before or after October 1, 1990.

1 (5) INVESTMENT AUTHORITY.--In addition to an
2 investment otherwise authorized by law or by the applicable
3 gift instrument, and without restriction to investments a
4 fiduciary may make, the governing board, subject to any
5 specific limitations set forth in the applicable gift
6 instrument or in the applicable law other than law relating to
7 investments by a fiduciary, may:

8 (a) Invest and reinvest an institutional fund in any
9 real or personal property deemed advisable by the governing
10 board, whether or not it produces a current return, including
11 mortgages, stocks, bonds, debentures, and other securities of
12 profit or nonprofit corporations, shares in or obligations of
13 associations, partnerships, or individuals, and obligations of
14 any government or subdivision or instrumentality thereof.

15 (b) Retain property contributed by a donor to an
16 institutional fund for as long as the governing board deems
17 advisable.

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

20 (d) Invest all or any part of an institutional fund in
21 any other pooled or common fund available for investment,
22 including shares or interests in regulated investment
23 companies, mutual funds, common trust funds, investment
24 partnerships, real estate investment trusts, or similar
25 organizations in which funds are commingled and investment
26 determinations are made by persons other than the governing
27 board.

28 (6) DELEGATION OF INVESTMENT MANAGEMENT.--Except as
29 otherwise provided by the applicable gift instrument or by
30 applicable law relating to governmental institutions or funds,
31 the governing board may delegate to its committees, officers

1 or employees of the institution or the fund, or agents,
2 including investment counsel, the authority to act in place of
3 the board in investment and reinvestment of institutional
4 funds; contract with independent investment advisers,
5 investment counsel or managers, banks, or trust companies, so
6 to act; and authorize the payment of compensation for
7 investment advisory or management services.

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

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

20 (a) With the written consent of the donor, the
21 governing board may release, in whole or in part, a
22 restriction imposed by the applicable gift instrument on the
23 use or investment of an institutional fund.

24 (b) If written consent of the donor cannot be obtained
25 by reason of his or her death, disability, unavailability, or
26 impossibility of identification, the governing board may apply
27 in the name of the institution to the circuit court of the
28 county in which the institution is located for release of a
29 restriction imposed by the applicable gift instrument on the
30 use or investment of an institutional fund. The Attorney
31 General shall be notified of the application and shall be

1 given an opportunity to be heard. If the court finds that the
2 restriction is obsolete, inappropriate, or impracticable, it
3 may by order release the restriction in whole or in part. A
4 release under this subsection may not change an endowment fund
5 to a fund that is not an endowment fund.

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

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

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

15 Section 21. Notwithstanding subsection (7) of section
16 3 of chapter 2000-321, Laws of Florida, section 240.128,
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:

20 240.128 Approval required for certain
21 university-related facility acquisitions.--~~A~~ ~~No~~ university or
22 university direct-support organization may not ~~shall~~ accept or
23 purchase facilities for which the state will be asked for
24 operating funds without first obtaining approval from ~~unless~~
25 ~~there has been prior approval for acquisition granted by the~~
26 Legislature.

27 Section 22. Section 240.132, Florida Statutes, is
28 repealed.

29 Section 23. Notwithstanding subsection (7) of section
30 3 of chapter 2000-321, Laws of Florida, section 240.1325,
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:

3 240.1325 Hazing prohibited.--

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

21 ~~(1)(2)~~ Public and independent ~~private~~ colleges and
22 universities whose students receive state student financial
23 assistance must adopt a written antihazing policy and under
24 such policy must adopt rules prohibiting students or other
25 persons associated with any student organization from engaging
26 in hazing.

27 ~~(2)(3)~~ Public and independent ~~private~~ colleges and
28 universities must provide a program for the enforcement of
29 such rules and must adopt appropriate penalties for violations
30 of such rules, to be administered by the person at the college
31

1 or university responsible for student activities of the
2 college or university organization.

3 Section 24. Notwithstanding subsection (7) of section
4 3 of chapter 2000-321, Laws of Florida, section 240.133,
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:

8 240.133 Expulsion and discipline of students of public
9 postsecondary educational institutions ~~the State University~~
10 ~~System and community colleges.~~--

11 (1) Each student in a public postsecondary educational
12 institution ~~the State University System and each student in a~~
13 ~~community college~~ is subject to federal and state law,
14 respective county and municipal ordinances, and all rules and
15 regulations of the educational institution ~~Board of Regents or~~
16 ~~board of trustees of the community college.~~

17 (2) Violation of these published laws, ordinances, or
18 rules and regulations may subject the violator to appropriate
19 action by the institution's ~~university or community college~~
20 authorities.

21 (3) Each president of a university or community
22 college, and each superintendent of a school district with a
23 public technical center has ~~in the State University System and~~
24 ~~each president of a community college shall have~~ authority,
25 after notice to the student of the charges and after a hearing
26 thereon, to expel, suspend, or otherwise discipline any
27 student who is found to have violated any law, ordinance, or
28 rule or regulation of the Board of Regents or of the board of
29 trustees of the community college. A student may be entitled
30 to waiver of expulsion:

31

1 (a) If the student provides ~~substantial~~ assistance in
2 the identification, arrest, or conviction of any of his or her
3 accomplices, accessories, coconspirators, or principals or of
4 any other person engaged in violations of chapter 893 within
5 the State University System or community colleges;

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

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

11 Section 25. Notwithstanding subsection (7) of section
12 3 of chapter 2000-321, Laws of Florida, section 240.134,
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:

16 240.134 Religious observances.--Each state university,
17 community college, and career and technical center ~~degree~~
18 ~~career education school~~ shall adopt a policy in accordance
19 with rules of ~~the Board of Regents, the State Board of~~
20 ~~Community Colleges, or~~ the State Board of Education which
21 reasonably accommodates the religious observance, practice,
22 and belief of individual students in regard to admissions,
23 class attendance, and the scheduling of examinations and work
24 assignments. Each policy shall include a grievance procedure
25 by which a student who believes that he or she has been
26 unreasonably denied an educational benefit due to his or her
27 religious belief or practices may seek redress. This ~~Such~~
28 policy shall be made known to faculty and students annually in
29 inclusion in the institution's handbook, manual, or other
30 similar document regularly provided to faculty and students.

31

1 Section 26. Section 240.135, Florida Statutes, is
2 repealed.

3 Section 27. Notwithstanding subsection (7) of section
4 3 of chapter 2000-321, Laws of Florida, section 240.136,
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:

8 240.136 Suspension and removal from office of elected
9 student government officials; referendum.--Each state
10 university and ~~community~~ college student government
11 association shall establish a process ~~within 60 days of this~~
12 ~~act becoming a law~~ to provide for the removal from office of
13 any elected student government official for malfeasance,
14 misfeasance, neglect of duty, incompetence, or permanent
15 inability to perform his or her official duties or for
16 pleading nolo contendere to, or being found guilty of, a crime
17 ~~who has been convicted of a violation of criminal law or has~~
18 ~~been found civilly liable for an act of moral turpitude, after~~
19 ~~all available rights of judicial appeal have been exercised or~~
20 ~~waived or have expired.~~ The process shall include a procedure
21 for the immediate suspension of the student government
22 official from elected office following the conviction or civil
23 finding and during any appeal, and shall provide for the
24 temporary successor to the subject office pending completion
25 of any appeal. The process must also include a procedure for
26 registered students to petition for a referendum recommending
27 to the student government association the removal of a student
28 official from elected office. The referendum must be held
29 within 60 days after ~~of~~ filing of the petition. The
30 recommendation ~~to remove the subject official from elected~~
31 ~~office shall be made~~ by majority vote of the students

1 participating in the referendum is sufficient for removal. The
2 university or college president or his or her designee may
3 appeal an action of a student government association under
4 this section ~~shall be subject to an appeal to the university~~
5 ~~or community college president or designee~~.

6 Section 28. Section 240.139, Florida Statutes, is
7 repealed.

8 Section 29. Notwithstanding subsection (7) of section
9 3 of chapter 2000-321, Laws of Florida, section 240.152,
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:

13 240.152 Students with documented disabilities ~~impaired~~
14 ~~and learning disabled persons~~; admission to postsecondary
15 institutions; substitute requirements; rules.--Any person who
16 has a documented disability is ~~is hearing impaired, visually~~
17 ~~impaired, or dyslexic, or who has a specific learning~~
18 ~~disability, shall be~~ eligible for reasonable substitution for
19 any requirement for admission to a state university, community
20 college, or public degree career technical center ~~education~~
21 ~~institution~~ where documentation can be provided that the
22 person's failure to meet the admission requirement is related
23 to the disability. The State Board of Education, ~~the Board of~~
24 ~~Regents, and the State Board of Community Colleges~~ shall adopt
25 rules to implement this section and shall develop substitute
26 admission requirements where appropriate.

27 Section 30. Notwithstanding subsection (7) of section
28 3 of chapter 2000-321, Laws of Florida, section 240.153,
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:

1 240.153 Students with a documented disability ~~impaired~~
2 ~~and learning disabled persons~~; graduation, study program
3 admission, and upper-division entry; substitute requirements;
4 rules.--Any student in a state university, community college,
5 or public degree career technical center ~~education institution~~
6 who has a documented disability is ~~is hearing impaired,~~
7 ~~visually impaired, or dyslexic, or who has a specific learning~~
8 ~~disability, shall be~~ eligible for reasonable substitution for
9 any requirement for graduation, for admission into a program
10 of study, or for entry into upper division where documentation
11 can be provided that the person's failure to meet the
12 requirement is related to the disability and where the failure
13 to meet the graduation requirement or program admission
14 requirement does not constitute a fundamental alteration in
15 the nature of the program. The State Board of Education, ~~the~~
16 ~~Board of Regents, and the State Board of Community Colleges~~
17 shall adopt rules to implement this section and shall develop
18 substitute requirements where appropriate.

19 Section 31. Notwithstanding subsection (7) of section
20 3 of chapter 2000-321, Laws of Florida, section 240.155,
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:

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

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

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

13 (2) As used in this section:

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

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

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

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

31

1 (3) Each university board of trustees shall ~~The Board~~
2 ~~of Regents shall, no later than 24 months after July 1, 1993,~~
3 prepare and adopt a campus master plan for its ~~the~~ campus of
4 ~~each institution over which it has jurisdiction.~~ The master
5 plan must identify general land uses and address the need for
6 and plans for provision of roads, parking, public
7 transportation, solid waste, drainage, sewer, potable water,
8 and recreation and open space during the coming 10 to 20
9 years. The plans must contain elements relating to future
10 land use, intergovernmental coordination, capital
11 improvements, recreation and open space, general
12 infrastructure, housing, and conservation. Each element must
13 address compatibility with the surrounding community. The
14 master plan must identify specific land uses, location of
15 structures, densities and intensities of use, and contain
16 standards for onsite development, site design, environmental
17 management, and the preservation of historic and
18 archaeological resources. The transportation element must
19 address reasonable transportation demand management techniques
20 to minimize offsite impacts where possible. Data and analyses
21 on which the elements are based must include, at a minimum:
22 the characteristics of vacant lands; projected impacts of
23 development on onsite and offsite infrastructure, public
24 services, and natural resources; student enrollment
25 projections; student housing needs; and the need for academic
26 and support facilities. The State Board of Education must
27 approve the master plan of each university to assure
28 consistency with its strategic plan. Master plans must be
29 updated and reviewed by the state board at least every 5
30 years.
31

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

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

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

1 ~~Regents~~ comply with the notice requirements set forth in s.
2 163.3184(15) to ensure full public participation in this
3 planning process. Campus master plans developed under this
4 section are not rules and are not subject to chapter 120
5 except as otherwise provided in this section.

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

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

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

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

11 (c) After receiving the report from the state land
12 planning agency, the Administration Commission shall take
13 action to resolve the issues in dispute. In deciding upon a
14 proper resolution, the Administration Commission shall
15 consider the nature of the issues in dispute, the compliance
16 of the parties with this section, the extent of the conflict
17 between the parties, the comparative hardships, and the public
18 interest involved. If the Administration Commission
19 incorporates in its final order a term or condition that
20 specifically requires the board of trustees ~~Regents~~ or a local
21 government to amend or modify its plan, the board of trustees
22 ~~Regents~~ shall have a reasonable period of time to amend or
23 modify its plan, and a local government shall initiate the
24 required plan amendment, which shall be exempt from the
25 requirements of s. 163.3187(1). Any required amendment to a
26 local government comprehensive plan must be limited in scope
27 so as to only relate to specific impacts attributable to the
28 campus development. The final order of the Administration
29 Commission is subject to judicial review as provided in s.
30 120.68.

31

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

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

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

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

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

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

20 (a) Must identify the geographic area of the campus
21 and local government covered by the campus development
22 agreement.

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

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

29 (d) Must, for each of the facilities and services
30 listed in paragraph (c), identify the level-of-service
31 standard established by the applicable local government,

1 identify the entity that will provide the service to the
2 campus, and describe any financial arrangements between the
3 board of trustees ~~Regents~~ and other entities relating to the
4 provision of the facility or service.

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

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

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

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

24 (b) Such land may include:

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

29 2. Land not owned by the Board of Trustees of the
30 Internal Improvement Trust Fund if the university board of
31 trustees ~~Regents~~ intends to undertake development activities

1 on the land during the term of the campus development
2 agreement.

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

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

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

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

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

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

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

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

6 (d) All concurrency management responsibilities of the
7 board of trustees ~~Regents~~ are fulfilled if the board of
8 trustees ~~Regents~~ expends the total amount of funds identified
9 in paragraph (b) notwithstanding that the board of trustees
10 ~~Regents~~ may not have undertaken or made contributions to some
11 of the measures identified in paragraph (a).

12 (e) Capital projects included in the campus
13 development agreement may be used by the local government for
14 the concurrency management purposes.

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

21 (14) A campus development agreement may not address or
22 include any standards or requirements for onsite development,
23 including environmental management requirements or
24 requirements for site preparation.

25 (15) Once the board of trustees ~~Regents~~ and host local
26 government agree on the provisions of the campus development
27 agreement, the campus development agreement shall be executed
28 by the board of trustees ~~Regents~~ and the host local government
29 in a manner consistent with the requirements of s. 163.3225.
30 Once the campus development agreement is executed, it is
31 binding upon the board of trustees ~~Regents~~ and host local

1 government. A copy of the executed campus development
2 agreement must be sent to the state land planning agency
3 within 14 days after the date of execution.

4 (16) If, within 180 days following the host local
5 government's receipt of the proposed campus development
6 agreement, the board of trustees ~~Regents~~ and host local
7 government cannot reach agreement on the provisions of the
8 campus development agreement, the following procedures for
9 resolving the matter must be followed:

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

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

29 (17) Disputes that arise in the implementation of an
30 executed campus development agreement must be resolved as
31 follows:

1 (a) Each party shall select one mediator and notify
2 the other in writing of the selection. Thereafter, within 15
3 days after their selection, the two mediators selected by the
4 parties shall select a neutral, third mediator to complete the
5 mediation panel.

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

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

15 (d) Within 60 days after the convening of the panel,
16 the panel shall issue a report containing a recommended
17 resolution of the issues in dispute.

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

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

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

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

31

1 (b) If either party delays by more than 12 months the
2 construction of a capital improvement identified in the
3 agreement.

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

14 (21) State and regional environmental program
15 requirements remain applicable, except that this section
16 supersedes all other sections of part II of chapter 163 and s.
17 380.06 except as provided in this section.

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

23 (23) Until the campus master plan and campus
24 development agreement for an institution have been finalized,
25 any dispute between the board of trustees ~~Regents~~ and a local
26 government relating to campus development for that institution
27 shall be resolved by the process established in subsection
28 (8).

29 Section 32. Notwithstanding subsection (7) of section
30 3 of chapter 2000-321, Laws of Florida, section 240.156,
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:

3 240.156 State University System Concurrency Trust
4 Fund.--Notwithstanding any other provision of law, the general
5 revenue service charge deducted pursuant to s. 215.20 on
6 revenues raised by any local option motor fuel tax levied
7 pursuant to s. 336.025(1)(b), as created by chapter 93-206,
8 Laws of Florida, shall be deposited in the State University
9 System Concurrency Trust Fund, which is hereby created. Moneys
10 in such trust fund shall be for the purpose of funding ~~State~~
11 ~~University System~~ offsite improvements to state universities
12 that are required to meet concurrency standards adopted under
13 part II of chapter 163. In addition, in any year in which
14 campus master plans are updated pursuant to s. 240.155, but no
15 more frequently than once every 5 years, up to 25 percent of
16 the balance in the trust fund for that year may be used to
17 defray the costs incurred in updating those campus master
18 plans.

19 Section 33. Notwithstanding subsection (7) of section
20 3 of chapter 2000-321, Laws of Florida, section 240.2011,
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:

24 240.2011 State universities and colleges ~~University~~
25 ~~System~~ defined.--The state universities and colleges
26 ~~University System~~ shall consist of ~~the following~~:

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

30 (1)(2) The University of Florida, with a main campus
31 located in Alachua County.

1 ~~(2)(3)~~ The Florida State University, with a main
2 campus located in Leon County.

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

5 ~~(4)(5)~~ The University of South Florida, with a main
6 campus located in Hillsborough County and two fiscally
7 autonomous campuses, one in Pinellas County, named the
8 University of South Florida St. Petersburg, and the other
9 named the University of South Florida Sarasota/Manatee.

10 ~~(5)(6)~~ The Florida Atlantic University, with partner
11 campuses located in Palm Beach County and Broward County.

12 ~~(6)(7)~~ The University of West Florida, with a main
13 campus located in Escambia County.

14 ~~(7)(8)~~ The University of Central Florida, with a main
15 campus located in Orange County.

16 ~~(8)(9)~~ The University of North Florida, with a main
17 campus located in Duval County.

18 ~~(9)(10)~~ The Florida International University, with a
19 main campus located in Dade County.

20 ~~(10)(11)~~ The Florida Gulf Coast University, with a
21 main campus located in Fort Myers.

22 ~~(11)(12)~~ New College of Florida, located in Sarasota
23 County, which is the 4-year residential liberal arts honors
24 college of the State of Florida.

25 Section 34. Section 240.2012, Florida Statutes, is
26 created to read:

27 240.2012 Board of trustees of the state universities
28 and colleges.--

29 (1)(a) It is the intent of the Legislature that each
30 state university and college shall be governed by a board of
31 trustees and that no department, bureau, division, agency, or

1 subdivision of the state shall exercise any responsibility or
2 authority to operate or regulate any state university or
3 college except as is specifically provided by law. Each state
4 university and college shall be an independent, separate legal
5 entity. The university and college boards of trustees and the
6 state universities and colleges are not state agencies unless
7 specifically provided by law.

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

21 (c) The Governor may remove a trustee for cause. Upon
22 a determination by a court of a second violation of s. 286.011
23 by a member of a university or college board of trustees, the
24 member is subject to removal for cause. Upon a determination
25 by a court that a member has knowingly violated s. 286.011,
26 the member shall be removed. The Governor shall appoint a new
27 member of the board pursuant to subsection (1). The penalties
28 imposed by this paragraph are cumulative to the penalties
29 imposed under s. 286.011. Violations of s. 286.011 prior to
30 the enactment of this paragraph shall not constitute
31 violations for purposes of this paragraph.

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

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

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

27 (5) The university or college president shall serve as
28 executive officer and corporate secretary of the board of
29 trustees and shall be responsible to the board for all
30 operations of the university or college and for setting the
31

1 agenda for meetings of the board in consultation with the
2 chair.

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

11 (7) University and college boards of trustees shall be
12 corporations primarily acting as instrumentalities or agencies
13 of the state, pursuant to s. 768.28(2), for purposes of
14 sovereign immunity.

15 Section 35. Section 240.2013, Florida Statutes, is
16 created to read:

17 240.2013 Powers and duties of university and college
18 boards of trustees.--

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

25 (2) Each university and college board of trustees may
26 adopt rules, pursuant to chapter 120, and policies consistent
27 with the university and college mission, with law, and with
28 the rules of the State Board of Education, including rules and
29 policies for:

30
31

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

4 (b) Fixing the compensation and other conditions of
5 employment of the president.

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

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

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

19 (f) Providing for academic freedom and academic
20 responsibility at the university or college.

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

26 (h) Approving new and terminating existing
27 undergraduate and graduate degree programs up to and including
28 the master's degree level. New colleges, schools, or
29 functional equivalents of any program leading to a degree that
30 is offered as a credential for a specific license granted
31

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

1 by law. Title to state lands leased to the university and
2 college boards of trustees shall remain vested with the Board
3 of Internal Improvement Trust Fund. The university and college
4 boards of trustees shall become successors in interest to
5 leases of state lands leased to the State Board of Education
6 for use by the state universities and colleges.

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

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

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

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

30 (n) Using, maintaining, protecting, and controlling
31 university and college owned or university and college

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

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

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

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

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

1 exercise the right of eminent domain after receiving approval
2 from the State Board of Education and may proceed to condemn
3 the property in the manner provided by chapters 73 and 74.

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

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

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

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

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

29 (x) Ensuring that at least half of the required
30 coursework for any baccalaureate degree in the system is
31

1 offered at the lower-division level, except in program areas
2 approved by the State Board of Education.

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

6 (z) Governing student activities and organizations.

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

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

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

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

28 Section 36. Section 240.2014, Florida Statutes, is
29 created to read:

30 240.2014 University and college presidents; powers and
31 duties.--

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

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

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

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

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

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

1 professional services under s. 287.055 is one in which
2 construction costs do not exceed \$1 million or the fee for
3 study activity does not exceed \$100,000.

4 (f) Manage the property and other resources of the
5 university or college.

6 (g) Establish the academic calendar of the university
7 or college.

8 (h) Administer the university's or college's program
9 of intercollegiate athletics.

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

13 (j) Award degrees.

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

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

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

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

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

30 (p) Maintain all data and information pertaining to
31 the operation of the university or college, and report on the

1 attainment by the university or college of institutional and
2 statewide performance accountability goals.

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

8 (2) For purposes of this chapter, the powers, duties,
9 and authority vested with a university or college shall be
10 vested with the president of the university or college or his
11 or her designee. Unless expressly prohibited by law, rule of
12 the State Board of Education, or rule of the university or
13 college board of trustees, each university and college
14 president may delegate any power, duty, or authority vested in
15 the university or college president by law, rule of the State
16 Board of Education, or rule of the university or college board
17 of trustees.

18 Section 37. Sections 240.202 and 240.203, Florida
19 Statutes; section 240.205, Florida Statutes, as amended by
20 section 32 of chapter 2001-170, Laws of Florida; section
21 240.207, Florida Statutes; and section 240.209, Florida
22 Statutes, as amended by section 34 of chapter 2001-170, Laws
23 of Florida, and sections 9, 10, and 52 of chapter 2001-254,
24 Laws of Florida, are repealed.

25 Section 38. Notwithstanding subsection (7) of section
26 3 of chapter 2000-321, Laws of Florida, section 240.2093,
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
31

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

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

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

26 Section 39. Notwithstanding subsection (7) of section
27 3 of chapter 2000-321, Laws of Florida, section 240.2094,
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

1 240.2094 State university and college ~~University~~
2 System management flexibility.--

3 (1) Notwithstanding the provisions of ~~s.ss. 216.031,~~
4 ~~216.181, 216.262, and 240.271 to the contrary and pursuant to~~
5 ~~the provisions of s. 216.351,~~ but subject to any guidelines
6 imposed in the General Appropriations Act, funds for the
7 operation of the state universities and colleges ~~State~~
8 ~~University System~~ shall be requested and appropriated as as
9 grants and aids ~~within budget entities, program components,~~
10 ~~program categories, lump sums, or special categories. Funds~~
11 ~~appropriated to the State University System for each program~~
12 ~~category, lump sum, or special category may be transferred to~~
13 ~~traditional categories for expenditure by the Board of~~
14 ~~Regents. The Board of Regents shall provide each university an~~
15 ~~approved budget based upon the appropriations act, and the~~
16 ~~universities shall develop an annual operating budget that~~
17 ~~allocates funds by program component and traditional~~
18 ~~expenditure category.~~

19 (2) ~~Notwithstanding the provisions of s. 216.181 and~~
20 ~~pursuant to the provisions of s. 216.351, but subject to any~~
21 ~~requirements imposed in the General Appropriations Act, no~~
22 ~~lump-sum plan is required to implement the special categories,~~
23 ~~program categories, or lump-sum appropriations. Upon release~~
24 ~~of the special categories, program categories, or lump-sum~~
25 ~~appropriations to the Board of Regents, the Comptroller, upon~~
26 ~~the request of the Board of Regents, shall transfer or~~
27 ~~reallocate funds to or among accounts established for each~~
28 ~~university within each budget entity, for disbursement~~
29 ~~purposes. The Board of Regents shall maintain records to~~
30 ~~account for the original appropriation.~~

31

1 ~~(3) Notwithstanding the provisions of ss. 216.031,~~
2 ~~216.181, 216.251, and 216.262 to the contrary and pursuant to~~
3 ~~the provisions of s. 216.351, but subject to any requirements~~
4 ~~imposed in the General Appropriations Act, the Board of~~
5 ~~Regents shall establish the authorized positions and initial~~
6 ~~approved salary rate and may amend such positions and rate,~~
7 ~~within the maximum number of total positions and salary rate~~
8 ~~authorized annually in the appropriations act.~~

9 Section 40. Sections 240.20941, 240.2095, and
10 240.2097, Florida Statutes, are repealed.

11 Section 41. Notwithstanding subsection (7) of section
12 3 of chapter 2000-321, Laws of Florida, section 240.2098,
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:

16 240.2098 ~~University~~ Student ombudsman office.--

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

20 (2) Each university and college must have an
21 established procedure by which a student may appeal to the
22 office of the ombudsman a decision that is related to the
23 student's access to courses and credit granted toward the
24 degree. Each university and college must notify students of
25 the appeal procedure.~~Detailed information concerning this~~
26 ~~procedure must be included in the university catalog.~~

27 ~~(3) Each university shall develop minimum standards~~
28 ~~for the role of ombudsman or student advocate. The standards~~
29 ~~shall address the issue of notification of students of~~
30 ~~opportunities for assistance or appeal.~~

31

1 Section 42. Notwithstanding subsection (7) of section
2 3 of chapter 2000-321, Laws of Florida, section 240.2099,
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:

6 240.2099 Computer-assisted student advising system;
7 plans.--The State Board of Education shall establish the
8 Florida Center for Advising and Academic Support whose mission
9 shall be to promote system integration and articulation among
10 K-20 educational organizations through the implementation of a
11 statewide student advising system.~~The system Board of Regents~~
12 ~~and State Board of Community Colleges shall develop plans for~~
13 ~~implementing a single, statewide computer-assisted student~~
14 ~~advising system, which~~ must be an integral part of the process
15 of advising, admitting, registering, and certifying students
16 for graduation. The Plans shall include timelines for the
17 implementation of the system and shall be submitted to the
18 Legislature by October 1, 1996. It is intended that an
19 advising system shall be the primary advising and tracking
20 tool for students enrolled in community colleges, colleges,
21 and universities and shall be accessible to students enrolled
22 in each of the state universities, colleges, community
23 colleges, and public secondary schools. The Commissioner of
24 Education shall establish a committee to oversee the
25 development and maintenance of the advising system. The
26 university, college, and community college boards of trustees
27 shall implement the Florida Academic Counseling and Tracking
28 System.~~The State University System and the community college~~
29 ~~system shall establish a committee to oversee the development~~
30 ~~and maintenance of the advising system.~~The system shall

1 consist of a degree audit and an articulation component that
2 includes the following characteristics:

3 (1) The system shall constitute an integral part of
4 the process of advising students and assisting them in course
5 selection. The system shall be accessible to students in the
6 following ways:

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

10 (b) A status report from the system shall be generated
11 and sent with each grade report to each student with a
12 declared major.

13 (2) The system shall be an integral part of the
14 registration process. As part of the process, the system
15 shall:

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

18 (b) Verify that a student has completed requirements
19 for graduation.

20 (3) The system must provide management information to
21 decisionmakers, including information relating student
22 enrollment patterns and course demands to plans for
23 corresponding course offerings and information useful in
24 planning the student registration process.

25 (4) The Florida Center for Advising and Academic
26 Support shall also work with the public secondary system to
27 provide computer-assisted student advising through which
28 students may obtain information related to career
29 descriptions, corresponding educational requirements,
30 admission into state universities and colleges, and financial
31 aid.

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

7 Section 43. Sections 240.2111 and 240.2112, Florida
8 Statutes, are repealed.

9 Section 44. Notwithstanding subsection (7) of section
10 3 of chapter 2000-321, Laws of Florida, section 240.213,
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:

14 240.213 University and college boards of trustees
15 ~~Board~~ authorized to secure liability insurance.--

16 (1) Each university and college board of trustees may
17 ~~The Board of Regents is authorized to~~ secure, or otherwise
18 provide as a self-insurer, or by a combination thereof,
19 comprehensive general liability insurance, including
20 professional liability for health care and veterinary
21 sciences, for:

22 (a) The university or college board of trustees board.

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

25 (c) The officers, members, employees, faculty, or
26 agents of the university or college board of trustees board.

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

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

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

3 (e)(f) Any not-for-profit corporation organized
4 pursuant to chapter 617, and the directors, officers,
5 employees, and agents thereof, which is affiliated with a
6 state university or college in the State University System, if
7 the corporation is operated for the benefit of a state
8 university or college in a manner consistent with the best
9 interests of the state, and if such participation is approved
10 by the self-insurance program ~~appropriate insurance trust fund~~
11 council, university or college president, and the university
12 or college board of trustees ~~Board of Regents~~.

13
14 ~~The Board of Regents is authorized to delegate to the~~
15 ~~universities, as appropriate, the authority to secure any~~
16 ~~liability insurance for the above.~~

17 (2) If a university or college board of trustees
18 adopts a self-insurance program, the university or college
19 board of trustees shall establish a governing council to
20 administer the program, including the administration of the
21 self-insurance program assets and expenditures, which shall be
22 defined by rules adopted by the university or college board of
23 trustees. If the self-insurance program is established for
24 health care or veterinary services, the vice president of
25 health affairs or his or her academic equivalent shall be the
26 chair of the governing council. Each university or college
27 board of trustees shall ensure that the governing council
28 performs an annual actuarial review to establish funding
29 requirements to maintain the fiscal integrity of the
30 self-insurance program.~~In the event the Board of Regents~~
31 ~~adopts a self-insurance program, the necessary trust funds in~~

1 ~~the State Treasury may be established pursuant to law.~~
2 ~~Provided that the annual actuarial report to the~~
3 ~~self-insurance trust fund council is provided each year to the~~
4 ~~Auditor General within 60 days after acceptance by the~~
5 ~~council,~~The assets of a self-insurance program shall ~~may~~ be
6 deposited outside the State Treasury, and ~~at the option of the~~
7 ~~Board of Regents, in accounts established pursuant to law for~~
8 ~~that purpose. Self-insurance program trust funds shall be~~
9 administered in accordance with rules adopted by each
10 university or college board of trustees ~~established by the~~
11 ~~Board of Regents. Each self-insurance program governing~~
12 council shall make provisions for an annual postaudit of its
13 financial accounts to be conducted by an independent certified
14 public accountant in accordance with the rules adopted by the
15 university or college board of trustees. The annual audit
16 report shall include a management letter and shall be
17 submitted, within 9 months after the end of the fiscal year,
18 to the board of trustees and the Auditor General for review.
19 The university and college boards of trustees, the Auditor
20 General, and the Office of Program Policy Analysis and
21 Government Accountability may require and receive from the
22 self-insurance program council or from its independent auditor
23 any detail or supplemental data relative to the operation of
24 the self-insurance program.

25 (3) Any self-insurance program created pursuant to
26 this section shall be funded by the entities and individuals
27 protected by such program. Funds may not be appropriated to
28 any self-insurance fund. The assets of the self-insurance
29 program shall be the property of the university or college
30 board of trustees and shall be used to pay the administrative
31 expenses of the self-insurance program and to pay any claim,

1 judgment, or claims bill arising out of activities for which
2 the self-insurance program was created. Investment income that
3 is in excess of that income necessary to ensure the solvency
4 of a self-insurance program as established by a casualty
5 actuary may be used to defray the annual contributions paid
6 into the program by the entities and individuals protected by
7 the program. ~~There shall be no funds appropriated directly to~~
8 ~~any insurance trust fund. The Board of Regents is authorized~~
9 ~~to accept any payments, receipts, gifts, or donations made for~~
10 ~~the purposes of this section and deposit such funds in the~~
11 ~~appropriate insurance trust fund.~~

12 (4) No self-insurance program adopted by a university
13 or college board of trustees ~~the Board of Regents~~ may sue or
14 be sued. ~~The Board of Regents shall pay, out of the assets of~~
15 ~~a trust fund established pursuant to this section, any claim~~
16 ~~or judgment for which the self-insurance trust funds were~~
17 ~~created and which is rendered against the board.~~ ~~The claims~~
18 ~~files of any such program are privileged and confidential,~~
19 ~~exempt from the provisions of s. 119.07(1), and are only for~~
20 ~~the use of the program in fulfilling its duties. Any~~
21 ~~self-insurance trust fund and revenues generated by that fund~~
22 ~~shall only be used to pay claims and administration expenses.~~

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

29 Section 45. Notwithstanding subsection (7) of section
30 3 of chapter 2000-321, Laws of Florida, section 240.214,
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 | 240.214 State university and college ~~System~~
4 | accountability process.--It is the intent of the Legislature
5 | that an accountability process be implemented which provides
6 | for the systematic, ongoing evaluation of quality and
7 | effectiveness of the state universities and colleges ~~in the~~
8 | ~~State University System~~. It is further the intent of the
9 | Legislature that this accountability process monitor
10 | performance at the system level in each of the major areas of
11 | instruction, research, and public service, while recognizing
12 | the differing missions of each of the state universities and
13 | colleges. The accountability process shall provide for the
14 | adoption of ~~systemwide~~ performance standards and performance
15 | goals for each standard identified through a collaborative
16 | effort involving the state universities and colleges ~~State~~
17 | ~~University System~~, the Legislature, and the Governor's Office.
18 | These standards and goals shall be consistent with s.
19 | 216.011(1) to maintain congruity with the performance-based
20 | budgeting process. This process requires that university and
21 | college accountability reports reflect measures defined
22 | through performance-based budgeting. The performance-based
23 | budgeting measures must also reflect the elements of teaching,
24 | research, and service inherent in the missions of the state
25 | universities and colleges ~~institutions in the State University~~
26 | ~~System~~.
27 | (1) By December 31 of each year, the State Board of
28 | Education ~~Board of Regents~~ shall submit an annual
29 | accountability report providing information on the
30 | implementation of performance standards, actions taken to
31 | improve university and college achievement of performance

1 goals, the achievement of performance goals during the prior
2 year, and initiatives to be undertaken during the next year.
3 The accountability reports shall be designed in consultation
4 with the Governor's Office, the Office of Program Policy
5 Analysis and Government Accountability, and the Legislature.

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

9 Section 46. Section 240.2145, Florida Statutes, is
10 repealed.

11 Section 47. Notwithstanding subsection (7) of section
12 3 of chapter 2000-321, Laws of Florida, section 240.215,
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:

16 240.215 Payment of costs of civil action against
17 officers, agents, members, or employees of a university or
18 college board of trustees ~~employees or members of the Board of~~
19 ~~Regents.--~~

20 (1) Whenever any civil action has been brought against
21 any officer, agent, member, or employee of a university or
22 college board of trustees ~~board member or employee~~ for any act
23 or omission arising out of and in the course of the
24 performance of his or her duties and responsibilities, the
25 university or college board of trustees ~~Board of Regents~~ may
26 defray all costs of defending such action, including
27 reasonable attorney's fees and expenses together with costs of
28 appeal, and may save harmless and protect such person from any
29 financial loss resulting from the lawful performance of his or
30 her duties and responsibilities. A university or college board
31 of trustees may settle claims based on such acts or omissions

1 before or after the filing of suit.~~Claims based on such~~
2 ~~actions or omissions may, in the discretion of the Board of~~
3 ~~Regents, be settled prior to or after the filing of suit~~
4 ~~thereon.~~A university or college board of trustees ~~The Board~~
5 ~~of Regents~~ may arrange for and pay the premium for appropriate
6 insurance to cover all such losses and expenses.

7 (2) An employee or agent under the right of control of
8 a university or college board of trustees ~~the Board of Regents~~
9 who, pursuant to the university or college board of trustees'
10 ~~Board of Regents'~~ policies or rules, renders medical care or
11 treatment at any hospital or health care facility with which a
12 university or college board of trustees ~~the Board of Regents~~
13 maintains an affiliation agreement whereby the hospital or
14 health care facility provides to the university or college
15 board of trustees ~~Board of Regents~~ a clinical setting for
16 health care education, research, and services, shall not be
17 deemed to be an agent of any person other than the university
18 or college board of trustees ~~Board of Regents~~ in any civil
19 action resulting from any act or omission of the employee or
20 agent while rendering said medical care or treatment. For this
21 subsection to apply, the patient shall be provided separate
22 written conspicuous notice by the university or college board
23 of trustees ~~Board of Regents~~ or by the hospital or health care
24 facility, and shall acknowledge receipt of this notice, in
25 writing, unless impractical by reason of an emergency, either
26 personally or through another person authorized to give
27 consent for him or her, that he or she will receive care
28 provided by university or college board of trustees' ~~Board of~~
29 ~~Regents'~~ employees and liability, if any, that may arise from
30 that care is limited as provided by law. Compliance by a
31 hospital or health care facility with the requirements of

1 chapter 395 or s. 766.110(1) shall not be used as evidence in
2 any civil action to establish an agency relationship between
3 the hospital or health care facility and an employee or agent
4 of a university or college board of trustees ~~the Board of~~
5 ~~Regents~~ providing services within the hospital or health care
6 facility.

7 (3) All faculty physicians employed by a university or
8 college board of trustees ~~the Board of Regents~~ who are subject
9 to the requirements of s. 456.013 shall complete their risk
10 management continuing education on issues specific to academic
11 medicine. Such continuing education shall include instruction
12 for the supervision of resident physicians as required by the
13 Accreditation Council for Graduate Medical Education. The
14 boards described in s. 456.013 shall adopt rules to implement
15 the provisions of this subsection.

16 (4) The university and college boards of trustees may
17 use any funds ~~There are appropriated out of any funds~~
18 ~~available in the university system,~~ not subject to the
19 obligation of contract, covenant, ~~or~~ trust, or otherwise
20 restricted by law, ~~the amounts~~ necessary to carry out the
21 purposes of this section.

22 (5) Failure of a university or college board of
23 trustees ~~the Board of Regents~~ or an affiliated health care
24 provider to do any act authorized by this section shall not
25 constitute a cause of action against the university or college
26 board of trustees, its members, officers, agents, or employees
27 ~~Board of Regents~~, or an affiliated health care provider, or
28 any of its ~~their~~ members, officers, or employees.

29 Section 48. Sections 240.217 and 240.219, Florida
30 Statutes, are repealed.

31

1 Section 49. Notwithstanding subsection (7) of section
2 3 of chapter 2000-321, Laws of Florida, section 240.222,
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:

6 240.222 Assent to Hatch Act and Morrill Land-Grant
7 Acts Act.--The assent of the Legislature is given to the
8 provisions and requirements of the Acts Act of Congress
9 commonly known as the "Hatch Act of 1887," ~~and the Act of~~
10 ~~Congress commonly known as the~~ "First Morrill Act of 1862,"
11 and the "Second Morrill Act of 1890,"and all acts
12 supplemental thereto., ~~and~~ The Board of Trustees of the
13 University of Florida Regents may receive grants of money
14 appropriated ~~under said acts, insofar as the same, or so much~~
15 ~~thereof, can be used and appropriated~~ for the benefit of the
16 University of Florida Institute of Food and Agricultural
17 Sciences with respect to the First Morrill Act and the Hatch
18 Act, and all acts supplemental thereto, and the Florida
19 Agricultural and Mechanical University Board of Trustees may
20 receive grants of money appropriated for the benefit of
21 Florida Agricultural and Mechanical University in the case of
22 the Second Morrill Act, and all acts supplemental thereto
23 ~~State University System.~~ The provisions of chapter 3564, 1885,
24 Laws of Florida, and s. 7, chapter 1776, 1870, Laws of
25 Florida, are made applicable to such universities ~~the State~~
26 ~~University System~~ insofar as the same are or can be made
27 effective; and all estate, right, property claim, and
28 emoluments, and the rents and issues thereof, or any
29 substitutions thereof, and all claims and demands arising or
30 that may or can arise thereunder, or any Act of Congress in
31 that regard, are hereby preserved, maintained, and transferred

1 to the University of Florida Board of Trustees and Florida
2 Agricultural and Mechanical University Board of Trustees ~~Board~~
3 ~~of Regents~~ for the use and benefit of such universities under
4 the terms of the acts ~~the State University System.~~

5 Section 50. Notwithstanding subsection (7) of section
6 3 of chapter 2000-321, Laws of Florida, section 240.223,
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:

10 240.223 University and college boards of trustees
11 ~~Board of Regents~~ empowered to act as trustees ~~trustee~~.--

12 (1) Whenever appointed by any competent court of the
13 state, or by any statute, or in any will, deed, or other
14 instrument, or in any manner whatever as trustee of any funds
15 or real or personal property in which any of the institutions
16 or agencies under its management, control, or supervision, or
17 their departments or branches or students, faculty members,
18 officers, or employees, may be interested as beneficiaries, or
19 otherwise, or for any educational purpose, the university or
20 college board of trustees may ~~Board of Regents is hereby~~
21 ~~authorized to act as~~ trustees ~~trustee~~ with full legal capacity
22 as trustees ~~trustee~~ to administer such trust property, and the
23 title thereto shall vest in the university or college board of
24 trustees ~~said board~~ as trustee. In all such cases, the
25 university or college board of trustees ~~Board of Regents~~ shall
26 have the power and capacity to do and perform all things as
27 fully as any individual trustee or other competent trustee
28 might do or perform, and with the same rights, privileges, and
29 duties, including the power, capacity, and authority to
30 convey, transfer, mortgage, or pledge such property held in
31 trust and to contract and execute all other documents relating

1 to said trust property which may be required for, or
2 appropriate to, the administration of such trust or to
3 accomplish the purposes of any such trust.

4 (2) Deeds, mortgages, leases, and other contracts of a
5 university or college board of trustees ~~the Board of Regents~~
6 relating to real property of any such trust or any interest
7 therein may be executed by the university or college board of
8 trustees ~~Board of Regents~~, as trustee, in the same manner as
9 is provided by the laws of the state for the execution of
10 similar documents by other corporations or may be executed by
11 the signatures of a majority of the members of the board of
12 trustees; however, to be effective, any such deed, mortgage,
13 or lease contract for more than 10 years of any trust
14 property, executed hereafter by the university or college
15 board of trustees ~~Board of Regents~~, shall be approved by a
16 resolution of the State Board of Education; and such approving
17 resolution may be evidenced by the signature of ~~either~~ the
18 chair ~~or the secretary~~ of the State Board of Education to an
19 endorsement on the instrument approved, reciting the date of
20 such approval, and bearing the seal of the State Board of
21 Education. Such signed and sealed endorsement shall be a part
22 of the instrument and entitled to record without further
23 proof.

24 (3) All prior acts of and appointments by the former
25 Board of Regents are hereby approved, ratified, confirmed, and
26 validated. ~~Any and all such appointments of, and acts by, the~~
27 ~~Board of Regents as trustee of any estate, fund, or property~~
28 ~~prior to May 18, 1949, are hereby validated, and said board's~~
29 ~~capacity and authority to act as trustee in all of such cases~~
30 ~~is ratified and confirmed; and all deeds, conveyances, lease~~
31 ~~contracts, and other contracts heretofore executed by the~~

1 ~~Board of Regents, either by the signatures of a majority of~~
2 ~~the members of the board or in the board's name by its chair~~
3 ~~or chief executive officer, are hereby approved, ratified,~~
4 ~~confirmed, and validated.~~

5 (4) This section does not ~~Nothing herein shall be~~
6 ~~construed to authorize a university or college board of~~
7 trustees ~~the Board of Regents~~ to contract a debt on behalf of,
8 or in any way to obligate, the state; and the satisfaction of
9 any debt or obligation incurred by a university or college
10 board of trustees ~~the Board of Regents~~ as trustee under the
11 provisions of this section shall be exclusively from the trust
12 property, mortgaged or encumbered; and nothing herein shall in
13 any manner affect or relate to the provision of part I of
14 chapter 243.

15 Section 51. Notwithstanding subsection (7) of section
16 3 of chapter 2000-321, Laws of Florida, section 240.229,
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:

20 240.229 Universities and colleges; powers; patents,
21 copyrights, and trademarks.--Any other law to the contrary
22 notwithstanding, each university and college is authorized, in
23 its own name, to:

24 (1) Perform all things necessary to secure letters of
25 patent, copyrights, and trademarks on any work products and to
26 enforce its rights therein. The university and college shall
27 consider contributions by university or college personnel in
28 the development of trademarks, copyrights, and patents and
29 shall enter into written contracts with such personnel
30 establishing the interests of the university or college and
31 such personnel in each trademark, copyright, or patent.

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

6 (3) Take any action necessary, including legal action,
7 to protect the same against improper or unlawful use or
8 infringement.

9 (4) Enforce the collection of any sums due the
10 university or college for the manufacture or use thereof by
11 any other party.

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

14 (6) Do all other acts necessary and proper for the
15 execution of powers and duties herein conferred upon the
16 university or college. The university or college board of
17 trustees may adopt rules to implement, ~~including adopting~~
18 ~~rules, as necessary, in order to administer~~ this section. Any
19 proceeds therefrom shall be deposited and expended in
20 accordance with s. 240.241. Any action taken by the university
21 or college in securing or exploiting such trademarks,
22 copyrights, or patents shall, within 30 days, be reported in
23 writing by the president to the Department of State.

24 Section 52. Section 240.231, Florida Statutes, is
25 repealed.

26 Section 53. Notwithstanding subsection (7) of section
27 3 of chapter 2000-321, Laws of Florida, section 240.233,
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

1 240.233 Universities and colleges; admissions of
2 students.--Each university and college board of trustees may
3 ~~is authorized to~~ adopt rules governing the admission of
4 students, subject to this section and rules of the State Board
5 of Education ~~Board of Regents~~.

6 (1) Minimum academic standards for undergraduate
7 admission to a university or college must include the
8 requirements that:

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

12 (b) Each student have successfully completed a
13 college-preparatory curriculum of 19 credits, as defined in
14 rules of the State Board of Education ~~Board of Regents~~,
15 including at least 2 credits of sequential foreign language at
16 the secondary level or the equivalent of such instruction at
17 the postsecondary level. A student whose native language is
18 not English is exempt from this admissions requirement,
19 provided that the student demonstrates proficiency in the
20 native language. If a standardized test is not available in
21 the student's native language for the demonstration of
22 proficiency, the university or college may provide an
23 alternative method of assessment. The State Board of
24 Education shall adopt rules for the articulation of foreign
25 language competency and equivalency between secondary and
26 postsecondary institutions. A student who received an
27 associate in arts degree prior to September 1, 1989, or who
28 enrolled in a program of studies leading to an associate
29 degree from a Florida community college prior to August 1,
30 1989, and maintains continuous enrollment shall be exempt from
31 this admissions requirement.

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

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

10 (a) Successful completion of any course identified in
11 the Department of Education course code directory as level two
12 or higher in one or more of the following subject areas:
13 English, mathematics, natural science, social science, and
14 foreign language;

15 (b) Successful completion of any course identified in
16 the Department of Education course code directory as level
17 three in the same or related disciplines;

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

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

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

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

28 3. Any additional courses determined to be equivalent
29 by the Articulation Coordinating Committee.

30 (3) The State Board of Education ~~Board of Regents~~
31 shall adopt rules that ~~which~~ provide for a limited number of

1 students to be admitted to the state universities and colleges
2 ~~State University System~~, notwithstanding the admission
3 requirements of paragraph (1)(b) relating to credits in
4 foreign language, if there is evidence that the applicant is
5 expected to do successful academic work at the admitting
6 university or college. The number of applicants admitted under
7 this subsection may not exceed 5 percent of the total number
8 of freshmen who entered the state universities and colleges
9 ~~State University System~~ the prior year. Any lower-division
10 student admitted without meeting the foreign language
11 requirement must earn such credits prior to admission to the
12 upper division of a state university or college. Any associate
13 in arts degree graduate from a public community college,
14 college, or university in Florida, or other upper-division
15 transfer student, admitted without meeting the foreign
16 language requirement, must earn such credits prior to
17 graduation from a state university or college. Students shall
18 be exempt from the provisions of this subsection if they can
19 demonstrate proficiency in American sign language equivalent
20 to that of students who have completed two credits of such
21 instruction in high school.

22 (4)(a) Nonresident students may be admitted to the
23 university or college upon such terms as the university or
24 college board of trustees may establish. However, such terms
25 shall include, but shall not be limited to: completion of a
26 secondary school curriculum which includes 4 years of English;
27 3 years each of mathematics, science, and social sciences; and
28 2 years of a foreign language.

29 (b) Within the admission standards provided for in
30 subsection (1), the State Board of Education ~~Board of Regents~~
31 shall develop procedures for weighting courses which are

1 necessary to meet the requirements of a college-preparatory
2 curriculum at a higher value than less rigorous courses.
3 Credits received in such courses shall be given greater value
4 in determining admission by universities and colleges than
5 cumulative grade point averages in high school.

6 (5) Consideration shall be given to the past actions
7 of any person applying for admission as a student to any state
8 university or college, either as a new applicant, an applicant
9 for continuation of studies, or a transfer student, when such
10 actions have been found to disrupt or interfere with the
11 orderly conduct, processes, functions, or programs of any
12 other university, college, or community college.

13 (6) In any application for admission by a student as a
14 citizen of the state, the applicant, if 18 years of age, or,
15 if a minor, his or her parents or guardian shall make and file
16 with such application a written statement under oath that such
17 applicant is a citizen and resident of the state and entitled,
18 as such, to admission upon the terms and conditions prescribed
19 for citizens and residents of the state.

20 (7) Rules of the State Board of Education shall
21 require the use of scores on tests of college-level
22 communication and computation skills provided in s. 229.551 as
23 a condition for admission of students to upper-division
24 instructional programs from community colleges, including
25 those who have been awarded associate in arts degrees. Use of
26 such test scores as an admission requirement shall extend
27 equally and uniformly to students enrolled in lower divisions
28 in the state universities and colleges ~~State University System~~
29 and to transfer students from other colleges and universities.
30 The tests shall be required for community college students
31 seeking associate in arts degrees and students seeking

1 admission to upper-division instructional programs in the
2 state universities or colleges ~~State University System~~. The
3 use of test scores prior to August 1, 1984, shall be limited
4 to student counseling and curriculum improvement.

5 (8) For the purposes of this section, American sign
6 language constitutes a foreign language. Florida high schools
7 may offer American sign language as a for-credit elective or
8 as a substitute for any already authorized foreign language
9 requirement.

10 (9) A Florida resident who is denied admission as an
11 undergraduate to a state university or college for failure to
12 meet the high school grade point average requirement may
13 appeal the decision to the university or college and request a
14 recalculation of the grade point average including in the
15 revised calculation the grades earned in up to three credits
16 of advanced fine arts courses. The university or college shall
17 provide the student with a description of the appeals process
18 at the same time as notification of the admissions decision.
19 The university or college shall recalculate the student's
20 grade point average using the additional courses and advise
21 the student of any changes in the student's admission status.
22 For purposes of this section, fine arts courses include
23 courses in music, drama, painting, sculpture, speech, debate,
24 or a course in any art form that requires manual dexterity.
25 Advanced level fine arts courses include fine arts courses
26 identified in the course code directory as Advanced Placement,
27 pre-International Baccalaureate, or International
28 Baccalaureate, or fine arts courses taken in the third or
29 fourth year of a fine arts curriculum.

30 (10) Each university and college shall provide
31 registration opportunities for transfer students which allow

1 such students access to high-demand courses comparable to that
2 provided native students. In addition, each university and
3 college that provides an orientation program for freshman
4 enrollees shall also provide orientation programs for transfer
5 students. Each orientation program for freshman or transfer
6 students shall include education on the transmission and
7 prevention of human immunodeficiency virus with emphasis on
8 behavior and attitude change.

9 Section 54. Notwithstanding subsection (7) of section
10 3 of chapter 2000-321, Laws of Florida, section 240.2333,
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:

14 240.2333 Foreign language competence; equivalence
15 determinations.--The Articulation Coordinating Committee shall
16 identify the competencies demonstrated by students upon the
17 successful completion of 2 credits of sequential high school
18 foreign language instruction. For the purpose of determining
19 postsecondary equivalence pursuant to s. 240.233(1)(b), ~~the~~
20 ~~committee shall develop rules through which~~ community colleges
21 shall correlate such competencies to the competencies required
22 of students in the colleges' respective courses. Based on
23 this correlation, each community college shall identify the
24 minimum number of postsecondary credits that students must
25 earn in order to demonstrate a level of competence in a
26 foreign language at least equivalent to that of students who
27 have completed 2 credits of such instruction in high school.
28 The committee may also specify alternative means by which
29 students can demonstrate equivalent foreign language
30 competence, including means by which a student whose native
31 language is not English may demonstrate proficiency in the

1 native language. A student who demonstrates proficiency in a
2 native language other than English is exempt from the
3 requirement of completing foreign language courses at the
4 secondary or postsecondary level.

5 Section 55. Notwithstanding subsection (7) of section
6 3 of chapter 2000-321, Laws of Florida, section 240.235,
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:

10 240.235 Fees.--

11 (1) Each university and college board of trustees
12 shall set the matriculation and tuition fees within proviso in
13 the General Appropriations Act and law. Unless otherwise
14 provided in the General Appropriations Act, the fees shall go
15 into effect for the following term.

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

18 ~~(a) Each university is authorized to establish~~
19 Separate activity and service, health, and athletic fees. When
20 duly established, the fees shall be collected as component
21 parts of the registration and tuition fees and shall be
22 retained by the university or college and paid into the
23 separate activity and service, health, and athletic funds.

24 ~~(a)1.~~ Each university and college president shall
25 establish a student activity and service fee on the main
26 campus of the university or college. The university or college
27 president may also establish a student activity and service
28 fee on any branch campus or center. Any subsequent increase in
29 the activity and service fee must be recommended by an
30 activity and service fee committee, at least one-half of whom
31 are students appointed by the student body president. The

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

14 2. The student activity and service fees shall be
15 expended for lawful purposes to benefit the student body in
16 general. This includes ~~shall include~~, but is ~~shall not be~~
17 limited to, student publications and grants to duly recognized
18 student organizations, the membership of which is open to all
19 students at the university or college without regard to race,
20 sex, or religion. The fund may not benefit activities for
21 which an admission fee is charged to students, except for
22 student-government-association-sponsored concerts. The
23 allocation and expenditure of the fund shall be determined by
24 the student government association of the university or
25 college, except that the president of the university or
26 college may veto any line item or portion thereof within the
27 budget when submitted by the student government association
28 legislative body. The university or college president shall
29 have 15 school days following ~~from~~ the date of presentation of
30 the budget to act on the allocation and expenditure
31 recommendations, which shall be deemed approved if no action

1 is taken within the 15 school days. If any line item or
2 portion thereof within the budget is vetoed, the student
3 government association legislative body shall, within 15
4 school days, make new budget recommendations for expenditure
5 of the vetoed portion of the fund. If the university or
6 college president vetoes any line item or portion thereof
7 within the new budget revisions, the university or college
8 president may reallocate by line item that vetoed portion to
9 bond obligations guaranteed by activity and service fees.
10 Unexpended funds and undisbursed funds remaining at the end of
11 a fiscal year shall be carried over and remain in the student
12 activity and service fund and be available for allocation and
13 expenditure during the next fiscal year.

14 3.(b) Each university and college president shall
15 establish a student health fee on the main campus of the
16 university or college. Each ~~The~~ university and college
17 president may also establish a student health fee on any
18 branch campus or center. Any subsequent increase in the health
19 fee must be recommended by a health committee, at least
20 one-half of whom are students appointed by the student body
21 president. The remainder of the committee shall be appointed
22 by the university or college president. A chairperson,
23 appointed jointly by the university or college president and
24 the student body president, shall vote only in the case of a
25 tie. The recommendations of the committee shall take effect
26 only after approval by the university or college president,
27 after consultation with the student body president, with final
28 approval by the State Board of Education ~~Board of Regents~~. An
29 increase in the health fee may occur only once each fiscal
30 year and must be implemented beginning with the fall term. ~~The~~

31

1 ~~Board of Regents is responsible for promulgating the rules and~~
2 ~~timetables necessary to implement this fee.~~

3 4.(c) Each university and college president shall
4 establish a separate athletic fee on the main campus of the
5 university or college. ~~Each~~ The university and college
6 president may also establish a separate athletic fee on any
7 branch campus or center. ~~The initial aggregate athletic fee at~~
8 ~~each university shall be equal to, but may be no greater than,~~
9 ~~the 1982-1983 per-credit-hour activity and service fee~~
10 ~~contributed to intercollegiate athletics, including women's~~
11 ~~athletics, as provided by s. 240.533. Concurrently with the~~
12 ~~establishment of the athletic fee, the activity and service~~
13 ~~fee shall experience a one-time reduction equal to the initial~~
14 ~~aggregate athletic fee.~~ Any subsequent increase in the
15 athletic fee must be recommended by an athletic fee committee,
16 at least one-half of whom are students appointed by the
17 student body president. The remainder of the committee shall
18 be appointed by the university or college president. A
19 chairperson, appointed jointly by the university or college
20 president and the student body president, shall vote only in
21 the case of a tie. The recommendations of the committee shall
22 take effect only after approval by the university or college
23 president, after consultation with the student body president,
24 with final approval by the State Board of Education ~~Board of~~
25 ~~Regents~~. An increase in the athletic fee may occur only once
26 each fiscal year and must be implemented beginning with the
27 fall term. ~~The Board of Regents is responsible for~~
28 ~~promulgating the rules and and timetables necessary to~~
29 ~~implement this fee.~~

30 5. The sum of the activity and service, health, and
31 athletic fees a student is required to pay to register for a

1 course may not exceed 40 percent of the matriculation fee
2 established in law or in the General Appropriations Act. A
3 university or college is not required to lower any fee on the
4 effective date of this act in order to comply with this
5 paragraph. Within the 40-percent cap, a university or college
6 may not increase the aggregate sum of activity and service,
7 health, and athletic fees more than 5 percent per year unless
8 specifically authorized by law or in the General
9 Appropriations Act.

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

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

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

16 (e) Materials and supplies fees to offset the cost of
17 materials or supplies that are consumed in the course of the
18 student's instructional activities, excluding the cost of
19 equipment replacement, repairs, and maintenance.

20 (f) The Capital Improvement Trust Fund fee of \$2.44
21 per credit hour per semester. The building fee is established
22 as \$2.32 per credit hour per semester.

23 (g) A fee for financial aid purposes in an amount not
24 to exceed 5 percent of the student tuition and matriculation
25 fee per credit hour. The revenues from fees are to remain at
26 each campus and replace existing financial aid fees. Such
27 funds shall be disbursed to students as quickly as possible.
28 The State Board of Education shall specify specific limits on
29 the percent of the fees collected in a fiscal year which may
30 be carried forward unexpended to the following fiscal year. A
31 minimum of 50 percent of funds from the student financial aid

1 fee shall be used to provide financial aid based on absolute
2 need. A student who has received an award prior to July 1,
3 1984, shall have his or her eligibility assessed on the same
4 criteria that were used at the time of his or her original
5 award.

6 (3) Each university or college board of trustees may
7 establish the following fees to be paid by students who
8 receive the benefits or whose actions or omissions trigger the
9 fees:

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

12 (b) Registration fees for audit, zero-hours
13 registration, and late registration in an amount not less than
14 \$50 or more than \$100 to be imposed on students who fail to
15 initiate registration during the regular registration period.

16 (c) Services charge, which may not exceed \$15, for the
17 payment of matriculation, tuition, or fees in installments,
18 subject to the approval of the State Board of Education. The
19 revenues from such service charges shall be deposited into a
20 student fee trust fund the Legislature has established and
21 assigned to the university or college for that purpose.

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

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

1 (f) Housing rental rates and miscellaneous housing
2 charges for services provided by the university or college at
3 the request of the student.

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

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

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

11 (j) Library fees and fines, including charges for
12 damaged and lost library materials, overdue reserve library
13 books, interlibrary loans, and literature searches.

14 (k) Fees relating to duplicating, photocopying,
15 binding, and microfilming; copyright services; and
16 standardized testing. These fees may be charged only to those
17 who receive the services.

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

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

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

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

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

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

31

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

13 (4) When the General Appropriations Act requires a new
14 fee schedule, the university and college boards of trustees
15 shall establish a systemwide standard fee schedule required to
16 produce the total fee revenue established in the General
17 Appropriations Act based on the product of the assigned
18 enrollment and the fee schedule. Each university or college
19 board of trustees may approve the expenditure of any fee
20 revenues resulting from the product of the fee schedule
21 adopted pursuant to this section and the assigned enrollment.

22 ~~(3) The Board of Regents shall establish rules to~~
23 ~~waive any or all application, course registration, and related~~
24 ~~fees for persons 60 years of age or older who are residents of~~
25 ~~this state and who attend classes for credit. No academic~~
26 ~~credit shall be awarded for attendance in classes for which~~
27 ~~fees are waived under this subsection. This privilege may be~~
28 ~~granted only on a space-available basis, if such classes are~~
29 ~~not filled as of the close of registration. A university may~~
30 ~~limit or deny the privilege for courses which are in programs~~
31 ~~for which the Board of Regents has established selective~~

1 ~~admissions criteria. Persons paying full fees and state~~
2 ~~employees taking courses on a space-available basis shall have~~
3 ~~priority over those persons whose fees are waived in all cases~~
4 ~~where classroom spaces are limited.~~

5 ~~(4) Students enrolled in a dual enrollment or early~~
6 ~~admission program pursuant to s. 240.116 shall be exempt from~~
7 ~~the payment of registration, matriculation, and laboratory~~
8 ~~fees. Students enrolled in accordance with this subsection may~~
9 ~~be calculated as the proportional shares of full-time~~
10 ~~equivalent enrollments each such student generates for state~~
11 ~~funding purposes.~~

12 ~~(5)(a) Any student for whom the state is paying a~~
13 ~~foster care board payment pursuant to s. 409.145(3) or parts~~
14 ~~II and III of chapter 39, for whom the permanency planning~~
15 ~~goal pursuant to part III of chapter 39 is long-term foster~~
16 ~~care or independent living, or who is adopted from the~~
17 ~~Department of Children and Family Services after May 5, 1997,~~
18 ~~shall be exempt from the payment of all undergraduate fees,~~
19 ~~including fees associated with enrollment in~~
20 ~~college-preparatory instruction or completion of college-level~~
21 ~~communication and computation skills testing programs. Before~~
22 ~~a fee exemption can be given, the student shall have applied~~
23 ~~for and been denied financial aid, pursuant to s. 240.404,~~
24 ~~which would have provided, at a minimum, payment of all~~
25 ~~undergraduate fees. Such exemption shall be available to any~~
26 ~~student adopted from the Department of Children and Family~~
27 ~~Services after May 5, 1997; however, the exemption shall be~~
28 ~~valid for no more than 4 years after the date of graduation~~
29 ~~from high school.~~

30 ~~(b) Any student qualifying for a fee exemption under~~
31 ~~this subsection shall receive such an exemption for not more~~

1 ~~than 4 consecutive years or 8 semesters unless the student is~~
2 ~~participating in college-preparatory instruction or is~~
3 ~~requiring additional time to complete the college-level~~
4 ~~communication and computation skills testing programs. Such a~~
5 ~~student shall be eligible to receive a fee exemption for a~~
6 ~~maximum of 5 consecutive years or 10 semesters.~~

7 ~~(c) As a condition for continued fee exemption, a~~
8 ~~student shall have earned a grade point average of at least~~
9 ~~2.0 on a 4.0 scale for the previous term, maintain at least an~~
10 ~~overall 2.0 average for college work, or have an average below~~
11 ~~2.0 for only the previous term and be eligible for continued~~
12 ~~enrollment in the institution.~~

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

31

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

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

9 ~~(8) Any graduate student enrolled in a state-approved~~
10 ~~school psychology training program shall be entitled to a~~
11 ~~waiver of registration fees for internship credit hours~~
12 ~~applicable to an internship in the public school system under~~
13 ~~the supervision of a Department of Education certified school~~
14 ~~psychologist employed by the school system.~~

15 ~~(9) The Board of Regents shall exempt one-half of all~~
16 ~~tuition and course-related fees for certain members of the~~
17 ~~active Florida National Guard pursuant to the provisions of s.~~
18 ~~250.10(8).~~

19 ~~(10) The Board of Regents may establish rules to allow~~
20 ~~for the waiver of out-of-state fees for nondegree-seeking~~
21 ~~students enrolled at State University System institutions if~~
22 ~~the earned student credit hours generated by such students are~~
23 ~~nonfundable and the direct cost for the program of study is~~
24 ~~recovered from the fees charged to all students.~~

25 ~~(5)(11)~~ (5) Students who are enrolled in Programs in
26 Medical Sciences are ~~considered~~ graduate students for the
27 purpose of enrollment and student fees.

28 (6) Subject to the approval of the State Board of
29 Education, a university or college board of trustees may
30 implement an individual university or college plan for a

31

1 differential out-of-state tuition fee for a university or
2 college that has a service area that borders another state.

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

5 Section 56. Notwithstanding subsection (7) of section
6 3 of chapter 2000-321, Laws of Florida, section 240.237,
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:

10 240.237 Student records.--Each ~~The~~ university and
11 college board of trustees may prescribe the content and
12 custody of records and reports which the university or college
13 may maintain on its students. Such records are confidential
14 and exempt from the provisions of s. 119.07(1) and are open to
15 inspection only as provided in s. 228.093.

16 Section 57. Notwithstanding subsection (7) of section
17 3 of chapter 2000-321, Laws of Florida, section 240.239,
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:

21 240.239 Associate in arts degrees; issuance.--

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

25 (2) Students at state universities and colleges may
26 request associate in arts certificates if they have
27 successfully completed the minimum requirements for the degree
28 of associate in arts (A.A.).

29 (3) An associate in arts degree shall not be granted
30 unless a student has successfully completed minimum
31 requirements for college-level communication and computation

1 skills adopted by the State Board of Education and 60 academic
2 semester hours or the equivalent within a degree program area,
3 with 36 semester hours in general education courses in the
4 subject areas of communication, mathematics, social sciences,
5 humanities, and natural sciences, consistent with the general
6 education requirements specified in the articulation agreement
7 pursuant to s. 240.115.

8 Section 58. Notwithstanding subsection (7) of section
9 3 of chapter 2000-321, Laws of Florida, section 240.241,
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:

13 240.241 Divisions of sponsored research at state
14 universities.--

15 (1) Each university board of trustees, with the
16 approval of the Department of Education, is authorized to
17 create, as it deems advisable, divisions of sponsored research
18 which will serve the function of administration and promotion
19 of the programs of research, including sponsored training
20 programs, of the university at which they are located.

21 (2) Each ~~The~~ university board of trustees shall set
22 such policies to regulate the activities of the divisions of
23 sponsored research as it may consider necessary to effectuate
24 the purposes of this act and to administer the research
25 programs in a manner which assures efficiency and
26 effectiveness, producing the maximum benefit for the
27 educational programs and maximum service to the state. To
28 this end, materials that relate to methods of manufacture or
29 production, potential trade secrets, potentially patentable
30 material, actual trade secrets, business transactions, or
31 proprietary information received, generated, ascertained, or

1 discovered during the course of research conducted within the
2 state universities shall be confidential and exempt from the
3 provisions of s. 119.07(1), except that a division of
4 sponsored research shall make available upon request the title
5 and description of a research project, the name of the
6 researcher, and the amount and source of funding provided for
7 such project.

8 (3) A division of sponsored research created under the
9 provisions of this act shall be under the supervision of the
10 president of that university, ~~who is authorized to appoint a~~
11 ~~director; to employ full-time and part-time staff, research~~
12 ~~personnel, and professional services; to employ on a part-time~~
13 ~~basis personnel of the university; and to employ temporary~~
14 ~~employees whose salaries are paid entirely from the permanent~~
15 ~~sponsored research development fund or from that fund in~~
16 ~~combination with other nonstate sources, with such positions~~
17 ~~being exempt from the requirements of the Florida Statutes~~
18 ~~relating to salaries, except that no such appointment shall be~~
19 ~~made for a total period of longer than 1 year.~~

20 (4) The president of the university where a division
21 of sponsored research is created, or his or her designee, is
22 authorized to negotiate, enter into, and execute research
23 contracts; to solicit and accept research grants and
24 donations; and to fix and collect fees, other payments, and
25 donations that may accrue by reason thereof. The president or
26 his or her designee may negotiate, enter into, and execute
27 contracts on a cost-reimbursement basis and may provide
28 temporary financing of such costs prior to reimbursement from
29 moneys on deposit in the sponsored research development fund,
30 except as may be prohibited elsewhere by law.

31

1 (5) A division of sponsored research shall be financed
2 from the moneys of a university which are on deposit or
3 received for use in the research or related programs of that
4 particular university. Such moneys shall be deposited by the
5 university in a permanent sponsored research development fund
6 in a depository or depositories approved for the deposit of
7 state funds and shall be accounted for and disbursed subject
8 to regular audit by the Auditor General.

9 (6) The fund balance on hand in any existing research
10 trust fund in the respective university, at the time a
11 division of sponsored research is created, shall be
12 transferred to a permanent sponsored research development fund
13 established for the university, and thereafter the fund
14 balance of the sponsored research development fund at the end
15 of any fiscal period may be used during any succeeding period
16 for the purposes and in the manner authorized by this act.

17 (7) Moneys deposited in the permanent sponsored
18 research development fund of a university shall be disbursed
19 in accordance with the terms of the contract, grant, or
20 donation under which they are received. Moneys received for
21 overhead or indirect costs and other moneys not required for
22 the payment of direct costs shall be applied to the cost of
23 operating the division of sponsored research. Any surplus
24 moneys shall be used to support other research or sponsored
25 training programs in any area of the university. Moneys
26 allocated for the payment of salaries from the sponsored
27 research development fund shall be paid out by the Comptroller
28 of the state in the same manner as salaries from other state
29 funds. Transportation and per diem expense allowances shall be
30 the same as those provided by law for state employees in s.
31 112.061, except that non-State of Florida personnel performing

1 travel under a sponsored research subcontract may be
2 reimbursed for travel expenses in accordance with the
3 provisions of the applicable prime contract or grant and the
4 travel allowances established by the subcontractor, subject to
5 the requirements of subsection (9), or except as provided in
6 subsection (13).

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

11 (b) Not less than 90 days prior to the convening of
12 each regular session of the Legislature in which an
13 appropriation shall be made, the State Board of Education
14 ~~Board of Regents~~ shall submit to the chair of the
15 appropriations committee of each house of the Legislature a
16 compiled report, together with a compiled estimated budget for
17 the next fiscal year. A copy of such report and estimated
18 budget shall be furnished to the ~~State Board of Education and~~
19 ~~to the~~ Governor, as the chief budget officer of the state.

20 (9) All purchases of a division of sponsored research
21 shall be made in accordance with the policies and procedures
22 of the university; however, in compliance with policies and
23 procedures established by the university and concurred in by
24 the Department of Education, whenever a director of sponsored
25 research certifies to the president that, in a particular
26 instance, it is necessary for the efficient or expeditious
27 prosecution of a research project, the purchase of material,
28 supplies, equipment, or services for research purposes shall
29 be exempt from the general purchasing requirement of the
30 Florida Statutes.

31

1 (10) The university may authorize the construction,
2 alteration, or remodeling of buildings when the funds used are
3 derived entirely from the sponsored research development fund
4 of a university or from that fund in combination with other
5 nonstate sources, provided that such construction, alteration,
6 or remodeling is for use exclusively in the area of research;
7 it also may authorize the acquisition of real property when
8 the cost is entirely from said funds. Title to all real
9 property acquired pursuant to this subsection which are not
10 state lands shall vest in the university board of trustees
11 ~~Board of Trustees of the Internal Improvement Trust Fund and~~
12 ~~shall only be transferred or conveyed by it.~~

13 (11) The sponsored research programs of the Institute
14 of Food and Agricultural Sciences, the University of Florida
15 Health Science Center, and the engineering and industrial
16 experiment station shall continue to be centered at the
17 University of Florida as heretofore provided by law. Indirect
18 cost reimbursements of all grants deposited in the Division of
19 Sponsored Research shall be distributed directly to the above
20 units in direct proportion to the amounts earned by each unit.

21 (12) The operation of the divisions of sponsored
22 research and the conduct of the sponsored research program are
23 expressly exempted from the provisions of any other laws or
24 portions of laws in conflict herewith and are, subject to the
25 requirements of subsection (9), exempted from the provisions
26 of chapters 215, 216, and 283.

27 (13) The divisions of sponsored research may pay, by
28 advancement or reimbursement, or a combination thereof, the
29 costs of per diem of officers, and employees, ~~of the state~~ and
30 of other authorized persons, as defined in s. 112.061(2)(e),
31 for foreign travel up to the current rates as stated in the

1 grant and contract terms and may also pay incidental expenses
2 as authorized by s. 112.061(8). This subsection applies to any
3 ~~state~~ officer or employee traveling in foreign countries for
4 sponsored programs of the university, if such travel expenses
5 are approved in the terms of the contract or grant. The
6 provisions of s. 112.061, other than those relating to per
7 diem, apply to the travel described in this subsection. As
8 used in this subsection, "foreign travel" means any travel
9 outside the United States and its territories and possessions
10 and Canada. Persons traveling in foreign countries pursuant
11 to this section shall not be entitled to reimbursements or
12 advancements pursuant to s. 112.061(6)(a)2. for such travel.

13 (14) Each division of sponsored research is authorized
14 to advance funds to any principal investigator who, under the
15 contract or grant terms, will be performing a portion of his
16 or her research at a site that is remote from the university.
17 Funds shall be advanced only to employees who have executed a
18 proper power of attorney with the university to ensure the
19 proper collection of such advanced funds if it becomes
20 necessary. As used in this subsection, the term "remote"
21 means so far removed from the university as to render normal
22 purchasing and payroll functions ineffective.

23 (15) Notwithstanding the provisions of s.
24 216.262(1)(a), each division of sponsored research is
25 authorized, upon approval of the State Board of Education
26 ~~Board of Regents~~, to establish additional positions as needed
27 to implement new contracts and grants, but in no instance
28 shall any such position become permanently established without
29 legislative approval.

30 (16) Notwithstanding the provisions of s. 216.351, s.
31 216.346 does not apply to contracts or subcontracts among

1 ~~between~~ state universities, colleges, or ~~between~~ community
2 colleges, ~~or between state universities and community~~
3 colleges.

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

7 Section 59. Notwithstanding subsection (7) of section
8 3 of chapter 2000-321, Laws of Florida, section 240.242,
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:

12 240.242 University leasing in affiliated research and
13 development park.--A university is exempt from the
14 requirements of s. 255.25(3), (4), and (8) when leasing
15 educational facilities in a research and development park with
16 which the university is affiliated and when the State Board of
17 Education ~~Board of Regents~~ certifies in writing that the
18 leasing of said educational facilities is in the best
19 interests of the university ~~State University System~~ and that
20 the exemption from competitive bid requirements would not be
21 detrimental to the state.

22 Section 60. Notwithstanding subsection (7) of section
23 3 of chapter 2000-321, Laws of Florida, section 240.243,
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:

27 240.243 Required number of classroom teaching hours
28 for university and college faculty members.--

29 (1) As used in this section:

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

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

5 (2) Each full-time equivalent teaching faculty member
6 at a university or college who is paid wholly from state funds
7 shall teach a minimum of 12 classroom contact hours per week
8 at such university or college. However, any faculty member who
9 is assigned by his or her departmental chair or other
10 appropriate university or college administrator professional
11 responsibilities and duties in furtherance of the mission of
12 the university or college shall teach a minimum number of
13 classroom contact hours in proportion to 12 classroom hours
14 per week as such especially assigned aforementioned duties and
15 responsibilities bear to 12 classroom contact hours per week.
16 Any full-time faculty member who is paid partly from state
17 funds and partly from other funds or appropriations shall
18 teach a minimum number of classroom contact hours in such
19 proportion to 12 classroom contact hours per week as his or
20 her salary paid from state funds bears to his or her total
21 salary. In determining the appropriate hourly weighting of
22 assigned duties other than classroom contact hours, the
23 universities and colleges shall develop and apply a formula
24 designed to equate the time required for nonclassroom duties
25 with classroom contact hours. "Full-time equivalent teaching
26 faculty member" shall be interpreted to mean all faculty
27 personnel budgeted in the instruction and research portion of
28 the budget, exclusive of those full-time equivalent positions
29 assigned to research, public service, administrative duties,
30 and academic advising. Full-time administrators, librarians,
31 and counselors shall be exempt from the provisions of this

1 section; and colleges of medicine and law and others which are
2 required for purposes of accreditation to meet national
3 standards prescribed by the American Medical Association, the
4 American Bar Association, or other professional associations
5 shall be exempt from the provisions of this section to the
6 extent that the requirements of this section differ from the
7 requirements of accreditation.

8 Section 61. Notwithstanding subsection (7) of section
9 3 of chapter 2000-321, Laws of Florida, section 240.245,
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:

13 240.245 Evaluations of faculty members; report.--

14 (1) For the purpose of evaluating faculty members,
15 each university and college shall adopt procedures for the
16 assignment of duties and responsibilities to faculty members.
17 These assigned duties or responsibilities shall be conveyed to
18 each faculty member at the beginning of each academic term, in
19 writing, by his or her departmental chair or other appropriate
20 university or college administrator making the assignment. In
21 evaluating the competencies of a faculty member, primary
22 assessment shall be in terms of his or her performance of the
23 assigned duties and responsibilities, and such evaluation
24 shall be given adequate consideration for the purpose of
25 salary adjustments, promotions, reemployment, and tenure. A
26 faculty member who is assigned full-time teaching duties as
27 provided by law shall be rewarded with salary adjustments,
28 promotions, reemployment, or tenure for meritorious teaching
29 and other scholarly activities related thereto.

30 (2) The State Board of Education ~~Board of Regents~~
31 shall establish criteria for evaluating the quantity and

1 quality of service to public schools by university and college
2 faculty members and shall require consideration of this
3 service in promotion, tenure, and other reward measures. Each
4 university and college shall ensure that the following
5 policies are implemented:

6 (a) Flexible criteria for rewarding faculty members,
7 consistent with the educational goals and objectives of the
8 university or college, shall be established, which criteria
9 shall include quality teaching and service to public schools
10 as major factors in determining salary adjustments,
11 promotions, reemployment, or tenure.

12 (b) Measures shall be taken to increase the
13 recognition, reinforcements, and rewards given quality
14 teaching and service to public schools. Such measures might
15 include grants for professional development, curriculum
16 improvement, and instructional innovation, as well as awards
17 of varying kinds for meritorious teaching.

18 (c) The means of identifying and evaluating quality
19 teachers and outstanding service to public schools shall be
20 determined in accordance with established guidelines of the
21 university or college.

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

28 Section 62. Notwithstanding subsection (7) of section
29 3 of chapter 2000-321, Laws of Florida, section 240.246,
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:

3 240.246 Faculty members; test of spoken English.--The
4 State Board of Education ~~Board of Regents~~ shall adopt rules
5 requiring that all faculty members in the state universities
6 and colleges ~~State University System~~, other than those persons
7 who teach courses that are conducted primarily in a foreign
8 language, be proficient in the oral use of English, as
9 determined by a satisfactory grade on the "Test of Spoken
10 English" of the Educational Testing Service or a similar test
11 approved by the State Board of Education ~~board~~.

12 Section 63. Notwithstanding subsection (7) of section
13 3 of chapter 2000-321, Laws of Florida, section 240.2475,
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:

17 240.2475 State university and college ~~System~~
18 employment equity accountability program.--

19 (1) Each state university and college shall maintain
20 an annual equity plan for appropriate representation of women
21 and minorities in senior-level administrative positions,
22 within tenure-track faculty, and within faculty-granted
23 tenure. Such plan shall be maintained until appropriate
24 representation has been achieved. As used in this subsection,
25 the term:

26 (a) "Appropriate representation" means category
27 employment representation that at least meets comparable
28 national standards for at least two consecutive reporting
29 periods.

30 (b) "Category" means major executive, administrative,
31 and professional grouping, including senior-level

1 administrative and professional positions, senior academic
2 administrative-level positions, and tenure-track faculty.

3 (2)(a) By April 1 of each year, each state university
4 and college president shall submit an annual equity report to
5 the State Board of Education ~~Chancellor and the Board of~~
6 ~~Regents~~. The equity report shall consist of a status update,
7 an analysis, and a status report of selected personnel
8 transactions. As used in this paragraph, the term, "selected
9 personnel transactions" means new hires in, promotions into,
10 tenure actions in, and terminations from a category. Each
11 university and college shall provide the job classification
12 title, gender, race, and appointment status of selected
13 personnel transactions. The status update shall assess
14 underrepresentation in each category. The status report shall
15 consist of current category employment representation,
16 comparable national standards, an evaluation of
17 representation, and annual goals to address
18 underrepresentation.

19 (b) After 1 year of implementation of a plan, and
20 annually thereafter, for those categories in which prior year
21 goals were not achieved, each university and college shall
22 provide, in its annual equity report, a narrative explanation
23 and a plan for achievement of equity. The plan shall include
24 guidelines for ensuring balanced membership on selection
25 committees and specific steps for developing a diverse pool of
26 candidates for each vacancy in the category. The plan shall
27 also include a systematic process by which those responsible
28 for hiring are provided information and are evaluated
29 regarding their responsibilities pursuant to this section.

30 (c) The equity report shall include an ~~analysis and~~
31 assessment of the ~~university's accomplishment of~~ annual goals

1 achieved, as specified in the university's or college's
2 affirmative action plan, for increasing the representation of
3 women and minorities in tenure-earning and senior-level
4 administrative positions.

5 (d) The equity report shall also include the current
6 rank, race, and gender of faculty eligible for tenure in a
7 category. In addition, each university and college shall
8 report representation of the pool of tenure-eligible faculty
9 at each stage of the transaction process and provide
10 certification that each eligible faculty member was apprised
11 annually of progress toward tenure. Each university and
12 college shall also report on the dissemination of standards
13 for achieving tenure; racial and gender composition of
14 committees reviewing recommendations at each transaction
15 level; and dissemination of guidelines for equitable
16 distribution of assignments.

17 (3)(a) A factor in the evaluation of university and
18 college presidents, vice presidents, deans, and chairpersons
19 shall be their annual progress in achieving the annual and
20 long-range hiring and promotional goals and objectives, as
21 specified in the ~~university's~~ equity plan and affirmative
22 action plan. Annual budget allocations for positions and
23 funding shall be based on this evaluation. A summary of such
24 evaluations shall be submitted to the State Board of Education
25 ~~Chancellor and the Board of Regents~~ as part of the
26 ~~university's~~ annual equity report.

27 (b) Each university and college board of trustees ~~The~~
28 ~~Chancellor and the Board of Regents~~ shall annually evaluate
29 the performance of the president of the university or college
30 ~~presidents~~ in achieving the annual equity goals and
31 objectives. A summary of the results of such evaluations

1 shall be included as part of the annual equity progress report
2 submitted by the State Board of Education ~~Board of Regents~~ to
3 the Legislature ~~and the State Board of Education~~.

4 (4) The State Board of Education ~~Board of Regents~~
5 shall submit an annual equity progress report to the President
6 of the Senate and,~~the~~ Speaker of the House of
7 Representatives, ~~and the State Board of Education~~ on or before
8 August 1 of each year.

9 (5) Each university and college shall develop a
10 budgetary incentive plan to support and ensure attainment of
11 the goals developed pursuant to this section. The plan shall
12 specify, at a minimum, how resources shall be allocated to
13 support the achievement of goals and the implementation of
14 strategies in a timely manner. ~~After prior review and~~
15 ~~approval by the university president and the Board of Regents,~~
16 The plan shall be submitted as part of the annual equity
17 report submitted by each university and college to the State
18 Board of Education ~~Board of Regents~~.

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

22 ~~(7) Subject to available funding, the Legislature~~
23 ~~shall provide an annual appropriation to the Board of Regents~~
24 ~~to be allocated to the universities to further enhance equity~~
25 ~~initiatives and related priorities that support the mission of~~
26 ~~departments, divisions, or colleges in recognition of the~~
27 ~~attainment of equity goals and objectives.~~

28 Section 64. Notwithstanding subsection (7) of section
29 3 of chapter 2000-321, Laws of Florida, section 240.253,
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:

3 240.253 Personnel records.--

4 (1) Each university and college board of trustees
5 shall adopt rules prescribing the content and custody of
6 limited-access records that the university or college may
7 maintain on its employees. Such limited-access records are
8 confidential and exempt from the provisions of s. 119.07(1).
9 Such records are limited to the following:

10 (a) Records containing information reflecting academic
11 evaluations of employee performance shall be open to
12 inspection only by the employee and by officials of the
13 university or college responsible for supervision of the
14 employee.

15 (b) Records maintained for the purposes of any
16 investigation of employee misconduct, including but not
17 limited to a complaint against an employee and all information
18 obtained pursuant to the investigation of such complaint,
19 shall be confidential until the investigation ceases to be
20 active or until the university or college provides written
21 notice to the employee who is the subject of the complaint
22 that the university or college has either:

23 1. Concluded the investigation with a finding not to
24 proceed with disciplinary action;

25 2. Concluded the investigation with a finding to
26 proceed with disciplinary action; or

27 3. Issued a letter of discipline.

28

29 For the purpose of this paragraph, an investigation shall be
30 considered active as long as it is continuing with a
31 reasonable, good faith anticipation that a finding will be

1 made in the foreseeable future. An investigation shall be
2 presumed to be inactive if no finding is made within 90 days
3 after the complaint is filed.

4 (c) Records maintained for the purposes of any
5 disciplinary proceeding brought against an employee shall be
6 confidential until a final decision is made in the
7 proceeding. The record of any disciplinary proceeding,
8 including any evidence presented, shall be open to inspection
9 by the employee at all times.

10 (d) Records maintained for the purposes of any
11 grievance proceeding brought by an employee for enforcement of
12 a collective bargaining agreement or contract shall be
13 confidential and shall be open to inspection only by the
14 employee and by officials of the university or college
15 conducting the grievance proceeding until a final decision is
16 made in the proceeding.

17 (2) Notwithstanding the foregoing, any records or
18 portions thereof which are otherwise confidential by law shall
19 continue to be exempt from the provisions of s. 119.07(1). In
20 addition, for sexual harassment investigations, portions of
21 such records which identify the complainant, a witness, or
22 information which could reasonably lead to the identification
23 of the complainant or a witness are limited-access records.

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

29 (4) Notwithstanding the provisions of subsection (1),
30 records comprising the common core items contained in the
31

1 State University System Student Assessment of Instruction
2 instrument may not be prescribed as limited-access records.

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

5 Section 65. Notwithstanding subsection (7) of section
6 3 of chapter 2000-321, Laws of Florida, section 240.2601,
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:

10 240.2601 State Universities and Colleges ~~University~~
11 ~~System~~ Facility Enhancement Challenge Grant Program.--

12 (1) The Legislature recognizes that the state
13 universities and colleges ~~State University System~~ do ~~does~~ not
14 have sufficient physical facilities to meet the current
15 demands of their ~~its~~ instructional and research programs. It
16 further recognizes that, to strengthen and enhance the state
17 universities and colleges ~~State University System~~, it is
18 necessary to provide facilities in addition to those currently
19 available from existing revenue sources. It further
20 recognizes that there are sources of private support that, if
21 matched with state support, can assist in constructing
22 much-needed facilities and strengthen the commitment of
23 citizens and organizations in promoting excellence throughout
24 the state universities and colleges. Therefore, it is the
25 intent of the Legislature to establish a trust fund to provide
26 the opportunity for each state university and college to
27 receive and match challenge grants for instructional and
28 research-related capital facilities within the university or
29 college.

30 (2) There is ~~hereby~~ established the Alec P. Courtelis
31 State Universities and Colleges ~~University System~~ Facility

1 Enhancement Challenge Grant Program for the purpose of
2 assisting the state universities and colleges ~~State University~~
3 ~~System~~ build high priority instructional and research-related
4 capital facilities, including common areas connecting such
5 facilities. The associated foundations that serve the
6 universities and colleges shall solicit gifts from private
7 sources to provide matching funds for capital facilities. For
8 the purposes of this act, private sources of funds shall not
9 include any federal, state, or local government funds that a
10 university or college may receive.

11 (3) There is established the Alec P. Courtelis Capital
12 Facilities Matching Trust Fund for the purpose of providing
13 matching funds from private contributions for the development
14 of high priority instructional and research-related capital
15 facilities, including common areas connecting such facilities,
16 within the state universities and colleges ~~State University~~
17 ~~System~~. The Legislature shall appropriate funds to be
18 transferred to the trust fund. The Public Education Capital
19 Outlay and Debt Service Trust Fund, Capital Improvement Trust
20 Fund, Division of Sponsored Research Trust Fund, and Contracts
21 and Grants Trust Fund shall not be used as the source of the
22 state match for private contributions. All appropriated funds
23 deposited into the trust fund shall be invested pursuant to
24 the provisions of s.18.125. Interest income accruing to that
25 portion of the trust fund shall increase the total funds
26 available for the challenge grant program. Interest income
27 accruing from the private donations shall be returned to the
28 participating foundation upon completion of the project. The
29 State Board of Education ~~Board of Regents~~ shall administer the
30 trust fund and all related construction activities.

31

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

16 (5) To be eligible to participate in the Alec P.
17 Courtelis Capital Facilities Matching Trust Fund, a state
18 university or college shall raise a contribution equal to
19 one-half of the total cost of a facilities construction
20 project from private nongovernmental sources which shall be
21 matched by a state appropriation equal to the amount raised
22 for a facilities construction project subject to the General
23 Appropriations Act.

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

30 (7) By September 1 of each year, the State Board of
31 Education ~~Board of Regents~~ shall transmit to the Legislature a

1 list of projects which meet all eligibility requirements to
2 participate in the Alec P. Courtelis Capital Facilities
3 Matching Trust Fund and a budget request which includes the
4 recommended schedule necessary to complete each project.

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

10 (9) No university's or college's project shall be
11 removed from the approved 3-year PECO priority list because of
12 its successful participation in this program until approved by
13 the Legislature and provided for in the General Appropriations
14 Act. When such a project is completed and removed from the
15 list, all other projects shall move up on the 3-year PECO
16 priority list. A university or college shall not use PECO
17 funds, including the Capital Improvement Trust Fund fee and
18 the building fee, to complete a project under this section.

19 (10) Any project funds that are unexpended after a
20 project is completed shall revert to the Capital Facilities
21 Matching Trust Fund. Fifty percent of such unexpended funds
22 shall be reserved for the university or college which
23 originally received the private contribution for the purpose
24 of providing private matching funds for future facility
25 construction projects as provided in this section. The
26 balance of such unexpended funds shall be available to any
27 state university or college for future facility construction
28 projects conducted pursuant to this section.

29 (11) The surveys, architectural plans, facility, and
30 equipment shall be the property of the State of Florida. A
31 facility constructed pursuant to this section may be named in

1 honor of a donor at the option of the university or college
2 ~~and the Board of Regents~~. No facility shall be named after a
3 living person without prior approval by the Legislature.

4 Section 66. Notwithstanding subsection (7) of section
5 3 of chapter 2000-321, Laws of Florida, section 240.2605,
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:

9 240.2605 Trust Fund for Major Gifts.--

10 (1) There is established a Trust Fund for Major Gifts.
11 The purpose of the trust fund is to enable the Board of
12 Regents Foundation, each university, and New College to
13 provide donors with an incentive in the form of matching
14 grants for donations for the establishment of permanent
15 endowments, which must be invested, with the proceeds of the
16 investment used to support libraries and instruction and
17 research programs, as defined by the State Board of Education
18 ~~procedure of the Board of Regents~~. All funds appropriated for
19 the challenge grants, new donors, major gifts, or eminent
20 scholars program must be deposited into the trust fund and
21 invested pursuant to s. 18.125 until the State Board of
22 Education ~~Board of Regents~~ allocates the funds to universities
23 to match private donations. Notwithstanding s. 216.301 and
24 pursuant to s. 216.351, any undisbursed balance remaining in
25 the trust fund and interest income accruing to the portion of
26 the trust fund which is not matched and distributed to
27 universities must remain in the trust fund and be used to
28 increase the total funds available for challenge grants. ~~The~~
29 ~~Board of Regents may authorize any university to encumber the~~
30 ~~state matching portion of a challenge grant from funds~~
31 ~~available under s. 240.272.~~

1 (2) The State Board of Education ~~Board of Regents~~
2 shall specify the process for submission, documentation, and
3 approval of requests for matching funds, accountability for
4 endowments and proceeds of endowments, allocations to
5 universities, restrictions on the use of the proceeds from
6 endowments, and criteria used in determining the value of
7 donations.

8 (3)(a) The State Board of Education ~~Board of Regents~~
9 shall allocate the amount appropriated to the trust fund to
10 the Board of Regents Foundation, each university, and New
11 College based on the amount of the donation and the
12 restrictions applied to the donation.

13 (b) Donations for a specific purpose must be matched
14 in the following manner:

15 1. The Board of Regents Foundation and each university
16 that raises at least \$100,000 but no more than \$599,999 from a
17 private source must receive a matching grant equal to 50
18 percent of the private contribution.

19 2. The Board of Regents Foundation and each university
20 that raises a contribution of at least \$600,000 but no more
21 than \$1 million from a private source must receive a matching
22 grant equal to 70 percent of the private contribution.

23 3. The Board of Regents Foundation and each university
24 that raises a contribution in excess of \$1 million but no more
25 than \$1.5 million from a private source must receive a
26 matching grant equal to 75 percent of the private
27 contribution.

28 4. The Board of Regents Foundation and each university
29 that raises a contribution in excess of \$1.5 million but no
30 more than \$2 million from a private source must receive a
31

1 matching grant equal to 80 percent of the private
2 contribution.

3 5. The Board of Regents Foundation and each university
4 that raises a contribution in excess of \$2 million from a
5 private source must receive a matching grant equal to 100
6 percent of the private contribution.

7 6. The amount of matching funds used to match a single
8 gift in any given year is limited to \$3 million. The total
9 amount of matching funds available for any single gift is
10 limited to \$15 million, to be distributed in equal amounts of
11 \$3 million per year over 5 years.

12 (c) The State Board of Education ~~Board of Regents~~
13 shall encumber state matching funds for any pledged
14 contributions, pro rata, based on the requirements for state
15 matching funds as specified for the particular challenge grant
16 and the amount of the private donations actually received by
17 the university or Board of Regents Foundation for the
18 respective challenge grant.

19 (4) Matching funds may be provided for contributions
20 encumbered or pledged under the Florida Endowment Trust Fund
21 for Eminent Scholars Act prior to July 1, 1994, and for
22 donations or pledges of any amount equal to or in excess of
23 the prescribed minimums which are pledged for the purpose of
24 this section.

25 (5)(a) The Board of Regents Foundation, each
26 university foundation, and New College Foundation shall
27 establish a challenge grant account for each challenge grant
28 as a depository for private contributions and state matching
29 funds to be administered on behalf of the State Board of
30 Education ~~Board of Regents~~, the university, or New College.
31 State matching funds must be transferred to a university

1 foundation or New College Foundation upon notification that
2 the university or New College has received and deposited the
3 amount specified in this section in a foundation challenge
4 grant account.

5 (b) The foundation serving a university and New
6 College Foundation each has the responsibility for the
7 maintenance and investment of its challenge grant account and
8 for the administration of the program on behalf of the
9 university or New College, pursuant to procedures specified by
10 the State Board of Education ~~Board of Regents~~. Each foundation
11 shall include in its annual report to the State Board of
12 Education ~~Board of Regents~~ information concerning collection
13 and investment of matching gifts and donations and investment
14 of the account.

15 (c) A donation of at least \$600,000 and associated
16 state matching funds may be used to designate an Eminent
17 Scholar Endowed Chair pursuant to rules adopted ~~procedures~~
18 ~~specified~~ by the State Board of Education ~~Board of Regents~~.

19 (6) The donations, state matching funds, or proceeds
20 from endowments established under this section may not be
21 expended for the construction, renovation, or maintenance of
22 facilities or for the support of intercollegiate athletics.

23 (7) The Board of Regents Foundation may participate in
24 the same manner as a university foundation with regard to the
25 provisions of this section.

26 Section 67. Notwithstanding subsection (7) of section
27 3 of chapter 2000-321, Laws of Florida, section 240.261,
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

1 240.261 Codes of conduct; disciplinary measures;
2 rulemaking authority; HIV and AIDS policy; student judicial
3 system.--

4 (1) Each university and college board of trustees may
5 adopt, by rule, codes of conduct and appropriate penalties for
6 violations of rules by students and employees, to be
7 administered by the university or college. Such penalties,
8 unless otherwise provided by law, may include: reprimand;
9 restitution; fines; withholding of diplomas or transcripts
10 pending compliance with rules, completion of any student
11 judicial process or sanction, or payment of fines;
12 restrictions on the use of or removal from university and
13 college facilities; community service; educational
14 requirements; and the imposition of probation, suspension,
15 dismissal, or expulsion.

16 (2) Each university and college board of trustees may
17 adopt rules for, ~~by rule~~, a code of conduct and appropriate
18 penalties for violations of rules by student organizations, to
19 be administered by the university or college. Such penalties,
20 unless otherwise provided by law, may include: reprimand;
21 restitution; suspension, cancellation, or revocation of the
22 registration or official recognition of a student
23 organization; and restrictions on the use of, or removal from,
24 university and college facilities.

25 (3) Sanctions authorized by university and college
26 codes of conduct may be imposed only for acts or omissions in
27 violation of rules adopted by the university or college board
28 of trustees, including rules adopted under this section, rules
29 of the State Board of Education ~~Board of Regents~~, county and
30 municipal ordinances, and the laws of this state, the United
31 States, or any other state.

1 (4) Each university and college board of trustees may
2 ~~establish and adopt rules for, by rule,~~ codes of appropriate
3 penalties for violations of rules governing student academic
4 honesty. Such penalties, unless otherwise provided by law, may
5 include: reprimand; reduction of grade; denial of academic
6 credit; invalidation of university or college credit or of the
7 degree based upon such credit; probation; suspension;
8 dismissal; or expulsion. In addition to any other penalties
9 that may be imposed, an individual may be denied admission or
10 further registration, and the university or college may
11 invalidate academic credit for work done by a student and may
12 invalidate or revoke the degree based upon such credit if it
13 is determined that the student has made false, fraudulent, or
14 incomplete statements in the application, residence affidavit,
15 or accompanying documents or statements in connection with, or
16 supplemental to, the application for admission to or
17 graduation from the university or college.

18 (5) Each ~~The~~ university and college board of trustees
19 shall adopt rules for the lawful discipline of any student,
20 faculty member, or member of the administrative staff who
21 intentionally acts to impair, interfere with, or obstruct the
22 orderly conduct, processes, and functions of a state
23 university or college. ~~The said~~ rules may apply to acts
24 conducted on or off campus when relevant to such orderly
25 conduct, processes, and functions.

26 (6) Each university and college shall review and
27 update as necessary a student handbook that includes, but is
28 not limited to, student rights and responsibilities, appeals
29 processes available to students, a roster of contact persons
30 within the administrative staff available to respond to
31 student inquiries, and a statement as to the policy on

1 acquired immune deficiency syndrome, including the name and
2 telephone number of the university or college counselor for
3 acquired immune deficiency syndrome. Each student handbook
4 must include a statement displayed prominently which provides
5 that the university or college will not tolerate the sale,
6 possession, or use of controlled substances, with the
7 exception of medication prescribed by a physician and taken in
8 accordance with the prescribed usage, nor will the university
9 or college tolerate the consumption of alcoholic beverages by
10 students younger than 21 years of age or the sale of alcoholic
11 beverages to students younger than 21 years of age. Each
12 student handbook must also list the legal and university and
13 college sanctions that will be imposed upon students who
14 violate the law or the policies of the university or college
15 regarding controlled substances and alcoholic beverages.

16 (7) Each university and college board of trustees
17 shall develop a comprehensive policy that addresses the
18 provision of instruction, information, and activities
19 regarding human immunodeficiency virus infection and acquired
20 immune deficiency syndrome. Such instruction, information, or
21 activities shall emphasize the known modes of transmission of
22 human immunodeficiency virus infection and acquired immune
23 deficiency syndrome, signs and symptoms, associated risk
24 factors, appropriate behavior, attitude change, and means used
25 to control the spread of human immunodeficiency virus
26 infection and acquired immune deficiency syndrome.

27 (8) Each university and college board of trustees
28 shall establish a committee, at least one half of the members
29 of which shall be students appointed by the student body
30 president, to periodically review and evaluate the student
31 judicial system.

1 Section 68. Notwithstanding subsection (7) of section
2 3 of chapter 2000-321, Laws of Florida, section 240.262,
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:

6 240.262 Hazing prohibited at state universities and
7 colleges.--

8 (1) As used in this section, the term "hazing" means
9 any action or situation which recklessly or intentionally
10 endangers the mental or physical health or safety of a student
11 for the purpose of initiation or admission into or affiliation
12 with any organization operating under the sanction of a
13 university or college, which organization is hereinafter
14 referred to as a "college organization" or "university
15 organization." Such term includes, but is not limited to, any
16 brutality of a physical nature, such as whipping; beating;
17 branding; forced calisthenics; exposure to the elements;
18 forced consumption of any food, liquor, drug, or other
19 substance; or other forced physical activity which could
20 adversely affect the physical health or safety of the
21 individual, and also includes any activity which would subject
22 the individual to extreme mental stress, such as sleep
23 deprivation, forced exclusion from social contact, forced
24 conduct which could result in extreme embarrassment, or other
25 forced activity which could adversely affect the mental health
26 or dignity of the individual. For the purposes of this
27 section, any activity as described above upon which the
28 initiation or admission into or affiliation with a university
29 organization or college organization is directly or indirectly
30 conditioned shall be presumed to be a "forced" activity, the

31

1 willingness of an individual to participate in such activity
2 notwithstanding.

3 (2) Each university and college board of trustees
4 shall adopt a written antihazing policy and, pursuant to such
5 policy, shall adopt rules prohibiting students or other
6 persons associated with any university organization or college
7 organization from engaging in any activity which can be
8 described as hazing.

9 (a) Pursuant to the provisions of s. 240.261, each
10 university and college board of trustees shall provide a
11 program for the enforcement of such rules and shall adopt
12 appropriate penalties for violations of such rules, to be
13 administered by the person or agency at the university or
14 college responsible for the sanctioning of such university
15 organizations or 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 university organization or college
21 organization that ~~which~~ authorizes hazing in ~~blatant~~ disregard
22 of such rules, penalties may also include rescission of
23 permission for that organization to operate on campus property
24 or to otherwise operate under the sanction of the university
25 or college.

26 3. All penalties imposed under the authority of this
27 subsection shall be in addition to any penalty imposed for
28 violation of any of the criminal laws of this state or for
29 violation of any other university or college rule to which the
30 violator may be subject.

31

1 (b) Rules adopted pursuant hereto shall apply to acts
2 conducted on or off campus whenever such acts are deemed to
3 constitute hazing.

4 ~~(3) Upon approval by the Board of Regents of the~~
5 ~~antihazing policy of a university and of the rules and~~
6 ~~penalties adopted pursuant thereto, the Each university and~~
7 ~~college shall provide a copy of the antihazing policy along~~
8 ~~with the such policy, rules, and penalties to each student~~
9 ~~enrolled in that university or college and shall require the~~
10 ~~inclusion of such policy, rules, and penalties in the bylaws~~
11 ~~of every organization operating under the sanction of the~~
12 ~~university or 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 Board of Regents for its~~
16 ~~approval.~~

17 Section 69. Notwithstanding subsection (7) of section
18 3 of chapter 2000-321, Laws of Florida, section 240.263,
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:

22 240.263 Regulation of traffic at universities and
23 colleges; definitions.--

24 (1) In construing ss. 240.263-240.268, the term:

25 (a) "Traffic," when used as a noun, means the use or
26 occupancy of, and the movement in, on, or over, streets, ways,
27 walks, roads, alleys, and parking areas by vehicles,
28 pedestrians, or ridden or herded animals.

29 (b) "Adjacent municipality" means a municipality which
30 is contiguous or adjacent to, or which contains within its
31 boundaries all or part of the grounds of, a university or

1 college; except that, if the grounds of a university or
2 college are not within or contiguous to a municipality,
3 "adjacent municipality" means the county seat of the county
4 which contains within its boundaries all or part of the
5 grounds of the university or college.

6 (c) "Grounds" includes all of the campus and grounds
7 of the university or college, whether it be the campus proper
8 or outlying or noncontiguous land of the university or college
9 within the county.

10 (d) "Law enforcement officers" include municipal
11 police, patrol officers, traffic officers, sheriffs, deputies,
12 highway patrol officers, and county traffic officers assigned
13 to duty on the grounds of the university or college, as well
14 as campus police, traffic officers, guards, parking
15 patrollers, and other noncommissioned personnel designated for
16 traffic purposes by the university or college.

17 (e) "University traffic infraction" or "college
18 traffic infraction" means a noncriminal violation of
19 university or college parking and traffic rules which is not
20 included under s. 318.14 or s. 318.17 or any municipal
21 ordinance, which is not punishable by incarceration, and for
22 which there is no right to trial by jury or to court-appointed
23 counsel.

24 (f) "Traffic authority" means an individual or a group
25 of individuals at each university and college, authorized and
26 appointed by the president of the university or college to
27 adjudicate university traffic infractions or college traffic
28 infractions.

29 (2) A traffic rule becomes enforceable ~~shall be deemed~~
30 ~~promulgated~~ when adopted by the university or college board of
31 trustees individual institution.

1 Section 70. Notwithstanding subsection (7) of section
2 3 of chapter 2000-321, Laws of Florida, section 240.264,
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:

6 240.264 Rules of universities and colleges; municipal
7 ordinances.--Each university and college board of trustees
8 shall adopt rules that ~~which~~ govern traffic on the grounds of
9 that university or college; that ~~which~~ provide penalties for
10 the infraction of such traffic rules; and that ~~which~~ the
11 university or college board of trustees finds necessary,
12 convenient, or advisable for the safety or welfare of the
13 students, faculty members, or other persons. Copies of such
14 rules shall be posted at the university or college on public
15 bulletin boards where notices are customarily posted, filed
16 with the city clerk or corresponding municipal or county
17 officer, and made available to any person requesting same.
18 When adopted, said rules shall be enforceable as herein
19 provided. All ordinances of the adjacent municipality
20 relating to traffic which are not in conflict or inconsistent
21 with the traffic rules adopted by the ~~individual~~ university or
22 college board of trustees shall extend and be applicable to
23 the grounds of the university or college. The provisions of
24 chapter 316 shall extend and be applicable to the grounds of
25 the university or college, and the rules adopted by the
26 ~~individual~~ university and college boards of trustees shall not
27 conflict with any section of that chapter.

28 Section 71. Notwithstanding subsection (7) of section
29 3 of chapter 2000-321, Laws of Florida, section 240.265,
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:

3 240.265 Violations; penalties.--Any person who
4 violates any of ~~the those~~ rules adopted by a university or
5 college board of trustees ~~the individual institution~~ shall be
6 deemed to have committed a university traffic infraction or
7 college traffic infraction and shall be fined or penalized as
8 provided by the rules adopted by the university or college
9 board of trustees ~~institution~~. Any person who violates any
10 traffic regulation enumerated in chapter 316 shall be charged,
11 and the cause shall proceed, in accordance with chapters 316
12 and 318.

13 Section 72. Notwithstanding subsection (7) of section
14 3 of chapter 2000-321, Laws of Florida, section 240.266,
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:

18 240.266 Payment of fines; jurisdiction and procedures
19 of university or college traffic authority; campus violation
20 fines.--

21 (1) A person charged with a university traffic
22 infraction or college traffic infraction shall elect the
23 option prescribed in paragraph (a) or the option prescribed in
24 paragraph (b). If neither option is exercised within the
25 prescribed time by the person charged with a university
26 traffic infraction or college infraction, an additional fine
27 or penalty may be assessed, and shall be payable, in
28 accordance with the rules of the university or college board
29 of trustees.

30 (a) The person charged may pay the applicable
31 infraction fine, either by mail or in person, within the time

1 period specified in the rules of the ~~individual~~ university or
2 college board of trustees. A schedule of infraction fines
3 applicable to each university and college shall be adopted by
4 the university or college board of trustees.

5 (b) The person charged may elect to appear before the
6 university or college traffic authority for administrative
7 determination pursuant to procedures enumerated in the rules
8 of such university or college board of trustees.

9 (2) Each university and college may ~~is authorized to~~
10 approve the establishment of a university or college traffic
11 authority to hear violations of traffic rules. In such cases
12 as come before the authority, the university or college
13 traffic authority shall determine whether the person is guilty
14 or not guilty of the charge. In the case of a finding of
15 guilt, the authority shall, in its discretion, impose an
16 appropriate penalty pursuant to s. 240.265.

17 (3) This section shall provide the exclusive
18 procedures for the adjudication of university traffic
19 infractions or college traffic infractions.

20 Section 73. Notwithstanding subsection (7) of section
21 3 of chapter 2000-321, Laws of Florida, section 240.267,
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:

25 240.267 Use of traffic and parking moneys.--Moneys
26 collected from parking assessments and infraction fines shall
27 be deposited in appropriate funds and shall be used to defray
28 the administrative and operating costs of the traffic and
29 parking program at the university or college ~~institution~~, to
30 provide for additional parking facilities on campus, or for
31 student loan purposes.

1 Section 74. Notwithstanding subsection (7) of section
2 3 of chapter 2000-321, Laws of Florida, section 240.268,
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:

6 240.268 University and college police.--

7 (1) Each university and college shall ~~is empowered and~~
8 ~~directed to~~ provide for police officers for the university or
9 college, and such police officers shall hereafter be known and
10 designated as the "university police-" or "college police."

11 (2) The university police and college police are
12 ~~hereby declared to be~~ law enforcement officers of the state
13 and conservators of the peace with the right to arrest, in
14 accordance with the laws of this state, any person for
15 violation of state law or applicable county or city ordinances
16 when such violations occur on any property or facilities that
17 ~~which~~ are under the guidance, supervision, regulation, or
18 control of the state universities and colleges, including
19 property and facilities of university or college
20 direct-support organizations ~~State University System~~, except
21 that arrests may be made off campus when hot pursuit
22 originates on campus. Such officers shall have full authority
23 to bear arms in the performance of their duties and to execute
24 search warrants within their territorial jurisdiction.
25 University and college police, when requested by the sheriff
26 or local police authority, may serve subpoenas or other legal
27 process and may make arrest of any person against whom a
28 warrant has been issued or any charge has been made of
29 violation of federal or state laws or county or city
30 ordinances.

1 (3) University and college police shall promptly
2 deliver all persons arrested and charged with a felony to the
3 sheriff of the county within which the university or college
4 is located, and all persons arrested and charged with
5 misdemeanors shall be delivered to the applicable authority as
6 may be provided by law, but otherwise to the sheriff of the
7 county in which the university or college is located.

8 (4) University and college police must meet the
9 minimum standards established by the Criminal Justice
10 Standards and Training Commission and chapter 943. Each police
11 officer shall, before entering into the performance of his or
12 her duties, take the oath of office as established by the
13 university or college; and the university or college may
14 obtain and approve a bond on each officer, payable to the
15 Governor and his or her successors in office, conditioned on
16 the faithful performance of the duties of such university or
17 college police officer. The university or college may
18 determine the amount of the bond. In determining the amount of
19 the bond, the university or college may consider the amount of
20 money or property likely to be in the custody of the officer
21 at any one time. The university or college shall provide a
22 uniform set of identification credentials for each university
23 or college police officer.

24 (5) In performance of any of the powers, duties, and
25 functions authorized by law or this section, university and
26 college police shall have the same rights, protections, and
27 immunities afforded other peace or law enforcement officers.

28 ~~(6) The university, in concurrence with the Department~~
29 ~~of Law Enforcement, shall adopt rules, including, but not~~
30 ~~limited to, the appointment, employment, and removal of~~
31 ~~university police in accordance with the state Career Service~~

1 ~~System, and, further, establish in writing a policy manual,~~
2 ~~including, but not limited to, routine and emergency law~~
3 ~~enforcement situations. A policy manual shall be furnished to~~
4 ~~each university police officer.~~

5 Section 75. Notwithstanding subsection (7) of section
6 3 of chapter 2000-321, Laws of Florida, section 240.2682,
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:

10 240.2682 Florida Postsecondary Education Security
11 Information Act.--

12 (1) This act may be cited as the "Florida
13 Postsecondary Education Security Information Act."

14 (2) For the purposes of this act, "postsecondary
15 institution" means a state university or college identified in
16 s. 240.2011, a nonpublic college or university licensed
17 pursuant to s. 246.081, or a nonpublic college or university
18 exempt from licensure pursuant to s. 246.085.

19 Section 76. Notwithstanding subsection (7) of section
20 3 of chapter 2000-321, Laws of Florida, section 240.2683,
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:

24 240.2683 Report of campus crime statistics.--

25 (1) Each postsecondary institution shall prepare an
26 annual report of campus crime statistics for submission to the
27 respective governing or licensing boards of jurisdiction. The
28 data for these reports may be taken from the Florida
29 Department of Law Enforcement Annual Report. The Department
30 of Education shall prescribe the format for institutional
31 submission. Each postsecondary institution shall file the

1 reports with ~~The Board of Regents and State Board of~~
2 ~~Independent Colleges and Universities shall compile the~~
3 ~~reports and convey the aggregate institutional reports to the~~
4 Commissioner of Education.

5 (2) Each postsecondary institution shall prepare a
6 report of crime statistics as reported under subsection (1)
7 for the most recent 3-year period. The report shall be
8 updated annually. The institution shall give notice that this
9 report is available upon request.

10 Section 77. Notwithstanding subsection (7) of section
11 3 of chapter 2000-321, Laws of Florida, section 240.2684,
12 Florida Statutes, shall not stand repealed January 7, 2003, as
13 scheduled by that law, but that section is reenacted to read:

14 240.2684 Assessment of physical plant safety.--The
15 president of each postsecondary institution shall conduct or
16 cause to be conducted an annual assessment of physical plant
17 safety. An annual report shall incorporate the findings
18 obtained through such assessment and recommendations for the
19 improvement of safety on each campus. The annual report shall
20 be submitted to the respective governing or licensing board of
21 jurisdiction no later than January 1 of each year. Each board
22 shall compile the individual institutional reports and convey
23 the aggregate institutional reports to the Commissioner of
24 Education. The Commissioner of Education shall convey these
25 reports and the reports required in s. 240.2683 to the
26 President of the Senate and the Speaker of the House of
27 Representatives no later than March 1 of each year.

28 Section 78. Notwithstanding subsection (7) of section
29 3 of chapter 2000-321, Laws of Florida, section 240.271,
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:

3 240.271 State university and college ~~System~~
4 funding.--

5 (1) Planned enrollments for each university and
6 college as accepted or modified by the Legislature and program
7 cost categories shall be the basis for the allocation of
8 appropriated funds to the universities and colleges.

9 (2) In addition to enrollment-based appropriations,
10 categorical programs shall be established in the state
11 universities and colleges ~~University System~~ which are not
12 directly related to planned student enrollment. Such programs
13 shall be based upon the assigned missions of the institutions
14 and shall include, but not be limited to, research and public
15 service programs and authority to spend fee revenues collected
16 pursuant to subsection (5) and s. 240.235 ~~s. 240.209(3)(e)~~.
17 Appropriations by the Legislature ~~and allocations by the board~~
18 shall be based upon full costs, as determined pursuant to
19 subsection (1), and priorities established by the Legislature.

20 (3) The Legislature by line item in an appropriations
21 act may identify programs of extraordinary quality for the
22 utilization of state funds to be matched by nonstate and
23 nonfederal sources.

24 (4) The State Board of Education ~~Board of Regents~~
25 shall establish and validate a cost-estimating system
26 consistent with the requirements of subsection (1) and shall
27 report as part of its legislative budget request the actual
28 expenditures for the fiscal year ending the previous June 30.
29 The report shall include total expenditures from all sources
30 and shall be in such detail as needed to support the
31 legislative budget request.

1 (5)~~(a)~~ If the actual enrollment for any university or
2 college is less than planned enrollment by more than 5 percent
3 for any 2 consecutive fiscal years, the university or college
4 enrollment plan for the next year shall be reduced. If actual
5 enrollment exceeds planned enrollment by more than 5 percent,
6 an explanation of the excess shall be provided with the next
7 year's enrollment plan. The analysis of enrollment conducted
8 for implementing this subsection shall be based on the
9 categories of enrollment used in the education and general
10 appropriation.

11 ~~(b) Beginning in fiscal year 1995-1996, and as~~
12 ~~authorized in the General Appropriations Act, the Board of~~
13 ~~Regents shall allocate to each university the student fees~~
14 ~~collected by the university other than revenues generated by~~
15 ~~enrollment growth in excess of 5 percent above planned~~
16 ~~enrollment.~~

17 (6) The enrollment planning plus program cost data
18 established by this section shall be used as the basis for
19 preparing the legislative budget requests.

20 Section 79. Sections 240.272 and 240.273, Florida
21 Statutes, are repealed.

22 Section 80. Notwithstanding subsection (7) of section
23 3 of chapter 2000-321, Laws of Florida, section 240.274,
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:

27 240.274 Universities and colleges; public documents
28 distributed to libraries.--The general library of each state
29 university and college institution in the State University
30 ~~System~~ is entitled to receive copies of reports of state
31 officials, departments, and institutions and all other state

1 documents published by the state. Each officer of the state
2 empowered by law to distribute such public documents is
3 authorized to transmit without charge, except for payment of
4 shipping costs, the number of copies of each public document
5 desired upon requisition from the librarian. It is the duty
6 of the library to keep public documents in a convenient form
7 accessible to the public. The library may, ~~under rules~~
8 ~~formulated by the Board of Regents, is authorized to~~ exchange
9 documents for those of other states, territories, and
10 countries.

11 Section 81. Notwithstanding subsection (7) of section
12 3 of chapter 2000-321, Laws of Florida, section 240.275,
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:

16 240.275 Law libraries of certain institutions of
17 higher learning designated as state legal depositories.--

18 (1) The law libraries of the University of Florida,
19 Florida State University, Florida Agricultural and Mechanical
20 University, Florida International University, Stetson
21 University, Nova University, and the University of Miami are
22 designated as state legal depositories.

23 (2) Each officer of the state empowered by law to
24 distribute legal publications is authorized to transmit, upon
25 payment of shipping costs or cash on delivery, to the state
26 legal depositories copies of such publications as requested.
27 However, the number of copies transmitted shall be limited to:

28 (a) Eight copies of each volume of General Acts and
29 each volume of Special Acts to each of the state legal
30 depositories;

31

1 (b) Up to a maximum number of each volume of the
2 Florida Statutes and each supplement volume, computed on the
3 basis of one set for every 10 students enrolled during the
4 school year, based upon the average enrollment as certified by
5 the registrar; and

6 (c) One copy of each journal of the House of
7 Representatives and each journal of the Senate to each state
8 legal depository.

9 (3) It is the duty of the librarian of any depository
10 to keep all public documents in a convenient form accessible
11 to the public.

12 (4) The libraries of all community colleges ~~in the~~
13 ~~Florida Community College System~~ as defined in s. 240.301 are
14 designated as state depositories for the Florida Statutes and
15 supplements published by or under the authority of the state;
16 these depositories each may receive upon request one copy of
17 each volume without charge, except for payment of shipping
18 costs.

19 Section 82. Section 240.276, Florida Statutes, is
20 repealed.

21 Section 83. Notwithstanding subsection (7) of section
22 3 of chapter 2000-321, Laws of Florida, section 240.277,
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:

26 240.277 Additional appropriation.--

27 (1) All moneys received by the state universities and
28 colleges ~~institutions under the management of the Board of~~
29 ~~Regents~~, other than from state and federal sources, from
30 student building and capital improvement fees, and from
31 vending machine collections, are ~~hereby~~ appropriated to ~~the~~

1 ~~use of the Board of Regents, for the respective state~~
2 ~~university or college institutions collecting the moneys same,~~
3 ~~to be expended as the state university or college directs~~
4 ~~Board of Regents may direct; however, the funds may shall not~~
5 ~~be expended except in pursuance of detailed budgets approved~~
6 ~~by the State Board of Education filed with the Executive~~
7 ~~Office of the Governor and may shall not be expended for the~~
8 ~~construction or reconstruction of buildings except as provided~~
9 ~~under s. 240.295.~~

10 (2) All moneys received from vending machine
11 collections by the state universities and colleges
12 ~~institutions under the management of the Board of Regents~~
13 ~~shall be expended only as set forth in detailed budgets~~
14 ~~approved by the State Board of Education Board of Regents.~~

15 (3)(a) ~~All moneys received by institutions under the~~
16 ~~management of the Board of Regents for the Auxiliary~~
17 ~~Enterprises and Contracts, Grants and Donations budget~~
18 ~~entities, and the self-insurance program authorized in s.~~
19 ~~240.213, shall be exempt from the requirements of s. 216.023.~~
20 ~~The Board of Regents, in consultation with the appropriations~~
21 ~~committees of the Legislature, shall approve an estimated~~
22 ~~level of expenditures, salary rates, and positions for each of~~
23 ~~these budget entities. If such expenditures exceed the prior~~
24 ~~year level by more than 25 percent, the full membership of the~~
25 ~~appropriations committees shall be notified of the increase.~~

26 (b) No new state appropriation shall be obligated as a
27 source of matching funds for potential federal or private
28 contracts or grants. Upon the termination of any federal or
29 private contracts or grants, the state is ~~shall not be~~
30 obligated to provide continued funding for personnel or
31 project costs related to such contracts or grants.

1 Section 84. Section 240.279, Florida Statutes, is
2 repealed.

3 Section 85. Notwithstanding subsection (7) of section
4 3 of chapter 2000-321, Laws of Florida, section 240.2803,
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:

8 240.2803 Auxiliary enterprises; contracts, grants, and
9 donations; definitions.--As used in s. 19(f)(3), Art. III of
10 the State Constitution, the term:

11 (1) "Auxiliary enterprises" includes activities that
12 directly or indirectly provide a product or a service, or
13 both, to a university, college, or its students, faculty, or
14 staff and for which a charge is made. These auxiliary
15 enterprises are business activities of a university or college
16 which require no support from the General Revenue Fund, and
17 include activities such as housing, bookstores, student health
18 services, continuing education programs, food services,
19 college stores, operation of vending machines, specialty
20 shops, day care centers, golf courses, student activities
21 programs, data center operations, and intercollegiate
22 athletics programs.

23 (2) "Contracts, grants, and donations" includes
24 noneducational and general funding sources in support of
25 research, public services, and training. The term includes
26 grants and donations, sponsored-research contracts, and
27 Department of Education funding for developmental research
28 schools and other activities for which the funds are deposited
29 outside the State Treasury.

30 Section 86. Sections 240.28031 and 240.28035, Florida
31 Statutes, are repealed.

1 Section 87. Notwithstanding subsection (7) of section
2 3 of chapter 2000-321, Laws of Florida, section 240.2805,
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:

6 240.2805 Administration of capital improvement and
7 building fees trust funds.--The State Board of Education ~~Board~~
8 ~~of Regents~~ shall administer the Capital Improvement Fee Trust
9 Fund and the Building Fee Trust Fund which include receipts
10 from capital improvement and building student fee assessments,
11 interest earnings, and subsidy grants. All funds, except those
12 to be used for debt service payments, reserve requirements,
13 and educational research centers for child development,
14 pursuant to s. 240.531, shall be used to fund projects
15 appropriated by the Legislature. Projects funded pursuant to
16 this section may be expanded by the use of supplemental funds
17 such as grants, auxiliary enterprises, private donations, and
18 other nonstate sources when approved by the Executive Office
19 of the Governor.

20 Section 88. Notwithstanding subsection (7) of section
21 3 of chapter 2000-321, Laws of Florida, section 240.281,
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:

25 240.281 Deposit of funds received by state
26 universities and colleges ~~institutions and agencies in the~~
27 ~~State University System~~.--All funds received by any state
28 university or college may be deposited outside the State
29 Treasury, except as otherwise provided by law.~~institution or~~
30 ~~agency in the State University System, from whatever source~~
31 ~~received and for whatever purpose, shall be deposited in the~~

1 ~~State Treasury subject to disbursement in such manner and for~~
2 ~~such purposes as the Legislature may by law provide. The~~
3 ~~following funds shall be exempt from the provisions of this~~
4 ~~section and, with the approval of the Board of Regents, may be~~
5 ~~deposited outside the State Treasury:~~

6 ~~(1) Student deposits.~~

7 ~~(2) Scholarship funds from private sources.~~

8 ~~(3) Student loan funds.~~

9 ~~(4) Contractor's bid deposits.~~

10 ~~(5) Vending machine collections.~~

11 ~~(6) Alumni association funds.~~

12 ~~(7) Funds received from private sources as gifts,~~
13 ~~grants, bequests, or donations.~~

14 ~~(8) Funds received by a faculty practice plan as~~
15 ~~provided by rule of the Board of Regents; however, the~~
16 ~~University of Florida and the University of South Florida~~
17 ~~shall prepare operating budgets at the same level of detail as~~
18 ~~that required of the education and general and Board of~~
19 ~~Regents budget entities for these funds.~~

20 ~~(9) Such other funds as may be approved by the Board~~
21 ~~of Regents and the Executive Office of the Governor subject to~~
22 ~~the review provisions of s. 216.177.~~

23 Section 89. Sections 240.283, 240.285, 240.287, and
24 240.289, Florida Statutes, are repealed.

25 Section 90. Notwithstanding subsection (7) of section
26 3 of chapter 2000-321, Laws of Florida, section 240.291,
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:

30 240.291 Delinquent accounts.--

31

1 (1) Each university and college may ~~is directed to~~
2 exert every effort to collect all delinquent accounts.

3 (2) Each university and college may ~~is authorized to~~
4 charge off or to settle ~~such~~ accounts that are ~~as may prove~~
5 uncollectible.

6 (3) Each university and college may ~~is authorized to~~
7 employ the service of a collection agency when deemed
8 advisable in collecting delinquent accounts.

9 (4) Each university and college board of trustees may
10 ~~is authorized to~~ adopt rules, ~~as necessary,~~ to implement the
11 provisions of this section, including setoff procedures,
12 payroll deductions, and restrictions on release of
13 transcripts, awarding of diplomas, and access to other
14 university or college resources and services.

15 Section 91. Notwithstanding subsection (7) of section
16 3 of chapter 2000-321, Laws of Florida, section 240.293,
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:

20 240.293 Contracts of institutions for supplies,
21 utility services, and building construction exempt from
22 operation of county or municipal ordinance or charter.--

23 (1) The state universities and colleges may ~~are~~
24 ~~authorized to~~ contract for supplies, utility services, and
25 building construction without regulation or restriction by
26 municipal or county charter or ordinance. Contractual
27 arrangements shall be in the best interests of the state and
28 shall give consideration to rates, adequacy of service, and
29 the dependability of the contractor.

30
31

1 (2) Any municipal or county charter, ordinance, or
2 regulation that serves to restrict or prohibit the intent of
3 subsection (1) shall be inoperative.

4 Section 92. Notwithstanding subsection (7) of section
5 3 of chapter 2000-321, Laws of Florida, section 240.2945,
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:

9 240.2945 Building construction standards;
10 exemptions.--The state universities and colleges are exempt
11 from local amendments to the Florida Building Code and the
12 Fire Prevention Code.

13 Section 93. Notwithstanding subsection (7) of section
14 3 of chapter 2000-321, Laws of Florida, section 240.295,
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:

18 240.295 State universities and colleges ~~University~~
19 ~~System~~; authorization for fixed capital outlay projects.--

20 (1) ~~Notwithstanding the provisions of chapter 216,~~
21 ~~including s. 216.351,~~The state universities and colleges
22 ~~University System~~ may accomplish fixed capital outlay projects
23 consistent with the provisions of this section. Projects
24 authorized by this section shall not require educational plant
25 survey approval as prescribed in chapter 235. No project which
26 upon completion requires general revenue for operation or
27 maintenance shall be accomplished without approval by the
28 Legislature.

29 (2) The following types of projects may be
30 accomplished pursuant to the restrictions identified in
31 subsection (1):

1 (a) Construction of any new buildings, or remodeling
2 of existing buildings, when funded from nonstate sources such
3 as federal grant funds, private gifts, grants, or lease
4 arrangements if such grants or gifts are given for the
5 specific purpose of construction;

6 (b) The replacement of any buildings destroyed by fire
7 or other calamity;

8 (c) Construction of projects financed as provided in
9 s. 240.2093 or part I of chapter 243;

10 (d) Construction of new facilities or remodeling of
11 existing facilities to meet needs for research, provided that
12 such projects are financed pursuant to s. 240.241; or

13 (e) Construction of facilities or remodeling of
14 existing facilities to meet needs as determined by the
15 university or college, provided that the amount of funds for
16 any such project does not exceed \$500,000, and the trust
17 funds, other than the funds used to accomplish projects
18 contemplated in this subsection, are authorized and available
19 for such purposes.

20 (3) Other than those projects currently authorized, no
21 project proposed by a university or college which is to be
22 funded from Capital Improvement Trust Fund fees or building
23 fees shall be submitted to the State Board of Education ~~Board~~
24 ~~of Regents~~ for approval without prior consultation with the
25 student government association of that university or college.
26 The State Board of Education ~~Board of Regents~~ shall adopt
27 ~~promulgate~~ rules ~~which are~~ consistent with this requirement.

28 (4) Each university and college board of trustees ~~The~~
29 ~~Board of Regents~~ shall, in consultation with local and state
30 emergency management agencies, assess existing facilities to
31 identify the extent to which each campus has public hurricane

1 evacuation shelter space. Each ~~The~~ board shall submit to the
2 Governor and the Legislature by August 1 of each year a 5-year
3 capital improvements program that identifies new or
4 retrofitted facilities that will incorporate enhanced
5 hurricane resistance standards and that can be used as public
6 hurricane evacuation shelters. Enhanced hurricane resistance
7 standards include fixed passive protection for window and door
8 applications to provide mitigation protection, security
9 protection with egress, and energy efficiencies that meet
10 standards required in the 130-mile-per-hour wind zone areas.
11 Each ~~The~~ board must also submit proposed facility retrofit
12 projects to the Department of Community Affairs for assessment
13 and inclusion in the annual report prepared in accordance with
14 s. 252.385(3). Until a regional planning council region in
15 which a campus is located has sufficient public hurricane
16 evacuation shelter space, any campus building for which a
17 design contract is entered into subsequent to July 1, 2001,
18 and which has been identified by a ~~the~~ board, with the
19 concurrence of the local emergency management agency or the
20 Department of Community Affairs, to be appropriate for use as
21 a public hurricane evacuation shelter, must be constructed in
22 accordance with public shelter standards.

23 Section 94. Notwithstanding subsection (7) of section
24 3 of chapter 2000-321, Laws of Florida, section 240.296,
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:

28 240.296 State university and college system facilities
29 loan and debt surety program.--

30 (1) LEGISLATIVE INTENT.--The Legislature recognizes
31 the need for new facilities, improvements to existing

1 facilities, and equipment to accommodate university and
2 college needs for student housing, dining, parking,
3 merchandising, athletics, and other income-generating,
4 self-supporting enterprises. It is further recognized that
5 projects for these purposes must be approved by the
6 Legislature before revenue certificates may be issued on
7 behalf of the State Board of Education ~~Board of Regents~~, and
8 that the credit ratings of these revenue certificates may be
9 enhanced by a secondary pledge of unobligated trust funds. It
10 is, therefore, the intent of the Legislature to establish a
11 program to provide the opportunity for each state university
12 and college to obtain funds for these projects and to serve as
13 a source of secondary credit enhancement for revenue
14 certificates issued on behalf of the State Board of Education
15 ~~Board of Regents~~. This program shall be administered in
16 accordance with rules adopted ~~procedures established~~ by the
17 State Board of Education ~~Board of Regents~~.

18 (2) ADMINISTRATION OF THE PROGRAM.--

19 (a) Projects, including acquisition of new facilities,
20 improvements to existing facilities, and equipment to
21 accommodate university and college needs for student housing,
22 parking, dining, merchandising, athletics, or other
23 income-generating, self-supporting enterprises, shall be
24 eligible for loans or secondary credit enhancement, as the
25 case may be, subject to the rules adopted ~~procedures~~
26 ~~established~~ by the State Board of Education ~~Board of Regents~~.

27 (b) To be eligible for secondary credit enhancement
28 from the program, the primary revenue stream dedicated to each
29 project must be sufficient to attain a minimum debt coverage
30 ratio established by the State Board of Education ~~Board of~~
31 ~~Regents~~. The surety pledge from the program for any one

1 project shall not exceed an amount equal to 1 year's debt
2 service or lease payments and such surety pledge shall not
3 extend beyond the first 5 years of the debt, unless
4 specifically authorized by the State Board of Education ~~Board~~
5 ~~of Regents~~. The State Board of Education shall adopt rules
6 ~~Board of Regents shall establish procedures~~ for charges and
7 for repayments of draws from the program.

8 (c) To be eligible for a loan, the university or
9 college must demonstrate the project's fiscal sufficiency,
10 including loan repayment provisions.

11 (d) All construction allocations shall be acquired in
12 accordance with rules adopted by the State Board of Education
13 ~~established by the Board of Regents, pursuant to s.~~
14 ~~240.209(3)(o)~~.

15 Section 95. Section 240.2985, Florida Statutes, is
16 repealed.

17 Section 96. Notwithstanding subsection (7) of section
18 3 of chapter 2000-321, Laws of Florida, section 240.299,
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:

22 240.299 Direct-support organizations; use of property;
23 board of directors; activities; audit; facilities.--

24 (1) DEFINITIONS.--For the purposes of this section,
25 the term:

26 (a) "University direct-support organization" or
27 "college direct-support organization" means an organization
28 which is:

29 1. A Florida corporation not for profit incorporated
30 under the provisions of chapter 617 and approved by the
31 Department of State;

1 2. Organized and operated exclusively to receive,
2 hold, invest, and administer property and to make expenditures
3 to or for the benefit of a state university or college in
4 Florida or for the benefit of a research and development park
5 or research and development authority affiliated with a state
6 university or college and organized under part V of chapter
7 159; and

8 3. An organization that ~~which~~ the State Board of
9 Education ~~Board of Regents~~, after review, has certified to be
10 operating in a manner consistent with the goals of the
11 university or college and in the best interest of the state.
12 Any organization that ~~which~~ is denied certification by the
13 State Board of Education may ~~Board of Regents~~ shall not use
14 the name of the university or college ~~that~~ ~~which~~ it serves.

15 (b) "Personal services" includes full-time or
16 part-time personnel as well as payroll processing.

17 (2) USE OF PROPERTY.--

18 (a) Each university and college board of trustees may
19 ~~The Board of Regents is authorized to permit the use of~~
20 property, facilities, and personal services at any state
21 university or college by any university direct-support
22 organization or college direct-support organization, and,
23 subject to the provisions of this section, direct-support
24 organizations may establish accounts with the State Board of
25 Administration for investment of funds pursuant to part IV of
26 chapter 218.

27 (b) Each university and college board of trustees ~~The~~
28 ~~Board of Regents~~ shall prescribe by rule conditions with which
29 a university direct-support organization or college
30 direct-support organization must comply in order to use
31 property, facilities, or personal services at any state

1 university or college. Such rules shall provide for budget
2 and audit review and oversight by the State Board of Education
3 ~~Board of Regents~~.

4 (c) A university or college board of trustees may ~~The~~
5 ~~Board of Regents shall~~ not permit the use of property,
6 facilities, or personal services at any state university or
7 college by any university direct-support organization or
8 college direct-support organization that ~~which~~ does not
9 provide equal employment opportunities to all persons
10 regardless of race, color, religion, sex, age, or national
11 origin.

12 (3) BOARD OF DIRECTORS.--Each university and college
13 board of trustees ~~The chair of the Board of Regents~~ may
14 appoint a representative to the board of directors and the
15 executive committee of any direct-support organization
16 established under this section. The president of the
17 university or college for which the direct-support
18 organization is established, or his or her designee, shall
19 also serve on the board of directors and the executive
20 committee of any direct-support organization established to
21 benefit that university or college.

22 (4) ACTIVITIES; RESTRICTION.--A university
23 direct-support organization or a college direct-support
24 organization may not give ~~is prohibited from giving~~, either
25 directly or indirectly, any gift to a political committee or
26 committee of continuous existence as defined in s. 106.011 for
27 any purpose other than those certified by a majority roll call
28 vote of the governing board of the direct-support organization
29 at a regularly scheduled meeting as being directly related to
30 the educational mission of the university or college.

31

1 (5) ANNUAL AUDIT.--Each direct-support organization
2 shall provide for an annual financial audit of its accounts
3 and records to be conducted by an independent certified public
4 accountant in accordance with rules adopted by the Auditor
5 General pursuant to s. 11.45(8) ~~and by the Board of Regents~~.
6 The annual audit report shall be submitted, within 9 months
7 after the end of the fiscal year, to the Auditor General and
8 the State Board of Education ~~Board of Regents~~ for review. The
9 State Board of Education, the university or college board of
10 trustees ~~Board of Regents~~, the Auditor General, and the Office
11 of Program Policy Analysis and Government Accountability may
12 ~~shall have the authority to~~ require and receive from the
13 organization or from its independent auditor any records
14 relative to the operation of the organization. The identity of
15 donors who desire to remain anonymous shall be protected, and
16 that anonymity shall be maintained in the auditor's report.
17 All records of the organization other than the auditor's
18 report, management letter, and any supplemental data requested
19 by the State Board of Education, the university or college
20 board of trustees ~~Board of Regents~~, the Auditor General, and
21 the Office of Program Policy Analysis and Government
22 Accountability shall be confidential and exempt from the
23 provisions of s. 119.07(1).

24 (6) FACILITIES.--In addition to issuance of
25 indebtedness pursuant to s. 240.2093(2), each direct-support
26 organization may ~~is authorized to~~ enter into agreements to
27 finance, design and construct, lease, lease-purchase,
28 purchase, or operate facilities necessary and desirable to
29 serve the needs and purposes of the university or college, as
30 determined by the ~~systemwide~~ strategic plan adopted by the
31 State Board of Education ~~Board of Regents~~, upon approval of

1 such agreements by the State Board of Education ~~Board of~~
2 ~~Regents~~ and approval of the project by the Legislature. Such
3 agreements are subject to the provisions of s. 243.151.

4 (7) ANNUAL ~~BUDGETS AND~~ REPORTS.--Each direct-support
5 organization shall submit to the university president and the
6 State Board of Education ~~Board of Regents~~ its federal Internal
7 Revenue Service Application for Recognition of Exemption form
8 (Form 1023) and its federal Internal Revenue Service Return of
9 Organization Exempt from Income Tax form (Form 990).

10 Section 97. Notwithstanding subsection (7) of section
11 3 of chapter 2000-321, Laws of Florida, section 240.2995,
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:

15 240.2995 University and college health services
16 support organizations.--

17 (1) Each state university and college board of
18 trustees may ~~is authorized to~~ establish university and college
19 health services support organizations ~~that~~ ~~which shall~~ have
20 the ability to enter into, for the benefit of the university
21 or college academic health sciences center, arrangements with
22 other entities as providers in other integrated health care
23 systems or similar entities. To the extent required by law or
24 rule, university and college health services support
25 organizations shall become licensed as insurance companies,
26 pursuant to chapter 624, or be certified as health maintenance
27 organizations, pursuant to chapter 641. University and
28 college health services support organizations shall have sole
29 responsibility for the acts, debts, liabilities, and
30 obligations of the organization. In no case shall the state,
31 college, or university have any responsibility for such acts,

1 debts, liabilities, and obligations incurred or assumed by
2 university or college health services support organizations.

3 (2) Each university and college health services
4 support organization shall be a Florida corporation not for
5 profit, incorporated under the provisions of chapter 617 and
6 approved by the Department of State.

7 (3) The State Board of Education ~~Board of Regents~~ may
8 prescribe, by rule, conditions with which a university or
9 college health services support organization must comply in
10 order to be certified. Each university and college board of
11 trustees may adopt rules providing the conditions with which a
12 university or college health support organization must comply
13 in order ~~and~~ to use property, facilities, or personal services
14 at the any state university or college. The rules must provide
15 for budget, audit review, and oversight by the State Board of
16 Education ~~Board of Regents~~. Such rules shall provide that the
17 university or college health services support organization may
18 provide salary supplements and other compensation or benefits
19 for university or college faculty and staff employees only as
20 set forth in the organization's budget, which is ~~shall be~~
21 subject to approval by the university or college president.

22 (4) Each university and college board of trustees ~~The~~
23 ~~chair of the Board of Regents~~ may appoint a representative to
24 the board of directors and the executive committee of any
25 university or college health services support organization
26 established under this section. The president of the
27 university or college for which the university or college
28 health services support organization is established, or the
29 president's designee, shall also serve on the board of
30 directors and the executive committee of any university or
31

1 college health services support organization established to
2 benefit that university or college.

3 (5) Each university and college health services
4 support organization shall provide for an annual financial
5 audit in accordance with s. 240.299(5)~~s. 240.299(4)~~. The
6 auditor's report, management letter, and any supplemental data
7 requested by the State Board of Education ~~Board of Regents~~ and
8 the Auditor General are ~~shall be considered~~ public records,
9 pursuant to s. 119.07.

10 Section 98. Notwithstanding subsection (7) of section
11 3 of chapter 2000-321, Laws of Florida, section 240.2996,
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:

15 240.2996 University and college health services
16 support organization; confidentiality of information.--

17 (1) All meetings of a governing board of a university
18 or college health services support organization and all
19 university and college health services support organization
20 records shall be open and available to the public in
21 accordance with s. 286.011 and s. 24(b), Art. I of the State
22 Constitution and chapter 119 and s. 24(a), Art. I of the State
23 Constitution, respectively, unless made confidential or exempt
24 by law. Records required by the Department of Insurance to
25 discharge its duties shall be made available to the department
26 upon request.

27 (2) The following ~~university health services support~~
28 ~~organization's~~ records and information of a university or
29 college health services support organization are confidential
30 and exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a),
31 Art. I of the State Constitution:

1 (a) Contracts for managed care arrangements under
2 which the university or college health services support
3 organization provides health care services, preferred provider
4 organization contracts, health maintenance organization
5 contracts, alliance network arrangements, and exclusive
6 provider organization contracts, and any documents directly
7 relating to the negotiation, performance, and implementation
8 of any such contracts for managed care arrangements or
9 alliance network arrangements. As used in this paragraph, the
10 term "managed care" means systems or techniques generally used
11 by third-party payors or their agents to affect access to and
12 control payment for health care services. Managed-care
13 techniques most often include one or more of the following:
14 prior, concurrent, and retrospective review of the medical
15 necessity and appropriateness of services or site of services;
16 contracts with selected health care providers; financial
17 incentives or disincentives related to the use of specific
18 providers, services, or service sites; controlled access to
19 and coordination of services by a case manager; and payor
20 efforts to identify treatment alternatives and modify benefit
21 restrictions for high-cost patient care.

22 (b) Each university and college health services
23 support organization's marketing plan the disclosure of which
24 may reasonably be expected by the organization's governing
25 board to be used by a competitor or an affiliated provider of
26 the organization to frustrate, circumvent, or exploit the
27 purposes of the plan before it is implemented and which is not
28 otherwise known or cannot be legally obtained by a competitor
29 or an affiliated provider. However, documents that are
30 submitted to the organization's governing board as part of the
31

1 board's approval of the organization's budget, and the budget
2 itself, are not confidential and exempt.

3 (c) Trade secrets, as defined in s. 688.002, including
4 reimbursement methodologies and rates.

5 (d) The records of the peer review panels, committees,
6 governing board, and agents of the university or college
7 health services support organization which relate solely to
8 the evaluation of health care services and professional
9 credentials of health care providers and physicians employed
10 by or providing services under contract to the university or
11 college health services support organization. The exemptions
12 created by this paragraph shall not be construed to impair any
13 otherwise established rights of an individual health care
14 provider to inspect documents concerning the determination of
15 such provider's professional credentials.

16 (3) Any portion of a governing board or peer review
17 panel or committee meeting during which a confidential and
18 exempt contract, document, record, marketing plan, or trade
19 secret, as provided for in subsection (2), is discussed is
20 exempt from the provisions of s. 286.011 and s. 24(b), Art. I
21 of the State Constitution.

22 (4) Those portions of any public record, such as a
23 tape recording, minutes, and notes, generated during that
24 portion of a governing board or peer review panel or committee
25 meeting which is closed to the public pursuant to this
26 section, which contain information relating to contracts,
27 documents, records, marketing plans, or trade secrets which
28 are made confidential and exempt by this section, are
29 confidential and exempt from the provisions of s. 119.07(1)
30 and s. 24(a), Art. I of the State Constitution.

31

1 (5) The exemptions from s. 119.07(1) and s. 24(a),
2 Art. I of the State Constitution and s. 286.011 and s. 24(b),
3 Art. I of the State Constitution provided in this section do
4 not apply if the governing board of a university or college
5 health services support organization votes to lease, sell, or
6 transfer all or any substantial part of the facilities or
7 property of the university or college health services support
8 organization to a nonpublic entity.

9 (6) Any person may petition a court of competent
10 jurisdiction for an order for the public release of those
11 portions of any public record, such as a tape recording,
12 minutes, or notes, generated during that portion of a
13 governing board meeting which is closed to the public pursuant
14 to subsection (3), which record is made confidential and
15 exempt by subsection (4). Any action pursuant to this
16 subsection must be brought in the county where the principal
17 office of the university or college health services support
18 organization is located, as reflected in the records of the
19 custodian of state records ~~Secretary of State~~. In any order
20 for the public release of a record pursuant to this
21 subsection, the court shall make a finding that a compelling
22 public interest is served by the release of the record or
23 portions thereof which exceeds the public necessity for
24 maintaining the confidentiality of such record as described in
25 s. 2, chapter 96-171, Laws of Florida, and that the release of
26 the record will not cause damage to or adversely affect the
27 interests of private persons, business entities, the
28 university or college health services support organization, or
29 the affiliated university or college.

30 (7) Those portions of any public record, such as a
31 tape recording, minutes, or notes, generated during that

1 portion of a governing board meeting at which negotiations for
2 contracts for managed-care arrangements occur, are reported
3 on, or are acted on by the governing board, which record is
4 made confidential and exempt by subsection (4), shall become
5 public records 2 years after the termination or completion of
6 the term of the contract to which such negotiations relate or,
7 if no contract was executed, 2 years after the termination of
8 the negotiations. Notwithstanding paragraph (2)(a) and
9 subsection (4), a university or college health services
10 support organization must make available, upon request, the
11 title and general description of a contract for managed-care
12 arrangements, the names of the contracting parties, and the
13 duration of the contract term. All contracts for managed-care
14 arrangements which are made confidential and exempt by
15 paragraph (2)(a), except those portions of any contract
16 containing trade secrets which are made confidential and
17 exempt by paragraph (2)(c), shall become public 2 years after
18 the termination or completion of the term of the contract.

19 (8) A university or college health services support
20 organization may petition a court of competent jurisdiction to
21 continue the confidentiality of any public record made
22 nonconfidential by this section, upon a showing of good cause.
23 In determining good cause, the court shall balance the
24 property, privacy, and economic interests of any affected
25 person or business entity with those of the university or
26 college health services support organization and with the
27 public interest and must make a finding that a substantial
28 public interest is served by the continued confidentiality of
29 the public record for an additional time period. The length of
30 time for this continued exemption may be no longer than is
31 necessary to protect that substantial public interest.

1 (9) This act does not preclude discovery of records
2 and information that are otherwise discoverable under the
3 Florida Rules of Civil Procedure or any statutory provision
4 allowing discovery or presuit disclosure of such records and
5 information for the purpose of civil actions.

6 Section 99. Subsection (14) of section 240.2997,
7 Florida Statutes, is amended to read:

8 240.2997 Florida State University College of
9 Medicine.--

10 (14) INDEMNIFICATION FROM LIABILITY.--This section
11 shall be construed to authorize the Florida State University,
12 ~~for and on behalf of the Board of Regents,~~ to negotiate and
13 purchase policies of insurance to indemnify from any liability
14 those individuals or entities providing sponsorship or
15 training to the students of the medical school, professionals
16 employed by the medical school, and students of the medical
17 school.

18 Section 100. Notwithstanding subsection (7) of section
19 3 of chapter 2000-321, Laws of Florida, section 240.301,
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:

23 240.301 Community colleges; definition, mission, and
24 responsibilities.--

25 (1) State community colleges shall consist of all
26 public educational institutions operated by community college
27 district boards of trustees under the law ~~statutory authority~~
28 and rules of the State Board of Education ~~and the State Board~~
29 ~~of Community Colleges~~. A community college may provide adult
30 education services, including adult basic education, adult
31 general education, adult secondary education, and general

1 educational development test instruction. The state community
2 colleges are locally based and governed entities with
3 statutory and funding ties to state government. As such, the
4 community colleges' mission reflects a commitment to be
5 responsive to local educational needs and challenges. In
6 achieving this mission, the community colleges shall strive to
7 maintain sufficient local authority and flexibility while
8 preserving appropriate legal accountability to the state.

9 (2) As comprehensive institutions, the community
10 colleges shall provide high-quality, affordable education and
11 training opportunities, shall foster a climate of excellence,
12 and shall provide opportunities to all while combining high
13 standards with an open-door admission policy. The community
14 colleges shall, as open-access institutions, serve all who can
15 benefit, without regard to age, race, gender, creed, or ethnic
16 or economic background, while emphasizing the achievement of
17 social and educational equity so that all can be prepared for
18 full participation in society.

19 (3) The primary mission and responsibility of public
20 community colleges is responding to community needs for
21 postsecondary academic education and degree career education.
22 This mission and responsibility includes being responsible
23 for:

24 (a) Providing lower level undergraduate instruction
25 and awarding associate degrees, and providing upper-level
26 instruction and awarding baccalaureate degrees as specifically
27 authorized by law.

28 (b) Preparing students directly for vocations
29 requiring less than baccalaureate degrees. This may include
30 preparing for job entry, supplementing of skills and
31 knowledge, and responding to needs in new areas of technology.

1 Career education in the community college shall consist of
2 certificate career education programs leading to certificates
3 for occupational completion points, credit courses leading to
4 associate in science degrees and associate in applied
5 technology degrees, and other programs in fields requiring
6 substantial academic work, background, or qualifications. A
7 community college may offer vocational programs in fields
8 having lesser academic or technical requirements.

9 (c) Providing student development services, including
10 assessment, student tracking, support for disabled students,
11 advisement, counseling, financial aid, career development, and
12 remedial and tutorial services, to ensure student success.

13 (d) Promoting economic development for the state
14 within each community college district through the provision
15 of special programs, including, but not limited to, the:

- 16 1. Enterprise Florida-related programs.
- 17 2. Technology transfer centers.
- 18 3. Economic development centers.
- 19 4. Workforce literacy programs.

20 (4) A separate and secondary role for community
21 colleges includes the offering of programs in:

22 (a) Community services that ~~which~~ are not directly
23 related to academic or occupational advancement.

24 (b) Adult general education.

25 (c) Recreational and leisure services.

26 (5) Funding for community colleges shall reflect their
27 mission as follows:

28 (a) Postsecondary academic and vocational education
29 programs and adult general education programs shall have first
30 priority in community college funding.

31

1 (b) Community service programs shall be presented to
2 the Legislature with rationale for state funding. The
3 Legislature may identify priority areas for use of these
4 funds.

5 (6) Community colleges are authorized to offer such
6 programs and courses as are necessary to fulfill their mission
7 and are authorized to grant associate in arts degrees,
8 associate in science degrees, associate in applied science
9 degrees, certificates, awards, and diplomas. Each community
10 college is also authorized to provide access to baccalaureate
11 degrees through concurrent-use partnerships or through
12 offering a limited number of baccalaureate degrees as
13 authorized by law, and to make provisions for the general
14 educational development examination.

15 Section 101. Notwithstanding subsection (7) of section
16 3 of chapter 2000-321, Laws of Florida, section 240.303,
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:

20 240.303 "Community college" and "junior college" used
21 interchangeably.--~~whenever~~ The terms term "community college"
22 and "junior college," as used appears in the Florida Statutes
23 in reference to a tax-supported institution, have the same
24 meaning.it shall be construed to mean a "junior college."

25 Section 102. Notwithstanding subsection (7) of section
26 3 of chapter 2000-321, Laws of Florida, section 240.3031,
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
31

1 240.3031 Florida community colleges ~~College System~~
2 defined.--Florida's ~~The Florida~~ community colleges ~~College~~
3 ~~System~~ shall consist of the following:

4 ~~(1) The State Board of Community Colleges of the~~
5 ~~Division of Community Colleges of the Department of Education.~~

- 6 (1)~~(2)~~ Brevard Community College.
7 (2)~~(3)~~ Broward Community College.
8 (3)~~(4)~~ Central Florida Community College.
9 (4)~~(5)~~ Chipola Junior College.
10 (5)~~(6)~~ Daytona Beach Community College.
11 (6)~~(7)~~ Edison Community College.
12 (7)~~(8)~~ Florida Community College at Jacksonville.
13 (8)~~(9)~~ Florida Keys Community College.
14 (9)~~(10)~~ Gulf Coast Community College.
15 (10)~~(11)~~ Hillsborough Community College.
16 (11)~~(12)~~ Indian River Community College.
17 (12)~~(13)~~ Lake City Community College.
18 (13)~~(14)~~ Lake-Sumter Community College.
19 (14)~~(15)~~ Manatee Community College.
20 (15)~~(16)~~ Miami-Dade Community College.
21 (16)~~(17)~~ North Florida Community College.
22 (17)~~(18)~~ Okaloosa-Walton Community College.
23 (18)~~(19)~~ Palm Beach Community College.
24 (19)~~(20)~~ Pasco-Hernando Community College.
25 (20)~~(21)~~ Pensacola Junior College.
26 (21)~~(22)~~ Polk Community College.
27 (22)~~(23)~~ St. Johns River Community College.
28 (23)~~(24)~~ St. Petersburg ~~Junior~~ College.
29 (24)~~(25)~~ Santa Fe Community College.
30 (25)~~(26)~~ Seminole Community College.
31 (26)~~(27)~~ South Florida Community College.

1 ~~(27)~~~~(28)~~ Tallahassee Community College.

2 ~~(28)~~~~(29)~~ Valencia Community College.

3 Section 103. Sections 240.305 and 240.309, Florida
4 Statutes; section 240.311, Florida Statutes, as amended by
5 section 34 of chapter 2001-170 and section 77 of chapter
6 2001-266, Laws of Florida; and section 240.3115, Florida
7 Statutes, are repealed.

8 Section 104. Notwithstanding subsection (7) of section
9 3 of chapter 2000-321, Laws of Florida, section 240.312,
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:

13 240.312 Community colleges; program review.--The
14 director of the Division of Community Colleges shall develop
15 guidelines for the review of all academic programs in
16 community colleges. Program reviews, to be conducted in
17 conjunction with the Council for Education Policy Research and
18 Improvement, shall document how individual programs are
19 achieving stated learning and program objectives within the
20 context of the institution's mission. The results of the
21 program reviews shall inform the strategic planning, program
22 development, and budgeting decisions at the institutional
23 level.~~Program reviews for the community college system shall~~
24 ~~be coordinated with the Postsecondary Education Planning~~
25 ~~Commission every year.~~Every major program shall be reviewed
26 every 5 years or whenever the effectiveness or efficiency of a
27 program is jeopardized, except that certificate career
28 education programs and programs leading to an associate in
29 science degree shall be reviewed every 3 years. ~~Indicators of~~
30 ~~quality and criteria for the program reviews shall be defined.~~

31

1 ~~The results of these program reviews shall be tied to the~~
2 ~~budget request for the community college system.~~

3 Section 105. Notwithstanding subsection (7) of section
4 3 of chapter 2000-321, Laws of Florida, section 240.313,
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:

8 240.313 Community college districts; establishment and
9 organization of boards of trustees.--

10 (1) Each community college district authorized by law
11 and the Department of Education is an independent, separate,
12 legal entity created for the operation of a community college.
13 The district board of trustees, the community college
14 district, and the community college are one and the same legal
15 entity, a political subdivision of the state, for all purposes
16 under this section, including, without limitation, the
17 ownership of property and the transaction of business.

18 (2) Community college district boards of trustees
19 shall be comprised of five members when a community college
20 district is confined to one school board district; seven
21 members when a community college district is confined to one
22 school board district and the district board of trustees so
23 elects; and not more than nine members when the district
24 contains two or more school board districts, as provided by
25 regulations of the State Board of Education. However, Florida
26 Community College at Jacksonville shall have an odd number of
27 trustees.

28 (3) Trustees shall be appointed by the Governor,
29 ~~approved by four members of the State Board of Education, and~~
30 confirmed by the Senate in regular session; however, an ~~no~~
31 appointee shall take office on an interim basis pending Senate

1 action until such action or the end of the next regular
2 session, whichever occurs earlier.~~after his or her~~
3 ~~appointment has been approved by four members of the State~~
4 ~~Board of Education; further, the State Board of Education~~
5 ~~shall develop rules and procedures for review and approval of~~
6 ~~the appointees. Prior to the time the Governor appoints any~~
7 ~~member of any community college district board of trustees,~~
8 ~~the school board or boards in the community college district~~
9 ~~may submit to the Governor for his or her consideration the~~
10 ~~names of two or more persons for each office.~~

11 (4) Members of the district board of trustees shall
12 receive no salary but may receive reimbursement for expenses
13 as provided in s. 112.061, including mileage to and from
14 official board meetings.

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

27 (6) A community college president shall be the
28 executive officer and corporate secretary of the district
29 board of trustees as well as the chief administrative officer
30 of the community college, and all the components of the
31

1 institution and all aspects of its operation are responsible
2 to the district board of trustees through the president.

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

9 Section 106. Notwithstanding subsection (7) of section
10 3 of chapter 2000-321, Laws of Florida, section 240.315,
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:

14 240.315 Community college district board of trustees;
15 board to constitute a corporation.--Each community college
16 district board of trustees is constituted a body corporate by
17 the name of "The District Board of Trustees of ...(name of
18 community college)..., Florida-" with all powers of a body
19 corporate, including a corporate seal, the power to contract
20 and be contracted with, to sue and be sued, to plead and be
21 impleaded in all courts of law or equity, and to give and
22 receive donations.In all suits against a district board,
23 service of process shall be made on the chair of the district
24 board or, in the absence of the chair, on another member of
25 the district board.

26 Section 107. Notwithstanding subsection (7) of section
27 3 of chapter 2000-321, Laws of Florida, section 240.317,
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

1 240.317 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 (2) For purposes of this chapter, the powers, duties,
26 and authority vested with a community college are vested with
27 the president of the community college or his or her designee.
28 Unless expressly prohibited by law, rule of the State Board of
29 Education, or rule of the community college district board of
30 trustees, each community college president may delegate any
31 power, duty, or authority vested in the president by law, rule

1 of the State Board of Education, or rule of the community
2 college district board of trustees.

3 Section 109. Notwithstanding subsection (7) of section
4 3 of chapter 2000-321, Laws of Florida, section 240.319,
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:

8 240.319 Community college district boards of trustees;
9 duties and powers.--

10 (1) Each community college district board of trustees
11 is vested with the responsibility to govern and set policy for
12 ~~operate~~ its respective community college and with such
13 necessary authority as is needed for the ~~proper~~ operation and
14 improvement thereof in accordance with rules of the State
15 Board of Education ~~and State Board of Community Colleges.~~

16 (2) The district board of trustees, after considering
17 recommendations submitted by the community college president,
18 may ~~has authority to~~ adopt rules pursuant to ss. 120.536(1)
19 and 120.54 to implement the provisions of law conferring
20 duties upon it. ~~These rules may supplement those prescribed~~
21 ~~by the State Board of Education and the State Board of~~
22 ~~Community Colleges if they will contribute to the more orderly~~
23 ~~and efficient operation of the Florida Community College~~
24 ~~System.~~

25 (3) Each community college district board of trustees
26 is specifically authorized to adopt rules that are related to
27 its mission and, ~~procedures, and policies,~~ consistent with law
28 and the rules of the State Board of Education. Unless
29 expressly prohibited by law, each community college district
30 board of trustees may delegate any power, duty, or authority
31 vested in the district board of trustees, in whole or in part,

1 ~~to its respective president and State Board of Community~~
2 ~~Colleges, related to its mission and responsibilities as set~~
3 ~~forth in s. 240.301, its governance, personnel, budget and~~
4 ~~finance, administration, programs, curriculum and instruction,~~
5 ~~buildings and grounds, travel and purchasing, technology,~~
6 ~~students, contracts and grants, or college property.~~

7 (4) ~~The~~ Such rules, ~~procedures, and policies~~ for the
8 district boards of trustees include, but are not limited to,
9 the following:

10 (a) Each district board of trustees shall appoint,
11 suspend, or remove the president of the community college. The
12 district board of trustees may appoint a search committee that
13 reflects the gender and ethnic diversity of the community,
14 faculty, students, and staff. The district board of trustees
15 shall conduct annual ~~periodic~~ evaluations of the president in
16 accordance with rules of the State Board of Education
17 ~~Community Colleges~~ and submit such evaluations to the State
18 Board of Education ~~Community Colleges~~ for review.

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

26 (c) Each district board of trustees shall review new
27 associate degree, diploma, and certificate programs for
28 relationship to student demand; conduct periodic reviews of
29 existing programs; and terminate associate degree or
30 certificate programs when excessive duplication exists.

31

1 (d) Each district board of trustees shall conduct an
2 annual administrative review of the community college and
3 forward the review to the State Board of Education.

4 1. The review must include, but is not limited to, the
5 administrator-to-faculty ratio, the percent of funds for
6 administrative costs in the total budget, and the percent of
7 funds in support programs compared to the percent of funds in
8 instructional programs, and may include other indicators of
9 quality as necessary.

10 2. The review shall also include all courses offered
11 by the community college outside its district. Courses offered
12 outside the home district which are not approved by the
13 district board of trustees may not be counted for funding
14 purposes or for purposes of meeting enrollment assignments.
15 For purposes of this subparagraph, electronically originated
16 instruction, including satellite, broadcast, and
17 Internet-delivered instruction, is exempt. Exemption is only
18 permitted when the community college's intent is to offer the
19 instruction for students residing within the community
20 college's home district and to market the instruction only to
21 students residing within the community college's home
22 district. If a community college's intent is to market the
23 electronically originated instruction outside its home
24 district and thus recruit students outside its home district,
25 the community college must receive the approval of the State
26 Board of Education. The State Board of Education may review
27 any electronically originated instruction for compliance with
28 this section.

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

1 of the district board of trustees and may plead and be
2 impleaded in all courts of law or equity. In any suit, a
3 change in personnel of the board shall not abate the suit,
4 which shall proceed as if such change had not taken place.
5 Each district board may adopt rules, ~~procedures, and policies~~
6 related to contracts and contract management.

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

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

31

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

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

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

20 ~~(k)~~ Each district board of trustees may develop and
21 adopt guidelines relating to official travel by community
22 college employees.

23 ~~(l)(i)~~ Each district board of trustees may consider
24 the past actions of any person applying for admission,
25 enrollment, or employment and may adopt rules to deny provide,
26 ~~by board rule or procedure, for denying~~ admission, enrollment,
27 or employment to a person because of misconduct if determined
28 to be in the best interest of the ~~past actions have been found~~
29 ~~to disrupt or interfere with the orderly conduct, processes,~~
30 ~~functions, or programs of any other university, college, or~~
31 ~~community college.~~

1 (m)(j) Each district board of trustees may ~~is~~
2 ~~authorized to~~ develop and produce work products relating to
3 educational endeavors which are subject to trademark,
4 copyright, or patent statutes. To this end, the district
5 board shall consider the relative contribution by the
6 personnel employed in the development of such work products
7 and shall enter into binding agreements with such personnel,
8 organizations, corporations, or government entities, which
9 agreements shall establish the percentage of ownership of such
10 trademarks, copyrights, or patents. Any other law to the
11 contrary notwithstanding, the district board may ~~is authorized~~
12 in its own name ~~to~~:

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

16 2. License, lease, assign, or otherwise give written
17 consent to any person, firm, or corporation for the
18 manufacture or use thereof on a royalty basis or for such
19 other consideration as the district board deems proper.

20 3. Take any action necessary, including legal action,
21 to protect the same against improper or unlawful use of
22 infringement.

23 4. Enforce the collection of any sums due the district
24 board for the manufacture or use thereof by any other party.

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

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

29 (n)(k) Each district board of trustees shall provide
30 rules governing parking and the direction and flow of traffic
31 within campus boundaries and may hire appropriate personnel to

1 enforce campus parking rules. ~~Such persons have no authority~~
2 ~~to arrest or issue citations for moving traffic violations.~~
3 The district board of trustees may adopt, by rule, a uniform
4 code of appropriate penalties for violations. Such penalties,
5 unless otherwise provided by law, may include the levying of
6 fines, the withholding of diplomas or transcripts pending
7 compliance with rules or payment of fines, and the imposition
8 of probation, suspension, or dismissal. ~~Moneys collected from~~
9 ~~parking rule infractions shall be deposited in appropriate~~
10 ~~funds at each community college for student financial aid~~
11 ~~purposes.~~

12 ~~(o)(1)~~1. Each district board of trustees may adopt
13 rules, procedures, and policies related to the appointment,
14 employment, and removal of personnel. The district board
15 shall determine the compensation, including salaries and
16 fringe benefits, and other conditions of employment for such
17 personnel, including the president.

18 2. The district board ~~may is authorized to~~ enter into
19 a contract with the president in accordance with the
20 provisions of this chapter. Any such contract may fix the
21 duration of employment and the compensation therefor and may
22 contain any other terms and conditions the district board
23 deems appropriate. In addition, the district board may furnish
24 the president with the use of a motor vehicle or an allowance
25 in lieu thereof. If any such vehicle is furnished, the
26 district board shall determine and fix the maximum noncollege
27 use of the same. Each district board of trustees shall adopt,
28 by rule, procedures governing the employment and dismissal of
29 the community college president. Such rule shall be
30 incorporated into the contract for employment.

31

1

(p)(~~m~~) Each district board of trustees may provide for
2 recognition of employees who have contributed outstanding and
3 meritorious service in their fields and may adopt and
4 implement a program of meritorious service awards to employees
5 who propose procedures or ideas that are adopted and that will
6 result in eliminating or reducing community college
7 expenditures or improving community college operations. The
8 community college district board of trustees may ~~is authorized~~
9 ~~to~~ expend funds for such recognition and awards. ~~An award~~
10 ~~granted under the provisions of this paragraph may not exceed~~
11 ~~\$2,000 or 10 percent of the first year's gross savings,~~
12 ~~whichever is greater.~~

13

(g)(~~n~~) Each district board of trustees may adopt
14 rules, ~~procedures, and policies~~ related to students,
15 enrollment of students, student activities, loans,
16 scholarships, and other student services.

17

(r)(~~o~~) Each district board of trustees may adopt
18 rules, ~~procedures, and policies~~ related to risk management,
19 safety, security, and law enforcement operations. Each board
20 of trustees ~~may is authorized to~~ employ personnel to carry out
21 the duties imposed by this paragraph.

22

(s)(~~p~~) Each district board of trustees ~~may is~~
23 ~~authorized to~~ contract for the purchase, lease, or acquisition
24 in any manner ~~(including purchase by installment or~~
25 ~~lease-purchase contract which may provide for the payment of~~
26 ~~interest on the unpaid portion of the purchase price and for~~
27 ~~the granting of a security interest in the items purchased)~~of
28 goods, materials, equipment, and services required by the
29 college. The district board of trustees may choose to
30 consolidate equipment contracts under master equipment
31 financing agreements made pursuant to s. 287.064.

1 (t)~~(q)~~ Each district board of trustees may is
2 ~~authorized to~~ establish and maintain a personnel exchange
3 program by which persons employed within the community college
4 as vocational instructors and comparable administrative and
5 professional staff may be exchanged with persons employed in
6 like capacities by institutions of higher learning which are
7 not under the jurisdiction of the community college, by units
8 of government either within or without this state, or by
9 private industry. ~~The salary and benefits of community~~
10 ~~college and state personnel participating in the exchange~~
11 ~~program shall be continued during the period of time they~~
12 ~~participate in the exchange program, and such personnel shall~~
13 ~~be deemed to have no break in creditable or continuous state~~
14 ~~service or employment during the period of time in which they~~
15 ~~participate in the exchange program. The salary and benefits~~
16 ~~of persons participating in the personnel exchange program who~~
17 ~~are employed by institutions, units of government, or private~~
18 ~~industry shall be paid by the originating employers of those~~
19 ~~participants. The duties and responsibilities of a person~~
20 ~~participating in the exchange program shall be the same as~~
21 ~~those of the person he or she replaces.~~

22 (u)~~(r)~~ Each district board of trustees may is
23 ~~authorized to~~ enter into contracts to provide a State
24 Community College System Optional Retirement Program pursuant
25 to s. 240.3195 and to enter into consortia with other boards
26 of trustees for this purpose.

27 (v)~~(s)~~ Each district board of trustees has
28 responsibility for: ensuring that students have access to
29 general education courses as identified in rule; requiring no
30 more than 60 semester hours of degree program coursework,
31 including 36 semester hours of general education coursework,

1 for an associate in arts degree; notifying students that
2 earned hours in excess of 60 semester hours may not be
3 accepted by state universities; notifying students of unique
4 program prerequisites identified pursuant to s. 240.209(5)(f);
5 and ensuring that degree program coursework beyond general
6 education coursework is consistent with degree program
7 prerequisite requirements adopted pursuant to s.
8 229.551(1)(f)5.

9 (w)~~(t)~~ Each district board of trustees may ~~is~~
10 ~~authorized to~~ borrow funds and incur debt, including entering
11 into lease-purchase agreements and the issuance of revenue
12 bonds as specifically authorized and only for the purposes
13 authorized in ss. 239.117(4)~~239.117(15)~~and(9)~~(16)~~and
14 240.35(11) and (12)~~240.35(14)~~ and ~~(15)~~. At the option of the
15 district board of trustees, bonds may be issued which are
16 secured by a combination of revenues authorized to be pledged
17 to bonds pursuant to ss. 239.117(4)~~239.117(15)~~and 240.35(11)
18 ~~240.35(14)~~or ss. 239.117(9)~~239.117(16)~~and 240.35(12)
19 ~~240.35(15)~~. Lease-purchase agreements may be secured by a
20 combination of revenues as specifically authorized pursuant to
21 ss. 239.117(4)~~239.117(18)~~and 240.35(4)(b)~~240.35(16)~~.

22 (x)~~(u)~~ Each district board of trustees may adopt
23 rules, ~~procedures, and policies~~ related to compliance with
24 federal laws, regulations, and requirements.

25 (y)~~(v)~~ Each district board of trustees may adopt
26 rules, ~~procedures, and policies~~ related to institutional
27 governance, administration, and management in order to promote
28 orderly and efficient operation, including, but not limited
29 to, financial management, budget management, physical plant
30 management, and property management.

31

1 ~~(z)(w)~~ Each district board of trustees may adopt
2 rules, ~~procedures, and policies~~ related to data or technology,
3 including but not limited to, information systems,
4 communications systems, computer hardware and software, and
5 networks. These systems shall be compatible with the state's
6 information systems to facilitate the sharing of data related
7 to the community colleges.

8 ~~(aa)(x)~~ Each district board of trustees may adopt
9 rules, ~~procedures, and policies~~ related to the use,
10 maintenance, protection, and control of buildings and grounds,
11 property, or equipment. The authority vested in the district
12 board of trustees in this subsection includes the
13 prioritization of the use of space, property, equipment, and
14 resources and the imposition of charges for the same.

15 ~~(bb)~~ Each district board of trustees may enter into
16 contracts and enter into consortia with the state, other
17 community college boards of trustees, state university boards
18 of trustees, school boards, and private educational
19 institutions for the purpose of providing health and welfare
20 insurances for employees, which include, but are not limited
21 to health, dental, disability, and long-term insurances.

22 ~~(cc)~~ Each district board of trustees may participate
23 in deferred compensation programs offered by the state to its
24 employees, as appropriate.

25 Section 110. Notwithstanding subsection (7) of section
26 3 of chapter 2000-321, Laws of Florida, section 240.3191,
27 Florida Statutes, shall not stand repealed January 7, 2003, as
28 scheduled by that law, but that section is reenacted to read:

29 240.3191 Community college student handbooks.--

30 (1) Each community college shall compile and update
31 annually a student handbook that includes, but is not limited

1 to, a comprehensive calendar that emphasizes important dates
2 and deadlines, student rights and responsibilities, appeals
3 processes available to students, and a roster of contact
4 persons within the administrative staff available to respond
5 to student inquiries.

6 (2) Each student handbook shall list the legal and
7 community college specific sanctions that will be imposed upon
8 students who violate the law or community college policies
9 regarding controlled substances and alcoholic beverages.

10 (3) Each student handbook shall provide information
11 related to acquired immune deficiency syndrome (AIDS)
12 education or identify sites from which AIDS education
13 information may be obtained.

14 Section 111. Notwithstanding subsection (7) of section
15 3 of chapter 2000-321, Laws of Florida, section 240.3192,
16 Florida Statutes, shall not stand repealed January 7, 2003, as
17 scheduled by that law, but that section is reenacted to read:

18 240.3192 Community colleges; HIV and AIDS
19 policy.--Each community college shall develop a comprehensive
20 policy that addresses the provision of instruction,
21 information, and activities regarding human immunodeficiency
22 virus infection and acquired immune deficiency syndrome. Such
23 instruction, information, or activities shall emphasize the
24 known modes of transmission of human immunodeficiency virus
25 infection and acquired immune deficiency syndrome, signs and
26 symptoms, associated risk factors, appropriate behavior and
27 attitude change, and means used to control the spread of human
28 immunodeficiency virus infection and acquired immune
29 deficiency syndrome.

30 Section 112. Notwithstanding subsection (7) of section
31 3 of chapter 2000-321, Laws of Florida, section 240.3193,

1 Florida Statutes, shall not stand repealed January 7, 2003, as
2 scheduled by that law, but that section is reenacted to read:

3 240.3193 Community college student ombudsman office.--

4 (1) There is created at each community college a
5 student ombudsman office, which is accountable to the
6 president.

7 (2) Each community college must have an established
8 procedure by which a student may appeal to the office of the
9 ombudsman a decision that is related to the student's access
10 to courses and credit granted toward the degree. Detailed
11 information concerning this procedure must be included in the
12 community college catalog.

13 (3) Each community college shall develop minimum
14 standards for the role of ombudsman or student advocate. The
15 standards shall address the issue of notification of students
16 of opportunities for assistance or appeal.

17 Section 113. Notwithstanding subsection (7) of section
18 3 of chapter 2000-321, Laws of Florida, section 240.3195,
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:

22 240.3195 State Community College ~~System~~ Optional
23 Retirement Program.--Each community college may implement an
24 optional retirement program, if such program is established
25 therefor pursuant to s. 240.319(4)(r), under which annuity
26 contracts providing retirement and death benefits may be
27 purchased by, and on behalf of, eligible employees who
28 participate in the program. Except as otherwise provided
29 herein, this retirement program, which shall be known as the
30 State Community College ~~System~~ Optional Retirement Program,
31

1 may be implemented and administered only by an individual
2 community college or by a consortium of community colleges.

3 (1) As used in this section, the term:

4 (a) "Activation" means the date upon which an optional
5 retirement program is first made available by the program
6 administrator to eligible employees.

7 (b) "College" means public community colleges ~~that are~~
8 ~~members of the Florida Community College System.~~

9 (c) "Department" means the Department of Management
10 Services.

11 (d) "Program administrator" means the individual
12 college or consortium of colleges responsible for implementing
13 and administering an optional retirement program.

14 (e) "Program participant" means an eligible employee
15 who has elected to participate in an available optional
16 retirement program as authorized by this section.

17 (2) Participation in the optional retirement program
18 provided by this section is limited to employees who satisfy
19 the criteria set forth in s. 121.051(2)(c).

20 (3)(a) With respect to any employee who is eligible to
21 participate in the optional retirement program by reason of
22 qualifying employment commencing before the program's
23 activation:

24 1. The employee may elect to participate in the
25 optional retirement program in lieu of participation in the
26 Florida Retirement System. To become a program participant,
27 the employee must file with the personnel officer of the
28 community college, within 60 days after the program's
29 activation, both a written election on a form provided by the
30 department and a completed application for an individual
31 contract or certificate.

1 2. An employee's participation in the optional
2 retirement program commences on the first day of the next full
3 calendar month following the filing of the election and
4 completed application with the program administrator and
5 receipt of such election by the department. An employee's
6 membership in the Florida Retirement System terminates on this
7 same date.

8 3. Any such employee who fails to make an election to
9 participate in the optional retirement program within 60 days
10 after its activation has elected to retain membership in the
11 Florida Retirement System.

12 (b) With respect to any employee who becomes eligible
13 to participate in an optional retirement program by reason of
14 qualifying employment commencing on or after the program's
15 activation:

16 1. The employee may elect to participate in the
17 optional retirement program in lieu of participation in the
18 Florida Retirement System. To become a program participant,
19 the employee must file with the personnel officer of the
20 community college, within 60 days after commencing qualifying
21 employment, both a written election on a form provided by the
22 department and a completed application for an individual
23 contract or certificate.

24 2. An employee's participation in the optional
25 retirement program commences on the first day of the next full
26 calendar month following the filing of the election and
27 completed application with the program administrator and
28 receipt of such election by the department. An employee's
29 membership in the Florida Retirement System terminates on this
30 same date.

31

1 3. If the employee makes an election to participate in
2 the optional retirement program before the community college
3 submits its initial payroll for the employee, participation in
4 the optional retirement program commences on the first date of
5 employment.

6 4. Any such employee who fails to make an election to
7 participate in the optional retirement program within 60 days
8 after commencing qualifying employment has elected to retain
9 membership in the Florida Retirement System.

10 (c) Any employee who, on or after an optional
11 retirement program's activation, becomes eligible to
12 participate in the program by reason of a change in status due
13 to the subsequent designation of the employee's position as
14 one of those referenced in subsection (2), or due to the
15 employee's appointment, promotion, transfer, or
16 reclassification to a position referenced in subsection (2),
17 must be notified by the community college of the employee's
18 eligibility to participate in the optional retirement program
19 in lieu of participation in the Florida Retirement System.
20 These eligible employees are subject to the provisions of
21 paragraph (b) and may elect to participate in the optional
22 retirement program in the same manner as those employees
23 described in paragraph (b), except that the 60-day election
24 period commences upon the date notice of eligibility is
25 received by the employee.

26 (d) Program participants must be fully and immediately
27 vested in the optional retirement program.

28 (e) The election by an eligible employee to
29 participate in the optional retirement program is irrevocable
30 for so long as the employee continues to meet the eligibility
31

1 requirements set forth in this section and in s.

2 121.051(2)(c), except as provided in paragraph (i).

3 (f) If a program participant becomes ineligible to
4 continue participating in the optional retirement program
5 pursuant to the criteria referenced in subsection (2), the
6 employee becomes a member of the Florida Retirement System if
7 eligible. The community college must notify the department of
8 an employee's change in eligibility status within 30 days
9 after the event that makes the employee ineligible to continue
10 participation in the optional retirement program.

11 (g) An eligible employee who is a member of the
12 Florida Retirement System at the time of election to
13 participate in the optional retirement program retains all
14 retirement service credit earned under the Florida Retirement
15 System at the rate earned. Additional service credit in the
16 Florida Retirement System may not be earned while the employee
17 participates in the optional retirement program, nor is the
18 employee eligible for disability retirement under the Florida
19 Retirement System.

20 (h) A program participant may not simultaneously
21 participate in any other state-administered retirement system,
22 plan, or class.

23 (i) Except as provided in s. 121.052(6)(d), a program
24 participant who is or who becomes dually employed in two or
25 more positions covered by the Florida Retirement System, one
26 of which is eligible for an optional retirement program
27 pursuant to this section and one of which is not, is subject
28 to the dual employment provisions of chapter 121.

29 ~~(4)(a) Through June 30, 2001, each college must~~
30 ~~contribute on behalf of each program participant an amount~~
31 ~~equal to the normal cost portion of the employer retirement~~

1 ~~contribution which would be required if the program~~
2 ~~participant were a member of the Regular Class of the Florida~~
3 ~~Retirement System as provided in s. 121.071, plus the portion~~
4 ~~of the contribution rate required in s. 112.363(8) that would~~
5 ~~otherwise be assigned to the Retiree Health Insurance Subsidy~~
6 ~~Trust Fund. Effective July 1, 2001,Each community college~~
7 must contribute on behalf of each program participant an
8 amount equal to 10.43 percent of the participant's gross
9 monthly compensation. The community college shall deduct an
10 amount approved by the district board of trustees ~~community~~
11 ~~college~~ to provide for the administration of the optional
12 retirement program. Payment of this contribution must be made
13 either directly by the community college or through the
14 program administrator to the designated company contracting
15 for payment of benefits to the program participant.

16 (b) Each community college must contribute on behalf
17 of each program participant an amount equal to the unfunded
18 actuarial accrued liability portion of the employer
19 contribution which would be required if the program
20 participant were a member of the Regular Class of the Florida
21 Retirement System. Payment of this contribution must be made
22 directly by the college to the department for deposit in the
23 Florida Retirement System Trust Fund.

24 (c) Each program participant who has executed an
25 annuity contract may contribute by way of salary reduction or
26 deduction a percentage of the program participant's gross
27 compensation, but this percentage may not exceed the
28 corresponding percentage contributed by the community college
29 to the optional retirement program. Payment of this
30 contribution may be made either directly by the community
31 college or through the program administrator to the designated

1 company contracting for payment of benefits to the program
2 participant.

3 (d) Contributions to an optional retirement program by
4 a community college or a program participant are in addition
5 to, and have no effect upon, contributions required now or in
6 future by the federal Social Security Act.

7 (5)(a) The benefits to be provided to program
8 participants must be provided through individual contracts or
9 group annuity contracts, which may be fixed, variable, or
10 both. Each individual contract or certificate must state the
11 type of annuity contract on its face page, and must include at
12 least a statement of ownership, the contract benefits, annuity
13 income options, limitations, expense charges, and surrender
14 charges, if any.

15 (b) Benefits are payable under the optional retirement
16 program to program participants or their beneficiaries, and
17 the benefits must be paid only by the designated company in
18 accordance with the terms of the annuity contracts applicable
19 to the program participant, provided that benefits funded by
20 employer contributions are payable only as a lifetime annuity
21 to the program participant, except for:

22 1. A lump-sum payment to the program participant's
23 beneficiary or estate upon the death of the program
24 participant; or

25 2. A cash-out of a de minimis account upon the request
26 of a former program participant who has been terminated for a
27 minimum of 6 months from the employment that caused the
28 participant to be eligible for participation. A de minimis
29 account is an account with a designated company containing
30 employer contributions and accumulated earnings of not more
31 than \$3,500. The cash-out must be a complete liquidation of

1 the account balance with that designated company and is
2 subject to the provisions of the Internal Revenue Code.

3 (c) The benefits payable to any person under the
4 optional retirement program, and any contribution accumulated
5 under the program, are not subject to assignment, execution,
6 attachment, or to any legal process whatsoever.

7 (6)(a) The optional retirement program authorized by
8 this section must be implemented and administered by the
9 program administrator under s. 403(b) of the Internal Revenue
10 Code. The program administrator has the express authority to
11 contract with a third party to fulfill any of the program
12 administrator's duties.

13 (b) The program administrator shall solicit
14 competitive bids or issue a request for proposal and select no
15 more than four companies from which annuity contracts may be
16 purchased under the optional retirement program. In making
17 these selections, the program administrator shall consider the
18 following factors:

- 19 1. The financial soundness of the company.
- 20 2. The extent of the company's experience in providing
21 annuity contracts to fund retirement programs.
- 22 3. The nature and extent of the rights and benefits
23 provided to program participants in relation to the premiums
24 paid.
- 25 4. The suitability of the rights and benefits provided
26 to the needs of eligible employees and the interests of the
27 community college in the recruitment and retention of
28 employees.

29
30 In lieu of soliciting competitive bids or issuing a request
31 for proposals, the program administrator may authorize the

1 purchase of annuity contracts under the optional retirement
2 program from those companies currently selected by the
3 department to offer such contracts through the State
4 University System Optional Retirement Program, as set forth in
5 s. 121.35.

6 (c) Optional retirement program annuity contracts must
7 be approved in form and content by the program administrator
8 in order to qualify. The program administrator may use the
9 same annuity contracts currently used by state universities
10 and colleges within the State University System Optional
11 Retirement Program, as set forth in s. 121.35.

12 (d) The provision of each annuity contract applicable
13 to a program participant must be contained in a written
14 program description that includes a report of pertinent
15 financial and actuarial information on the solvency and
16 actuarial soundness of the program and the benefits applicable
17 to the program participant. The company must furnish the
18 description annually to the program administrator, and to each
19 program participant upon commencement of participation in the
20 program and annually thereafter.

21 (e) The program administrator must ensure that each
22 program participant is provided annually with an accounting of
23 the total contributions and the annual contributions made by
24 and on the behalf of the program participant.

25 Section 114. Section 240.32, Florida Statutes, is
26 repealed.

27 Section 115. Notwithstanding subsection (7) of section
28 3 of chapter 2000-321, Laws of Florida, section 240.321,
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:

1 240.321 Community college district board of trustees;
2 rules for admissions of students.--Each district ~~The~~ board of
3 trustees shall make rules governing admissions of students.
4 These rules shall include the following:

5 (1) Admissions counseling shall be provided to all
6 students entering college credit programs, which counseling
7 shall use ~~utilize~~ tests to measure achievement of
8 college-level communication and computation competencies by
9 all students entering college credit programs.

10 (2) Admission to associate degree programs is subject
11 to minimum standards adopted by the State Board of Education
12 and shall require:

13 (a) A standard high school diploma, a high school
14 equivalency diploma as prescribed in s. 229.814, previously
15 demonstrated competency in college credit postsecondary
16 coursework, or, in the case of a student who is home educated,
17 a signed affidavit submitted by the student's parent or legal
18 guardian attesting that the student has completed a home
19 education program pursuant to the requirements of s. 232.0201.
20 Students who are enrolled in a dual enrollment or early
21 admission program pursuant to s. 240.116 and secondary
22 students enrolled in college-level instruction creditable
23 toward the associate degree, but not toward the high school
24 diploma, shall be exempt from this requirement.

25 (b) A demonstrated level of achievement of
26 college-level communication and computation skills. Students
27 entering a postsecondary education program within 2 years of
28 graduation from high school with an earned college-ready
29 diploma issued pursuant to s. 232.2466 shall be exempt from
30 this testing requirement.

31

1 (c) Any other requirements established by the board of
2 trustees.

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

6
7 ~~Each board of trustees shall establish policies that notify~~
8 ~~students about, and place students into, adult basic~~
9 ~~education, adult secondary education, or other instructional~~
10 ~~programs that provide students with alternatives to~~
11 ~~traditional college preparatory instruction, including private~~
12 ~~provider instruction. Such notification shall include a~~
13 ~~written listing or a prominent display of information on~~
14 ~~alternative remedial options that must be available to each~~
15 ~~student who scores below college level in any area on the~~
16 ~~common placement test. The list or display shall include, but~~
17 ~~is not limited to, options provided by the community college,~~
18 ~~adult education programs, and programs provided by private~~
19 ~~sector providers. The college shall not endorse, recommend,~~
20 ~~evaluate, or rank any of the providers. The list of providers~~
21 ~~or the display materials shall include all those providers~~
22 ~~that request to be included. The written list must provide~~
23 ~~students with specific contact information and disclose the~~
24 ~~full costs of the course tuition, laboratory fees, and~~
25 ~~instructional materials of each option listed.~~A student who
26 elects a private provider for remedial instruction is entitled
27 to enroll in up to 12 credits of college-level courses in
28 skill areas other than those for which the student is being
29 remediated. A student is prohibited from enrolling in
30 additional college-level courses until the student scores
31

1 above the cut-score on all sections of the common placement
2 test.

3 Section 116. Notwithstanding subsection (7) of section
4 3 of chapter 2000-321, Laws of Florida, section 240.3215,
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:

8 240.3215 Community college district board of trustees;
9 degrees and certificates; tests for certain skills.--

10 (1) Each district board of trustees shall adopt rules
11 establishing student performance standards for the award of
12 degrees and certificates.

13 (2) Each district board of trustees shall require the
14 use of scores on tests for college-level communication and
15 computation skills provided in s. 229.551 as a condition for
16 graduation with an associate in arts degree.

17 Section 117. Notwithstanding subsection (7) of section
18 3 of chapter 2000-321, Laws of Florida, section 240.323,
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:

22 240.323 Student records.--Rules of the State Board of
23 Education ~~Community Colleges~~ may prescribe the content and
24 custody of records and reports that ~~which~~ a community college
25 may maintain on its students. Such records are confidential
26 and exempt from s. 119.07(1) and are open to inspection only
27 as provided in s. 228.093.

28 Section 118. Notwithstanding subsection (7) of section
29 3 of chapter 2000-321, Laws of Florida, section 240.324,
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:

3 240.324 Community college accountability process.--

4 (1) It is the intent of the Legislature that a
5 management and accountability process be implemented which
6 provides for the systematic, ongoing improvement and
7 assessment of the improvement of the quality and efficiency of
8 the community colleges ~~Florida Community College System~~.
9 Accordingly, the State Board of Education ~~Community Colleges~~
10 and the community college district boards of trustees shall
11 develop and implement an accountability plan to improve and
12 evaluate the instructional and administrative efficiency and
13 effectiveness of the community colleges ~~Florida Community~~
14 ~~College System~~. This plan shall be designed in consultation
15 with staff of the Governor and the Legislature and must
16 address the following issues:

17 (a) Graduation rates of A.A. and A.S. degree-seeking
18 students compared to first-time-enrolled students seeking the
19 associate degree.

20 (b) Minority student enrollment and retention rates.

21 (c) Student performance, including student performance
22 in college-level academic skills, mean grade point averages
23 for community college A.A. transfer students, and community
24 college student performance on state licensure examinations.

25 (d) Job placement rates of community college
26 vocational students.

27 (e) Student progression by admission status and
28 program.

29 (f) Vocational accountability standards identified in
30 s. 239.229.

31

1 (g) Institutional assessment efforts related to the
2 requirements of s. III in the Criteria for Accreditation of
3 the Commission on Colleges of the Southern Association of
4 Colleges and Schools.

5 (h) Other measures as identified by the Council for
6 Education Policy Research and Improvement ~~Postsecondary~~
7 ~~Education Planning Commission~~ and approved by the State Board
8 of Education ~~Community Colleges~~.

9 (2) Each district board of trustees ~~Beginning~~
10 ~~September 1, 1998, the State Board of Community Colleges~~ shall
11 submit an annual report, to coincide with the submission of
12 the agency strategic plan required by law, providing the
13 results of initiatives taken during the prior year and the
14 initiatives and related objective performance measures
15 proposed for the next year.

16 (3) The Commissioner of Education ~~State Board of~~
17 ~~Community Colleges~~ shall address within the annual evaluation
18 of the performance of the ~~executive~~ director of the Division
19 of Community Colleges, and the district boards of trustees
20 shall address within the annual evaluation of the presidents,
21 the achievement of the performance goals established by the
22 accountability process.

23 Section 119. Section 240.325, Florida Statutes, is
24 repealed.

25 Section 120. Notwithstanding subsection (7) of section
26 3 of chapter 2000-321, Laws of Florida, section 240.326,
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:

30 240.326 Hazing prohibited at community colleges.--
31

1 (1) As used in this section, "hazing" means any action
2 or situation which recklessly or intentionally endangers the
3 mental or physical health or safety of a student for the
4 purpose of initiation or admission into or affiliation with
5 any organization operating under the sanction of a community
6 college, which organization is hereinafter referred to as a
7 "community college organization." Such term includes, but is
8 not limited to, any brutality of a physical nature, such as
9 whipping; beating; branding; forced calisthenics; exposure to
10 the elements; forced consumption of any food, liquor, drug, or
11 other substance; or other forced physical activity which could
12 adversely affect the physical health or safety of the
13 individual, and also includes any activity which would subject
14 the individual to extreme mental stress, such as sleep
15 deprivation, forced exclusion from social contact, forced
16 conduct which could result in extreme embarrassment, or other
17 forced activity which could adversely affect the mental health
18 or dignity of the individual. For the purposes of this
19 section, any activity as described above upon which the
20 initiation or admission into or affiliation with a community
21 college organization is directly or indirectly conditioned
22 shall be presumed to be a "forced" activity, the willingness
23 of an individual to participate in such activity
24 notwithstanding.

25 (2) Each community college district board of trustees
26 shall adopt a written antihazing policy and, pursuant to such
27 policy, shall adopt rules prohibiting students or other
28 persons associated with any community college organization
29 from engaging in any activity which can be described as
30 hazing.

31

1 (a) Each community college district board of trustees
2 shall provide a program for the enforcement of such rules and
3 shall adopt appropriate penalties for violations of such
4 rules, to be administered by the person or agency at the
5 community college responsible for the sanctioning of such
6 community college organizations.

7 1. Such penalties may include the imposition of fines;
8 the withholding of diplomas or transcripts pending compliance
9 with the rules or pending payment of fines; and the imposition
10 of probation, suspension, or dismissal.

11 2. In the case of a community college organization
12 which authorizes hazing in blatant disregard of such rules,
13 penalties may also include rescission of permission for that
14 organization to operate on campus property or to otherwise
15 operate under the sanction of the community college.

16 3. All penalties imposed under the authority of this
17 subsection shall be in addition to any penalty imposed for
18 violation of any of the criminal laws of this state or for
19 violation of any other community college rule to which the
20 violator may be subject.

21 (b) Rules adopted pursuant to this section hereto
22 ~~shall~~ apply to acts conducted on or off campus whenever such
23 acts are deemed to constitute hazing.

24 ~~(3) Upon approval by the State Board of Education of~~
25 ~~the antihazing policy of a community college and of the rules~~
26 ~~and penalties adopted pursuant thereto,~~The community college
27 district board of trustees shall provide a copy of such
28 policy, rules, and penalties to each student enrolled in that
29 community college and shall require the inclusion of such
30 policy, rules, and penalties in the bylaws of every
31

1 organization operating under the sanction of the community
2 college.

3 ~~(4) Any amendments to such approved policy, rules, or~~
4 ~~penalties shall be submitted, within 10 days after the~~
5 ~~adoption of such amendments, to the State Board of Education~~
6 ~~for its approval.~~

7 Section 121. Notwithstanding subsection (7) of section
8 3 of chapter 2000-321, Laws of Florida, section 240.327,
9 Florida Statutes, shall not stand repealed January 7, 2003, as
10 scheduled by that law, but that section is reenacted to read:

11 240.327 Planning and construction of community college
12 facilities; property acquisition.--

13 (1) The need for community college facilities shall be
14 established by a survey conducted pursuant to chapter 235; the
15 facilities recommended by such survey must be approved by the
16 State Board of Education; and the projects must be constructed
17 according to the provisions of chapter 235 and State Board of
18 Education rules.

19 (2) No community college may expend public funds for
20 the acquisition of additional property without the specific
21 approval of the Legislature.

22 (3) No facility may be acquired or constructed by a
23 community college or its direct-support organization if such
24 facility requires general revenue funds for operation or
25 maintenance upon project completion or in subsequent years of
26 operation, unless prior approval is received from the
27 Legislature.

28 Section 122. Notwithstanding subsection (7) of section
29 3 of chapter 2000-321, Laws of Florida, section 240.331,
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:

3 240.331 Community college direct-support
4 organizations.--

5 (1) DEFINITIONS.--For the purposes of this section,
6 the term:

7 (a) "Community college direct-support organization"
8 means an organization that is:

9 1. A Florida corporation not for profit, incorporated
10 under the provisions of chapter 617 and approved by the
11 Department of State.

12 2. Organized and operated exclusively to receive,
13 hold, invest, and administer property and to make expenditures
14 to, or for the benefit of, a community college in this state.

15 3. An organization that the district board of
16 trustees, after review, has certified to be operating in a
17 manner consistent with the goals of the community college and
18 in the best interest of the state. Any organization that is
19 denied certification by the board of trustees may not use the
20 name of the community college that it serves.

21 (b) "Personal services" includes full-time or
22 part-time personnel as well as payroll processing.

23 (2) BOARD OF DIRECTORS.--The chair of the district
24 board of trustees shall appoint a representative to the board
25 of directors and the executive committee of each
26 direct-support organization established under this section,
27 including those established before July 1, 1998. The president
28 of the community college for which the direct-support
29 organization is established, or the president's designee,
30 shall also serve on the board of directors and the executive
31

1 committee of the direct-support organization, including any
2 direct-support organization established before July 1, 1998.

3 (3) USE OF PROPERTY.--

4 (a) The district board of trustees is authorized to
5 permit the use of property, facilities, and personal services
6 at any state community college by any community college
7 direct-support organization, subject to the provisions of this
8 section.

9 (b) The district board of trustees is authorized to
10 prescribe by rule any condition with which a community college
11 direct-support organization must comply in order to use
12 property, facilities, or personal services at any state
13 community college.

14 (c) The district board of trustees may not permit the
15 use of property, facilities, or personal services at any state
16 community college by any community college direct-support
17 organization that does not provide equal employment
18 opportunities to all persons regardless of race, color,
19 national origin, sex, age, or religion.

20 (4) ACTIVITIES; RESTRICTIONS.--

21 (a) A direct-support organization may, at the request
22 of the district board of trustees, provide residency
23 opportunities on or near campus for students.

24 (b) A direct-support organization that constructs
25 facilities for use by a community college or its students must
26 comply with all requirements of this chapter relating to the
27 construction of facilities by a community college, including
28 requirements for competitive bidding.

29 (c) Any transaction or agreement between one
30 direct-support organization and another direct-support
31 organization or between a direct-support organization and a

1 center of technology innovation designated under s. 240.3335
2 must be approved by the district board of trustees.

3 (d) A community college direct-support organization is
4 prohibited from giving, either directly or indirectly, any
5 gift to a political committee or committee of continuous
6 existence as defined in s. 106.011 for any purpose other than
7 those certified by a majority roll call vote of the governing
8 board of the direct-support organization at a regularly
9 scheduled meeting as being directly related to the educational
10 mission of the community college.

11 (5) ANNUAL BUDGETS AND REPORTS.--Each direct-support
12 organization shall submit to the district board of trustees
13 its federal Internal Revenue Service Application for
14 Recognition of Exemption form (Form 1023) and its federal
15 Internal Revenue Service Return of Organization Exempt from
16 Income Tax form (Form 990).

17 (6) ANNUAL AUDIT.--Each direct-support organization
18 shall provide for an annual financial audit in accordance with
19 rules adopted by the Auditor General pursuant to s. 11.45(8).
20 The annual audit report must be submitted, within 9 months
21 after the end of the fiscal year, to the Auditor General, the
22 Commissioner of Education ~~State Board of Community Colleges~~,
23 and the district board of trustees for review. The district
24 board of trustees, the Auditor General, and the Office of
25 Program Policy Analysis and Government Accountability may
26 require and receive from the organization or from its
27 independent auditor any detail or supplemental data relative
28 to the operation of the organization. The identity of donors
29 and prospective donors who desire to remain anonymous shall be
30 protected, and that anonymity shall be maintained in the
31 auditor's report. All records of the organization, other than

1 the auditor's report, any information necessary for the
2 auditor's report, any information related to the expenditure
3 of funds, and any supplemental data requested by the district
4 board of trustees, the Auditor General, and the Office of
5 Program Policy Analysis and Government Accountability, shall
6 be confidential and exempt from the provisions of s.
7 119.07(1).

8 Section 123. Notwithstanding subsection (7) of section
9 3 of chapter 2000-321, Laws of Florida, section 240.3315,
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:

13 240.3315 Statewide community college direct-support
14 organizations.--

15 (1) DEFINITIONS.--For the purposes of this section,
16 the term:

17 (a) "Statewide community college direct-support
18 organization" means an organization that is:

19 1. A Florida corporation not for profit, incorporated
20 under the provisions of chapter 617 and approved by the
21 Department of State.

22 2. Organized and operated exclusively to receive,
23 hold, invest, and administer property and to make expenditures
24 to, or for the benefit of, the community colleges ~~College~~
25 ~~System~~ in this state.

26 3. An organization that the State Board of Education
27 ~~Community Colleges~~, after review, has certified to be
28 operating in a manner consistent with the goals of the
29 community colleges ~~College System~~ and in the best interest of
30 the state. Any organization that is denied certification by
31

1 the State Board of Education ~~Community Colleges~~ may not use
2 the name of any community college.

3 (b) "Personal services" includes full-time or
4 part-time personnel as well as payroll processing.

5 (2) BOARD OF DIRECTORS.--The Commissioner of Education
6 ~~chair of the State Board of Community Colleges~~ may appoint a
7 representative to the board of directors and the executive
8 committee of any statewide, direct-support organization
9 established under this section or s. 240.331. The Commissioner
10 of Education ~~chair of the State Board of Community Colleges,~~
11 or the commissioner's ~~chair's~~ designee, shall also serve on
12 the board of directors and the executive committee of any
13 direct-support organization established to benefit community
14 colleges ~~the Florida Community College System.~~

15 (3) USE OF PROPERTY.--

16 (a) The Commissioner of Education ~~State Board of~~
17 ~~Community Colleges~~ may permit the use of property, facilities,
18 and personal services of the ~~Division of~~ community colleges by
19 any statewide community college direct-support organization,
20 subject to the provisions of this section.

21 (b) The State Board of Education ~~Community Colleges~~
22 may prescribe by rule any condition with which a statewide
23 community college direct-support organization must comply in
24 order to use property, facilities, or personal services of the
25 ~~Division of~~ community colleges.

26 (c) The State Board of Education ~~Community Colleges~~
27 may not permit the use of property, facilities, or personal
28 services of the ~~Division of~~ community colleges by any
29 statewide community college direct-support organization that
30 does not provide equal employment opportunities to all persons
31

1 regardless of race, color, national origin, sex, age, or
2 religion.

3 (4) RESTRICTIONS.--

4 (a) A statewide, direct-support organization may not
5 use public funds to acquire, construct, maintain, or operate
6 any facilities.

7 (b) Any transaction or agreement between a statewide,
8 direct-support organization and any other direct-support
9 organization or between a statewide, direct-support
10 organization and a center of technology innovation designated
11 under s. 240.3335 must be approved by the State Board of
12 Education ~~Community Colleges~~.

13 (c) A statewide community college direct-support
14 organization is prohibited from giving, either directly or
15 indirectly, any gift to a political committee or committee of
16 continuous existence as defined in s. 106.011 for any purpose
17 other than those certified by a majority roll call vote of the
18 governing board of the direct-support organization at a
19 regularly scheduled meeting as being directly related to the
20 educational mission of the ~~State Board of~~ community colleges.

21 (5) ANNUAL BUDGETS AND REPORTS.--Each direct-support
22 organization shall submit to the State Board of Education
23 ~~Community Colleges~~ its federal Internal Revenue Service
24 Application for Recognition of Exemption form (Form 1023) and
25 its federal Internal Revenue Service Return of Organization
26 Exempt from Income Tax form (Form 990).

27 (6) ANNUAL AUDIT.--A statewide community college
28 direct-support organization shall provide for an annual
29 financial audit in accordance with s. 240.331. The identity of
30 a donor or prospective donor who desires to remain anonymous
31 and all information identifying such donor or prospective

1 donor are confidential and exempt from the provisions of s.
2 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
3 anonymity shall be maintained in the auditor's report.

4 Section 124. Notwithstanding subsection (7) of section
5 3 of chapter 2000-321, Laws of Florida, section 240.333,
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:

9 240.333 Purchase of land by municipality.--Any
10 municipality wherein a community college (as defined by s.
11 228.041(1)) is situated is authorized and empowered to
12 purchase land with municipal funds and to donate and convey
13 such land or any other land to the community college district
14 ~~school~~ board of trustees of the district wherein such
15 municipality is located for the use of any such community
16 college.

17 Section 125. Notwithstanding subsection (7) of section
18 3 of chapter 2000-321, Laws of Florida, section 240.3335,
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:

22 240.3335 Centers of technology innovation.--
23 (1) The State Board of Education ~~Community Colleges~~
24 may designate centers of technology innovation at single
25 community colleges, consortia of community colleges, or
26 consortia of community colleges with other educational
27 institutions. The state board shall adopt rules necessary to
28 implement the provisions of this section. The State Board of
29 Education ~~Community Colleges~~ shall cooperate with the Jobs and
30 Partnership of Enterprise Florida in the designation of the
31 centers as it relates to the centers of applied technology.

1 (2) Centers shall be designated when a community
2 college or consortia provides evidence that it has developed
3 expertise in one or more specialized technologies. To be
4 designated, the community college or consortia must provide
5 benefits to the community college system and the state, which
6 may include, but are not limited to:

7 (a) Curriculum development.

8 (b) Faculty development.

9 (c) Research, testing, and technology transfer.

10 (d) Instructional equipment and materials
11 identification and development.

12 (e) Partnerships with industries dependent upon
13 staying current in the related technologies and in the
14 development of workforce capabilities.

15 (f) Partnerships with industries needing to convert
16 their existing technology base to other technologies in order
17 to continue conducting business in Florida, including
18 converting defense-related technologies to other technologies.

19 (3) Centers may provide services to their service area
20 and receive funding through:

21 (a) Serving as a technology transfer center, as
22 created in s. 240.334.

23 (b) Serving as an incubator facility for small
24 business concerns, as created in s. 240.3341.

25 (c) Serving as an economic development center, as
26 created in s. 240.3575.

27 (4) Centers may provide instruction, as follows:

28 (a) To students enrolled in the community college,
29 especially for purposes of providing training for technicians
30 in areas that support the employers involved in the technology
31 specialization.

1 (b) To students enrolled at the undergraduate and
2 graduate level in a community college, college, or university
3 that ~~which~~ is a member of the designated consortia. Such
4 enrollment shall be funded by the enrolling institution.

5 (c) To employees in the service area needing training
6 and retraining in the technology of specialization, which may
7 include, but is not limited to, the retraining necessary to
8 convert defense-related technologies to other technologies.

9 (d) To secondary school students and teachers where
10 such instruction will stimulate interest in further education.

11 (5) The State Board of Education ~~Community Colleges~~
12 shall give priority in the designation of centers to those
13 community colleges that specialize in technology in
14 environmental areas and in areas related to target industries
15 of ~~the Department of Commerce or~~ Enterprise Florida. Priority
16 in designation shall also be given to community colleges that
17 develop new and improved manufacturing techniques and related
18 business practices.

19 (6) Centers, including the facilities of the center,
20 may be made available to the public agencies of the state, the
21 counties and cities of the service area, and the employers of
22 the state and service area. Centers may also be used for
23 applied research in the area of specialization.

24 (7) Each center shall have a board of directors with
25 at least five members who shall be appointed by the district
26 board of trustees. The board of directors is responsible for
27 overseeing the operation of the center, approval of the annual
28 budget, and setting policy to guide the director in the
29 operation of the center. The board of directors shall consist
30 of at least the following:

31 (a) The director of the center.

1 (b) The vice president of academic affairs, or the
2 equivalent, of the community college.

3 (c) The vice president of business affairs, or the
4 equivalent, of the community college.

5 (d) Two members designated by the president of the
6 community college.

7 (8) Each center shall establish a schedule of fees or
8 rates to be charged to all who use the facilities of the
9 center. In addition, each center may negotiate user contracts
10 with governmental users, industrial users, researchers, public
11 or private educational institutions, or individuals for use of
12 the facilities. It is the intent of the Legislature that the
13 centers of technology innovation established pursuant to this
14 act shall not seek any additional state funding. Centers may
15 solicit and accept grants and donations, including, but not
16 limited to, federal and state grants to assist companies in
17 converting defense-related technologies to other technologies.

18 (9) The State Board of Education may award grants to
19 designated centers for the purposes of this section. Grants
20 awarded shall be in accordance with rules established by the
21 State Board of Education ~~Community Colleges~~, which rules shall
22 require an annual report.

23 Section 126. Notwithstanding subsection (7) of section
24 3 of chapter 2000-321, Laws of Florida, section 240.334,
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:

28 240.334 Technology transfer centers at community
29 colleges.--

30 (1) Each public community college may establish a
31 technology transfer center for the purpose of providing

1 institutional support to local business and industry and
2 governmental agencies in the application of new research in
3 technology. The primary responsibilities of such centers may
4 include: identifying technology research developed by
5 universities, research institutions, businesses, industries,
6 the United States Armed Forces, and other state or federal
7 governmental agencies; determining and demonstrating the
8 application of technologies; training workers to integrate
9 advanced equipment and production processes; and determining
10 for business and industry the feasibility and efficiency of
11 accommodating advanced technologies.

12 (2) The district board of trustees shall set such
13 policies to regulate the activities of the technology transfer
14 center as it may consider necessary to effectuate the purposes
15 of this act and to administer the programs of the center in a
16 manner which assures efficiency and effectiveness, producing
17 the maximum benefit for the educational programs and maximum
18 service to the state. To this end, materials that relate to
19 methods of manufacture or production, potential trade secrets,
20 potentially patentable material, actual trade secrets,
21 business transactions, or proprietary information received,
22 generated, ascertained, or discovered during the course of
23 activities conducted within the community colleges shall be
24 confidential and exempt from the provisions of s. 119.07(1),
25 except that a community college shall make available upon
26 request the title and description of a project, the name of
27 the investigator, and the amount and source of funding
28 provided for such project.

29 (3) A technology transfer center created under the
30 provisions of this act shall be under the supervision of the
31 board of trustees of that community college, which is

1 authorized to appoint a director; to employ full-time and
2 part-time staff, research personnel, and professional
3 services; to employ on a part-time basis personnel of the
4 community college; and to employ temporary employees whose
5 salaries are paid entirely from the permanent technology
6 transfer fund or from that fund in combination with other
7 nonstate sources, with such positions being exempt from the
8 requirements of the Florida Statutes relating to salaries,
9 except that no such appointment shall be made for a total
10 period of longer than 1 year.

11 (4) The district board of trustees of the community
12 college in which a technology transfer center is created, or
13 its designee, may negotiate, enter into, and execute
14 contracts; solicit and accept grants and donations; and fix
15 and collect fees, other payments, and donations that may
16 accrue by reason thereof for technology transfer activities.
17 The district board of trustees or its designee may negotiate,
18 enter into, and execute contracts on a cost-reimbursement
19 basis and may provide temporary financing of such costs prior
20 to reimbursement from moneys on deposit in the technology
21 transfer fund, except as may be prohibited elsewhere by law.

22 (5) A technology transfer center shall be financed
23 from the Academic Improvement Program or from moneys of a
24 community college which are on deposit or received for use in
25 the activities conducted in the center. Such moneys shall be
26 deposited by the community college in a permanent technology
27 transfer fund in a depository or depositories approved for the
28 deposit of state funds and shall be accounted for and
29 disbursed subject to regular audit by the Auditor General.

30 (6) The fund balance in any existing research trust
31 fund of a community college at the time a technology transfer

1 center is created shall be transferred to a permanent
2 technology transfer fund established for the community
3 college, and thereafter the fund balance of the technology
4 transfer fund at the end of any fiscal period may be used
5 during any succeeding period pursuant to this section.

6 (7) Moneys deposited in the permanent technology
7 transfer fund of a community college shall be disbursed in
8 accordance with the terms of the contract, grant, or donation
9 under which they are received. Moneys received for overhead
10 or indirect costs and other moneys not required for the
11 payment of direct costs shall be applied to the cost of
12 operating the technology transfer center.

13 (8) All purchases of a technology transfer center
14 shall be made in accordance with the policies and procedures
15 of the community college.

16 (9) The district board of trustees may authorize the
17 construction, alteration, or remodeling of buildings when the
18 funds used are derived entirely from the technology transfer
19 fund of a community college or from that fund in combination
20 with other nonstate sources, provided that such construction,
21 alteration, or remodeling is for use exclusively by the
22 center. It also may authorize the acquisition of real property
23 when the cost is entirely from said funds. Title to all real
24 property shall vest in the board of trustees.

25 (10) The State Board of Education ~~Community Colleges~~
26 may award grants to community colleges, or consortia of public
27 and private colleges and universities and other public and
28 private entities, for the purpose of supporting the objectives
29 of this section. Grants awarded pursuant to this subsection
30 shall be in accordance with rules of the State Board of
31

1 Education Community Colleges. Such rules shall include the
2 following provisions:

3 (a) The number of centers established with state funds
4 provided expressly for the purpose of technology transfer
5 shall be limited, but shall be geographically located to
6 maximize public access to center resources and services;

7 (b) Grants to centers funded with state revenues
8 appropriated specifically for technology transfer activities
9 shall be reviewed and approved by the State Board of Education
10 ~~Community Colleges~~ using proposal solicitation, evaluation,
11 and selection procedures established by the board in
12 consultation with Enterprise Florida, Inc. Such procedures may
13 include designation of specific areas or applications of
14 technology as priorities for the receipt of funding; and

15 (c) Priority for the receipt of state funds
16 appropriated specifically for the purpose of technology
17 transfer shall be given to grant proposals developed jointly
18 by community colleges and public and private colleges and
19 universities.

20 (11) Each technology transfer center established under
21 the provisions of this section shall establish a technology
22 transfer center advisory committee. Each committee shall
23 include representatives of a university or universities
24 conducting research in the area of specialty of the center.
25 Other members shall be determined by the community college
26 district board of trustees.

27 Section 127. Notwithstanding subsection (7) of section
28 3 of chapter 2000-321, Laws of Florida, section 240.3341,
29 Florida Statutes, shall not stand repealed January 7, 2003, as
30 scheduled by that law, but that section is reenacted to read:

31

1 240.3341 Incubator facilities for small business
2 concerns.--

3 (1) Each community college established pursuant to s.
4 240.3031 may provide incubator facilities to eligible small
5 business concerns. As used in this section, "small business
6 concern" shall be defined as an independently owned and
7 operated business concern incorporated in Florida which is not
8 an affiliate or a subsidiary of a business dominant in its
9 field of operation, and which employs 25 or fewer full-time
10 employees. "Incubator facility" shall be defined as a facility
11 in which small business concerns share common space,
12 equipment, and support personnel and through which such
13 concerns have access to professional consultants for advice
14 related to the technical and business aspects of conducting a
15 commercial enterprise. The community college board of
16 trustees shall authorize concerns for inclusion in the
17 incubator facility.

18 (2) Each community college that provides an incubator
19 facility shall provide the following:

20 (a) Management and maintenance of the incubator
21 facility;

22 (b) Secretarial and other support personnel,
23 equipment, and utilities; and

24 (c) Mechanisms to assist with the acquisition of
25 technical, management, and entrepreneurial expertise to
26 resident and other local small business concerns.

27 (3) The incubator facility and any improvements to the
28 facility shall be owned or leased by the community college.
29 The community college may charge residents of the facility all
30 or part of the cost for facilities, utilities, and support
31 personnel and equipment. No small business concern shall

1 reside in the incubator facility for more than 5 calendar
2 years. The state shall not be liable for any act or failure
3 to act of any small business concern residing in an incubator
4 facility pursuant to this section or of any such concern
5 benefiting from the incubator facilities program.

6 (4) Community colleges are encouraged to establish
7 incubator facilities through which emerging small businesses
8 supportive of spaceport endeavors and other high-technology
9 enterprises may be served.

10 (5) Community colleges are encouraged to establish
11 incubator facilities through which emerging small businesses
12 supportive of development of content and technology for
13 digital broadband media and digital broadcasting may be
14 served.

15 Section 128. Notwithstanding subsection (7) of section
16 3 of chapter 2000-321, Laws of Florida, section 240.335,
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:

20 240.335 Employment of community college personnel;
21 discrimination in granting salary prohibited.--

22 (1)(a) Employment of all personnel in each community
23 college shall be upon recommendation of the president, subject
24 to rejection for cause by the district board of trustees and
25 subject to the rules ~~and regulations~~ of the State Board of
26 Education ~~relative to certification, tenure, leaves of absence~~
27 ~~of all types, including sabbaticals, remuneration, and such~~
28 ~~other conditions of employment as the State Board of Community~~
29 ~~Colleges deems necessary and proper; and to policies of the~~
30 ~~board of trustees not inconsistent with law.~~

31

1 (b) Any internal auditor employed by a community
2 college shall be hired by the board of trustees of the
3 community college and shall report directly to the board.

4 (2) Each board of trustees shall undertake a program
5 to eradicate any discrimination on the basis of gender, race,
6 or physical handicap in the granting of salaries to employees.

7 Section 129. Notwithstanding subsection (7) of section
8 3 of chapter 2000-321, Laws of Florida, section 240.3355,
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:

12 240.3355 Community college ~~system~~ employment equity
13 accountability program.--

14 (1) Each community college shall include in its annual
15 equity update a plan for increasing the representation of
16 women and minorities in senior-level administrative positions
17 and in full-time faculty positions, and for increasing the
18 representation of women and minorities who have attained
19 continuing-contract status. Positions shall be defined in the
20 personnel data element directory of the State Board of
21 Education ~~Division of Community Colleges~~. The plan must
22 include specific measurable goals and objectives, specific
23 strategies and timelines for accomplishing these goals and
24 objectives, and comparable national standards as provided by
25 the State Board of Education ~~Division of Community Colleges~~.
26 The goals and objectives shall be based on meeting or
27 exceeding comparable national standards and shall be reviewed
28 and recommended by the Commissioner of Education ~~State Board~~
29 ~~of Community Colleges as appropriate~~. Such plans shall be
30 maintained until appropriate representation has been achieved
31 and maintained for at least 3 consecutive reporting years.

1 (2)(a) On or before May 1 of each year, each community
2 college president shall submit an annual employment
3 accountability plan to the ~~Executive~~ director of the Division
4 ~~State Board~~ of Community Colleges. The accountability plan
5 must show faculty and administrator employment data according
6 to requirements specified on the federal Equal Employment
7 Opportunity (EEO-6) report.

8 (b) The plan must show the following information for
9 those positions including, but not limited to:

- 10 1. Job classification title.
- 11 2. Gender.
- 12 3. Ethnicity.
- 13 4. Appointment status.
- 14 5. Salary information. At each community college,
15 salary information shall also include the salary ranges in
16 which new hires were employed compared to the salary ranges
17 for employees with comparable experience and qualifications.
- 18 6. Other comparative information including, but not
19 limited to, composite information regarding the total number
20 of positions within the particular job title classification
21 for the community college by race, gender, and salary range
22 compared to the number of new hires.

23 7. A statement certifying diversity and balance in the
24 gender and ethnic composition of the selection committee for
25 each vacancy, including a brief description of guidelines used
26 for ensuring balanced and diverse membership on selection and
27 review committees.

28 (c) The annual employment accountability plan shall
29 also include an analysis and an assessment of the community
30 college's attainment of annual goals and of long-range goals
31 for increasing the number of women and minorities in faculty

1 and senior-level administrative positions, and a corrective
2 action plan for addressing underrepresentation.

3 (d) Each community college's employment accountability
4 plan must also include:

5 1. The requirements for receiving a continuing
6 contract.

7 2. A brief description of the process used to grant
8 continuing-contract status.

9 3. A brief description of the process used to annually
10 apprise each eligible faculty member of progress toward
11 attainment of continuing-contract status.

12 (3) Community college presidents and the heads of each
13 major administrative division shall be evaluated annually on
14 the progress made toward meeting the goals and objectives of
15 the community college's employment accountability plan.

16 (a) The community college presidents, or the
17 presidents' designees, shall annually evaluate each department
18 chairperson, dean, provost, and vice president in achieving
19 the annual and long-term goals and objectives. A summary of
20 the results of such evaluations shall be reported annually by
21 the president of the community college to the board of
22 trustees. Annual budget allocations by the board of trustees
23 for positions and funding must take into consideration these
24 evaluations.

25 (b) Community college district boards of trustees
26 shall annually evaluate the performance of the community
27 college presidents in achieving the annual and long-term goals
28 and objectives. A summary of the results of such evaluations
29 shall be reported to the ~~Executive~~ director of the Division
30 ~~State Board~~ of Community Colleges as part of the community
31 college's annual employment accountability plan, and to the

1 Legislature ~~and State Board of Education~~ as part of the annual
2 equity progress report ~~submitted by the State Board of~~
3 ~~Community Colleges~~.

4 (4) The State Board of Education ~~Community Colleges~~
5 shall submit an annual equity progress report to the President
6 of the Senate and,~~the~~ Speaker of the House of
7 Representatives, ~~and the State Board of Education~~ on or before
8 January 1 of each year.

9 (5) Each community college president shall develop a
10 budgetary incentive plan to support and ensure attainment of
11 the goals developed pursuant to this section. The plan shall
12 specify, at a minimum, how resources shall be allocated to
13 support the achievement of goals and the implementation of
14 strategies in a timely manner. After ~~prior~~ review and
15 approval by the district board of trustees ~~community college~~
16 ~~president and the State Board of Community Colleges~~, the plan
17 shall be submitted as part of the annual employment
18 accountability plan submitted by each community college to the
19 State Board of Education ~~Community Colleges~~.

20 (6) Subject to available funding, the Legislature
21 shall provide an annual appropriation to the ~~State Board of~~
22 ~~community colleges to be allocated to community college~~
23 ~~presidents, faculty, and administrative personnel~~ to further
24 enhance equity initiatives and related priorities that support
25 the mission of colleges and departments in recognition of the
26 attainment of the equity goals and objectives.

27 Section 130. Notwithstanding subsection (7) of section
28 3 of chapter 2000-321, Laws of Florida, section 240.337,
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:

1 240.337 Records of personnel.--Rules of the district
2 board of trustees ~~State Board of Community Colleges~~ shall
3 prescribe the content and custody of limited-access records
4 that ~~which~~ a community college may maintain on its employees.
5 Such records shall be limited to information reflecting
6 evaluations of employee performance and shall be open to
7 inspection only by the employee and by officials of the
8 college who are responsible for supervision of the employee.
9 Such limited access employee records are confidential and
10 exempt from the provisions of s. 119.07(1). Except as required
11 for use by the president in the discharge of his or her
12 official responsibilities, the custodian of limited access
13 employee records may release information from such records
14 only upon authorization in writing from the employee or the
15 president or upon order of a court of competent jurisdiction.

16 Section 131. Notwithstanding subsection (7) of section
17 3 of chapter 2000-321, Laws of Florida, section 240.339,
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:

21 240.339 Contracts with administrative and
22 instructional staff.--Each person employed in an
23 administrative or instructional capacity in a community
24 college shall be entitled to a contract or letter of
25 appointment ~~as provided by rules of the State Board of~~
26 ~~Community Colleges~~.

27 Section 132. Notwithstanding subsection (7) of section
28 3 of chapter 2000-321, Laws of Florida, section 240.341,
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:

1 240.341 Teaching faculty; minimum teaching hours per
2 week.--Each full-time member of the teaching faculty at a ~~any~~
3 ~~institution under the supervision of the State Board of~~
4 ~~community college Colleges of the Department of Education~~ who
5 is paid wholly from funds appropriated from the state
6 community college program fund shall teach a minimum of 15
7 classroom contact hours per week at such institution.
8 However, the required classroom contact hours per week may be
9 reduced upon approval of the president of the institution in
10 direct proportion to specific duties and responsibilities
11 assigned the faculty member by his or her departmental chair
12 or other appropriate college administrator, which may include
13 class schedules for compressed or extended sessions. Such
14 specific duties may include specific research duties, specific
15 duties associated with developing television, video tape, or
16 other specifically assigned innovative teaching techniques or
17 devices, or assigned responsibility for off-campus student
18 internship or work-study programs. A "classroom contact hour"
19 consists of a regularly scheduled classroom activity of not
20 less than 50 minutes in a course of instruction which has been
21 approved by the district board of trustees of the community
22 college. Any full-time faculty member who is paid partly from
23 state community college program funds and partly from other
24 funds or appropriations shall teach a minimum number of
25 classroom contact hours per week in such proportion to 15
26 classroom contact hours as his or her salary paid from state
27 community college program funds bears to his or her total
28 salary.

29 Section 133. Notwithstanding subsection (7) of section
30 3 of chapter 2000-321, Laws of Florida, section 240.343,
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:

3 240.343 Sick leave.--Each community college district
4 board of trustees shall adopt rules whereby any full-time
5 employee who is unable to perform his or her duties at the
6 college on account of personal sickness, accident disability,
7 or extended personal illness, or because of illness or death
8 of the employee's father, mother, brother, sister, husband,
9 wife, child, or other close relative or member of the
10 employee's own household, and who consequently has to be
11 absent from work shall be granted leave of absence for
12 sickness by the president or by the president's designated
13 representative. The following provisions shall govern sick
14 leave:

15 (1) DEFINITIONS.--As used in this section, unless the
16 context otherwise requires, the term:

17 (a) "Educational support employee" means any person
18 employed by a community college as an education or
19 administrative paraprofessional; a member of the operations,
20 maintenance, or comparable department; or a secretary,
21 clerical, or comparable level support employee.

22 (b) "Instructional staff" shall be used synonymously
23 with the word "teacher" or "faculty" and includes faculty
24 members, librarians, counselors, and other comparable members
25 engaged in an instructional capacity in the community college.

26 (2) EXTENT OF LEAVE WITH COMPENSATION.--

27 (a) Each full-time employee shall earn 1 day of sick
28 leave with compensation for each calendar month or major
29 fraction of a calendar month of service, not to exceed 12 days
30 for each fiscal year. Such leave shall be taken only when
31 necessary because of sickness as herein prescribed. Such sick

1 leave shall be cumulative from year to year. Accumulated sick
2 leave may be transferred from another Florida community
3 college, the Florida Department of Education, the state
4 universities and colleges ~~University System~~, a Florida
5 district school board, or a state agency, provided that at
6 least one-half of the sick leave accumulated at any time must
7 have been established in the college in which such employee is
8 currently employed.

9 (b) A district board of trustees may establish rules
10 and prescribe procedures whereby a full-time employee may, at
11 the beginning date of employment in any year, be credited with
12 12 days of sick leave with compensation in excess of the
13 number of days the employee has earned. Upon termination of
14 employment, the employee's final compensation shall be
15 adjusted in an amount necessary to ensure that sick leave with
16 compensation does not exceed the days of earned sick leave as
17 provided herein.

18 (c) A district board of trustees may establish rules
19 and prescribe standards to permit a full-time employee to be
20 absent no more than 4 days for personal reasons. However, such
21 absences for personal reasons shall be charged only to accrued
22 sick leave, and leave for personal reasons shall be
23 noncumulative.

24 (d) A district board of trustees may establish rules
25 to provide terminal pay for accumulated sick leave to
26 full-time instructional staff and educational support
27 employees or to the employee's beneficiary if service is
28 terminated by death. However, such terminal pay may not exceed
29 an amount determined as follows:

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1 1. During the first 3 years of service, the daily rate
2 of pay multiplied by 35 percent times the number of days of
3 accumulated sick leave.

4 2. During the next 3 years of service, the daily rate
5 of pay multiplied by 40 percent times the number of days of
6 accumulated sick leave.

7 3. During the next 3 years of service, the daily rate
8 of pay multiplied by 45 percent times the number of days of
9 accumulated sick leave.

10 4. During the 10th year of service, the daily rate of
11 pay multiplied by 50 percent times the number of days of
12 accumulated sick leave.

13 5. During the next 20 years of service, the daily rate
14 of pay multiplied by 50 percent plus up to an additional 2.5
15 percent per year for each year of service beyond 10 years,
16 times the number of days of accumulated sick leave.

17
18 If an employee receives terminal pay benefits based on unused
19 sick leave credit, all unused sick leave credit shall become
20 invalid; however, if an employee terminates his or her
21 employment without receiving terminal pay benefits and is
22 reemployed, his or her sick leave credit shall be reinstated.

23 (e) A district board of trustees may, by rule, provide
24 for terminal pay for accumulated unused sick leave to be paid
25 to any full-time employee of a community college other than
26 instructional staff or educational support employees. If
27 termination of employment is by death of the employee, any
28 terminal pay to which the employee may have been entitled
29 shall be made to the employee's beneficiary.

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1 1. For unused sick leave accumulated before July 1,
2 2001, terminal pay shall be made pursuant to rules or policies
3 of the board of trustees which are in effect on June 30, 2001.

4 2. For unused sick leave accumulated on or after July
5 1, 2001, terminal payment may not exceed an amount equal to
6 one-fourth of the employee's unused sick leave or 60 days of
7 the employee's pay, whichever amount is less.

8 3. If the employee has an accumulated sick leave
9 balance of 60 days or more on June 30, 2001, sick leave earned
10 after that date may not be accumulated for terminal pay
11 purposes until the accumulated leave balance as of June 30,
12 2001, is less than 60 days.

13 (3) CLAIM MUST BE FILED.--Any full-time employee who
14 finds it necessary to be absent from his or her duties because
15 of illness as defined in this section shall notify the
16 president or a college official designated by the president,
17 if possible before the opening of college on the day on which
18 the employee must be absent or during the day, except when he
19 or she is absent for emergency reasons recognized by the board
20 of trustees as valid. Any employee shall, before claiming and
21 receiving compensation for the time absent from his or her
22 duties while absent because of sick leave as prescribed in
23 this section, make and file a written certificate which shall
24 set forth the day or days absent, that such absence was
25 necessary, and that he or she is entitled or not entitled to
26 receive pay for such absence in accordance with the provisions
27 of this section. The district board of trustees may prescribe
28 rules under which the president may require a certificate of
29 illness from a licensed physician or from the county health
30 officer.

31

1 (4) COMPENSATION.--Any full-time employee who has
2 unused sick leave credit shall receive full-time compensation
3 for the time justifiably absent on sick leave; no compensation
4 may be allowed beyond that provided in subsection (6).

5 (5) EXPENDITURE AUTHORIZED.--Community college
6 district boards of trustees may ~~are authorized to~~ expend
7 public funds for payment to employees on account of sickness.
8 The expending and excluding of such funds shall be in
9 compliance with rules adopted by the Department of Management
10 Services pursuant to chapter 650.

11 (6) SICK LEAVE POOL.--Notwithstanding any other
12 provision of this section, a district board of trustees may,
13 by rule, based upon the maintenance of reliable and accurate
14 records by the community college showing the amount of sick
15 leave which has been accumulated and is unused by employees in
16 accordance with this section, establish a plan allowing
17 participating full-time employees of the community college to
18 pool sick leave accrued and allowing any sick leave thus
19 pooled to be disbursed to any participating employee who is in
20 need of sick leave in excess of that amount he or she has
21 personally accrued. Such rules shall include, but not be
22 limited to, the following provisions:

23 (a) Participation in the sick leave pool shall at all
24 times be voluntary on the part of employees.

25 (b) Any full-time employee shall be eligible for
26 participation in the sick leave pool after 1 year of
27 employment with the community college, provided such employee
28 has accrued a minimum amount of unused sick leave, which
29 minimum shall be established by rule.

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1 (c) Any sick leave pooled pursuant to this section
2 shall be removed from the personally accumulated sick leave
3 balance of the employee donating such leave.

4 (d) Participating employees shall make equal
5 contributions to the sick leave pool. There shall be
6 established a maximum amount of sick leave which may be
7 contributed to the pool by an employee. After the initial
8 contribution which an employee makes upon electing to
9 participate, no further contributions shall be required except
10 as may be necessary to replenish the pool. Any such further
11 contribution shall be equally required of all employees
12 participating in the pool.

13 (e) Any sick leave time drawn from the pool by a
14 participating employee must be used for that employee's
15 personal illness, accident, or injury.

16 (f) A participating employee will not be eligible to
17 use sick leave from the pool until all of his or her sick
18 leave has been depleted. There shall be established a maximum
19 number of days for which an employee may draw sick leave from
20 the sick leave pool.

21 (g) A participating employee who uses sick leave from
22 the pool will not be required to recontribute such sick leave
23 to the pool, except as otherwise provided herein.

24 (h) A participating employee who chooses to no longer
25 participate in the sick leave pool will not be eligible to
26 withdraw any sick leave already contributed to the pool.

27 (i) Alleged abuse of the use of the sick leave pool
28 shall be investigated, and, on a finding of wrongdoing, the
29 employee shall repay all of the sick leave credits drawn from
30 the sick leave pool and shall be subject to such other
31 disciplinary action as is determined by the board to be

1 appropriate. Rules adopted for the administration of this
2 program shall provide for the investigation of the use of sick
3 leave utilized by the participating employee in the sick leave
4 pool.

5 Section 134. Notwithstanding subsection (7) of section
6 3 of chapter 2000-321, Laws of Florida, section 240.344,
7 Florida Statutes, shall not stand repealed January 7, 2003, as
8 scheduled by that law, but that section is reenacted to read:

9 240.344 Retirement annuities authorized.--Each
10 community college district board of trustees is authorized to
11 purchase annuities for its community college personnel who
12 have 25 or more years of creditable service and who have
13 reached age 55 and have applied for retirement under the
14 Florida Retirement System. No such annuity may provide for
15 more than the total difference in retirement income between
16 the retirement benefit based on average monthly compensation
17 and creditable service as of the member's early retirement
18 date and the early retirement benefit. Community college
19 district boards of trustees may also purchase annuities for
20 members of the Florida Retirement System who have out-of-state
21 teaching service in another state or country which is
22 documented as valid by the appropriate educational entity.
23 Such annuities may be based on no more than 5 years of
24 out-of-state teaching service and may equal, but not exceed,
25 the benefits that would be payable under the Florida
26 Retirement System if credit for out-of-state teaching was
27 authorized under that system. Each district board of trustees
28 is authorized to invest funds, purchase annuities, or provide
29 local supplemental retirement programs for purposes of
30 providing retirement annuities for community college

31

1 personnel. All such retirement annuities shall comply with s.
2 14, Art. X of the State Constitution.

3 Section 135. Notwithstanding subsection (7) of section
4 3 of chapter 2000-321, Laws of Florida, section 240.345,
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:

8 240.345 Financial support of community colleges.--

9 (1) STATE SUPPORT OF COMMUNITY COLLEGES.--Each
10 community college, as defined in s. 240.3031, which ~~that~~ has
11 been approved by the Department of Education and meets the
12 requirements of law and regulations of the State Board of
13 Education shall participate in the state community college
14 program fund. However, funds to support workforce development
15 programs conducted by community colleges shall be provided by
16 the Workforce Development Education Fund pursuant to s.
17 239.115.

18 (2) STUDENT FEES.--

19 (a) Fees may be charged to students attending a
20 community college only as authorized by this part.

21 ~~(b) The State Board of Community Colleges shall adopt~~
22 ~~rules permitting the deferral of registration and tuition fees~~
23 ~~for those students who receive financial aid from federal or~~
24 ~~state assistance programs when such aid is delayed in being~~
25 ~~transmitted to the student through circumstances beyond the~~
26 ~~control of the student. The failure to make timely~~
27 ~~application for such aid control of the student. The failure~~
28 ~~to make timely application for such aid is insufficient reason~~
29 ~~to receive such deferral.~~

30 ~~1. A veteran or other eligible student who receives~~
31 ~~benefits under chapter 30, chapter 31, chapter 32, chapter 34,~~

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

5 1.2. Each community college shall be responsible for
6 collecting all deferred fees pursuant to s. 240.4043. If a
7 community college has not collected a deferred fee, the
8 student shall not earn full-time equivalent student enrollment
9 for any course for which the student subsequently registers
10 until the fee has been paid.

11 2.3. In adopting such rules, the State Board of
12 Education ~~Community Colleges~~ is required to enforce the
13 collection of or otherwise settle delinquent accounts.

14 3.4. The State Board of Education shall require that
15 each ~~institution within the~~ community college ~~system~~ withdraw
16 all requests for course approval from the United States
17 Department of Veterans Affairs for education programs offered
18 in correctional facilities which are provided through state
19 funding at no cost to the inmate.

20 (b)(c) The spouse of a deceased state employee is
21 entitled, when eligible for the payment of student fees by the
22 state as employer pursuant to s. 440.16, in lieu of such
23 payment, to a full waiver of student fees for up to 80
24 semester hours in any community college.

25 Section 136. Notwithstanding subsection (7) of section
26 3 of chapter 2000-321, Laws of Florida, section 240.347,
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:

30 240.347 State Community College Program Fund.--
31

1 (1) There is established a State Community College
2 Program Fund. This fund shall comprise all appropriations made
3 by the Legislature for the support of the current operating
4 program and shall be apportioned and distributed to the
5 community college districts of the state on the basis of
6 procedures established by law and regulations of the State
7 Board of Education ~~and the State Board of Community Colleges.~~
8 The annual apportionment for each community college district
9 shall be distributed monthly in payments as nearly equal as
10 possible.

11 (2) For each year's ~~Beginning with the 1985-1987~~
12 ~~legislative~~ budget request, the prior year's June 30 adjusted
13 expenditure database for salaries and benefits shall be
14 included in the budget request for the State Community College
15 Program Fund within the following categories: "Instructional"
16 with subcategories including "Faculty," "Nonfaculty," "Faculty
17 Other Personal Services," and "Nonfaculty Other Personal
18 Services"; and "Noninstructional" with subcategories including
19 "Administrative," "Professional," "Nonprofessional," and
20 "Noninstructional Other Personal Services." Within the
21 foregoing categories and subcategories, the following shall be
22 reported: salaries and employer contributions for retirement,
23 social security, health insurance, life insurance, and other
24 employer-paid personnel benefits.

25 Section 137. Notwithstanding subsection (7) of section
26 3 of chapter 2000-321, Laws of Florida, section 240.349,
27 Florida Statutes, shall not stand repealed January 7, 2003, as
28 scheduled by that law, but that section is reenacted to read:

29 240.349 Requirements for participation in Community
30 College Program Fund.--Each district which participates in the
31 state appropriations for the Community College Program Fund

1 shall provide evidence of its effort to maintain an adequate
2 community college program which shall:

3 (1) Meet the minimum standards prescribed by the State
4 Board of Education in accordance with s. 240.325.

5 (2) Effectively fulfill the mission of the community
6 colleges in accordance with s. 240.301.

7 Section 138. Notwithstanding subsection (7) of section
8 3 of chapter 2000-321, Laws of Florida, section 240.35,
9 Florida Statutes, shall not stand repealed January 7, 2003, as
10 scheduled by that law, but that section, as amended by
11 sections 8 and 11 of chapter 2001-254, Laws of Florida, is
12 reenacted and amended to read:

13 240.35 Student fees.--Unless otherwise provided, the
14 provisions of this section apply only to fees charged for
15 community college credit instruction leading to an associate
16 in arts degree, an associate in applied science degree, or an
17 associate in science degree and noncollege credit
18 college-preparatory courses defined in s. 239.105.

19 (1) The State Board of Education ~~Community Colleges~~
20 shall establish the matriculation and tuition fees for
21 college-preparatory instruction and for credit instruction
22 which may be counted toward an associate in arts degree, an
23 associate in applied science degree, or an associate in
24 science degree.

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

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

12 ~~(b) Any student qualifying for a fee exemption under~~
13 ~~this subsection shall receive such an exemption for not more~~
14 ~~than 2 consecutive years or 4 semesters, unless the student is~~
15 ~~participating in college-preparatory instruction or requires~~
16 ~~additional time to complete the college-level communication~~
17 ~~and computation skills testing program. Such a student is~~
18 ~~eligible to receive a fee exemption for a maximum of 3~~
19 ~~consecutive years or 6 semesters.~~

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

26 ~~(3) Students enrolled in dual enrollment and early~~
27 ~~admission programs under s. 240.116 and students enrolled in~~
28 ~~employment and training programs under the welfare transition~~
29 ~~program are exempt from the payment of registration,~~
30 ~~matriculation, and laboratory fees; however, such students may~~
31 ~~not be included within calculations of fee-waived enrollments.~~

1 ~~The regional workforce board shall pay the community college~~
2 ~~for costs incurred by that participant related to that~~
3 ~~person's classes or program. Other fee-exempt instruction~~
4 ~~provided under this subsection generates an additional~~
5 ~~one-fourth full-time equivalent enrollment.~~

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

26 ~~(5)(a) Fees shall be waived for certain members of the~~
27 ~~active Florida National Guard pursuant to s. 250.10(8).~~

28 (2)(b) Community colleges may waive fees for any
29 fee-nonexempt student. A student whose fees are waived in
30 excess of the amount authorized annually in the General
31 Appropriations Act may not be included in calculations of

1 full-time equivalent enrollments for state funding purposes.
2 Any community college that waives fees and requests state
3 funding for a student in violation of the provisions of this
4 subsection shall be penalized at a rate equal to two times the
5 value of the full-time equivalent student enrollment reported
6 served. Such penalty shall be charged against the following
7 year's allocation from the Community College Program Fund.

8 (3)~~(6)~~ The State Board of Education ~~Community Colleges~~
9 shall adopt by December 31 of each year a resident fee
10 schedule for the following fall for advanced and professional,
11 associate in science degree, and college-preparatory programs
12 that produce revenues in the amount of 25 percent of the full
13 prior year's cost of these programs. However, the district
14 board may not adopt an annual fee increase in any program for
15 resident students which exceeds 10 percent. Fees for courses
16 in college-preparatory programs and associate in arts and
17 associate in science degree programs may be established at the
18 same level. In the absence of a provision to the contrary in
19 an appropriations act, the fee schedule shall take effect and
20 the colleges shall expend the funds on instruction. If the
21 Legislature provides for an alternative fee schedule in an
22 appropriations act, the fee schedule shall take effect the
23 subsequent fall semester.

24 (4)(a)~~(7)~~ Each community college board of trustees
25 shall establish matriculation and tuition fees, which may vary
26 no more than 10 percent below and 15 percent above the fee
27 schedule adopted by the State Board of Education ~~Community~~
28 ~~Colleges~~, provided that any amount from 10 to 15 percent above
29 the fee schedule is used only to support safety and security
30 purposes. In order to assess an additional amount for safety
31 and security purposes, a community college district board of

1 trustees must provide written justification to the State Board
2 of Education ~~Community Colleges~~ based on criteria approved by
3 the local board of trustees, including but not limited to
4 criteria such as local crime data and information, and
5 strategies for the implementation of local safety plans.

6 (b) Each community college board of trustees may
7 designate matriculation and tuition fees to be expended
8 according to technology improvement plans approved by the
9 board. In order to fund the technology improvement plans, up
10 to 5 percent of the total matriculation and tuition fee
11 revenues may be pledged as a dedicated revenue source for the
12 repayment of debt, including lease-purchase agreements, not
13 exceeding the useful life of the assets being financed. These
14 fee revenues may not be bonded.

15 (c) Each community college board of trustees may
16 establish a separate fee for student activity and service,
17 student financial aid, and capital improvements as provided
18 for in this section. The sum of these fees may not exceed 20
19 percent of the matriculation fee for all students and an
20 additional 20 percent of the tuition fee for nonresidents.
21 These fees must be collected as a component part of the
22 registration and tuition fees. ~~For 1999-2000, each community~~
23 ~~college is authorized to increase the sum of the matriculation~~
24 ~~fee and technology fee by not more than 5 percent of the sum~~
25 ~~of the matriculation and local safety and security fees in~~
26 ~~1998-1999. However, no fee in 1999-2000 shall exceed the~~
27 ~~prescribed statutory limit. Should a college decide to~~
28 ~~increase the matriculation fee, the funds raised by increasing~~
29 ~~the matriculation fee must be expended solely for additional~~
30 ~~safety and security purposes and shall not supplant funding~~

31

1 ~~expended in the 1998-1999 budget for safety and security~~
2 ~~purposes.~~

3 (5)~~(8)~~ The sum of nonresident student matriculation
4 and tuition fees must be sufficient to defray the full cost of
5 each program. The annual fee increases for nonresident
6 students established by the district board, in the absence of
7 legislative action to the contrary in an appropriations act,
8 may not exceed 25 percent.

9 (6)~~(9)~~ The State Board of Education ~~Community Colleges~~
10 shall adopt a rule specifying the definitions and procedures
11 to be used in the calculation of the percentage of cost paid
12 by students. The rule must provide for the calculation of the
13 full cost of educational programs based on the allocation of
14 all funds provided through the general current fund to
15 programs of instruction, and other activities as provided in
16 the annual expenditure analysis. The rule shall be developed
17 in consultation with the Legislature.

18 (7)~~(10)~~ Each community college district board of
19 trustees may establish a separate activity and service fee ~~not~~
20 ~~to exceed 10 percent of the matriculation fee, according to~~
21 ~~rules of the State Board of Education.~~ The student activity
22 and service fee shall be collected as a component part of the
23 registration and tuition fees. The student activity and
24 service fees shall be paid into a student activity and service
25 fund at the community college and shall be expended for lawful
26 purposes to benefit the student body in general. These
27 purposes include, but are not limited to, student publications
28 and grants to duly recognized student organizations, the
29 membership of which is open to all students at the community
30 college without regard to race, sex, or religion.

31

1 (8)~~(11)~~(a) Each community college must establish a
2 financial aid fee not less than 5 percent of the matriculation
3 fee.~~is authorized to establish a separate fee for financial~~
4 ~~aid purposes in an additional amount up to, but not to exceed,~~
5 ~~5 percent of the total student tuition or matriculation fees~~
6 ~~collected. Each community college may collect up to an~~
7 ~~additional 2 percent if the amount generated by the total~~
8 ~~financial aid fee is less than \$250,000.~~~~If the amount~~
9 ~~generated by this financial aid fee is less than \$250,000, a~~
10 ~~community college that charges tuition and matriculation fees~~
11 ~~at least equal to the average fees established by rule may~~
12 ~~transfer from the general current fund to the scholarship fund~~
13 ~~an amount equal to the difference between \$250,000 and the~~
14 ~~amount generated by the total financial aid fee assessment. No~~
15 ~~other transfer from the general current fund to the loan,~~
16 ~~endowment, or scholarship fund, by whatever name known, is~~
17 ~~authorized.~~

18 (b) All funds collected under this program shall be
19 placed in the loan and endowment fund or scholarship fund of
20 the college, by whatever name known. Such funds shall be
21 disbursed to students as quickly as possible. An amount not
22 greater than 40 percent of the fees collected in a fiscal year
23 may be carried forward unexpended to the following fiscal
24 year. However, funds collected prior to July 1, 1989, and
25 placed in an endowment fund may not be considered part of the
26 balance of funds carried forward unexpended to the following
27 fiscal year.

28 (c) Up to 25 percent or \$300,000, whichever is
29 greater, of the financial aid fees collected may be used to
30 assist students who demonstrate academic merit; who
31 participate in athletics, public service, cultural arts, and

1 other extracurricular programs as determined by the
2 institution; or who are identified as members of a targeted
3 gender or ethnic minority population. The financial aid fee
4 revenues allocated for athletic scholarships and fee
5 exemptions provided pursuant to subsection (12) ~~(17)~~ for
6 athletes shall be distributed equitably as required by s.
7 228.2001(3)(d). A minimum of 50 percent of the balance of
8 these funds shall be used to provide financial aid based on
9 absolute need, and the remainder of the funds shall be used
10 for academic merit purposes and other purposes approved by the
11 district boards of trustees. Such other purposes shall
12 include the payment of child care fees for students with
13 financial need. The State Board of Education Community
14 ~~Colleges~~ shall develop criteria for making financial aid
15 awards. Each college shall report annually to the Department
16 of Education on the criteria used to make awards, the amount
17 and number of awards for each criterion, and a delineation of
18 the distribution of such awards. Awards which are based on
19 financial need shall be distributed in accordance with a
20 nationally recognized system of need analysis approved by the
21 State Board of Education Community ~~Colleges~~. An award for
22 academic merit shall require a minimum overall grade point
23 average of 3.0 on a 4.0 scale or the equivalent for both
24 initial receipt of the award and renewal of the award.

25 (d) These funds may not be used for direct or indirect
26 administrative purposes or salaries.

27 (e) For fiscal year 2002-2003, each community college
28 district board of trustees shall establish a student financial
29 aid fee that will result in the collection of student
30 financial aid fee revenue at least equal to the amount
31 collected in fiscal year 2001-2002.

1 (9)~~(12)~~ Any community college that reports students
2 who have not paid fees in an approved manner in calculations
3 of full-time equivalent enrollments for state funding purposes
4 shall be penalized at a rate equal to two times the value of
5 such enrollments. Such penalty shall be charged against the
6 following year's allocation from the Community College Program
7 Fund and shall revert to the General Revenue Fund. The State
8 Board of Education shall specify, as necessary, by rule,
9 approved methods of student fee payment. Such methods shall
10 include, but not be limited to, student fee payment; payment
11 through federal, state, or institutional financial aid; and
12 employer fee payments. A community college may not charge any
13 fee except as authorized by law or rules of the State Board of
14 Education.

15 (10)~~(13)~~ Each community college shall report only
16 those students who have actually enrolled in instruction
17 provided or supervised by instructional personnel under
18 contract with the community college in calculations of actual
19 full-time equivalent enrollments for state funding purposes.
20 No student who has been exempted from taking a course or who
21 has been granted academic or vocational credit through means
22 other than actual coursework completed at the granting
23 institution shall be calculated for enrollment in the course
24 from which he or she has been exempted or granted credit.
25 Community colleges that report enrollments in violation of
26 this subsection shall be penalized at a rate equal to two
27 times the value of such enrollments. Such penalty shall be
28 charged against the following year's allocation from the
29 Community College Program Fund and shall revert to the General
30 Revenue Fund.

31

1 ~~(11)(14)~~ Each community college district board of
2 trustees may establish a separate fee for capital
3 improvements, technology enhancements, or equipping student
4 buildings ~~which may not exceed \$1 per credit hour or~~
5 ~~credit-hour equivalent for residents and which equals or~~
6 ~~exceeds \$3 per credit hour for nonresidents.~~ Funds collected
7 by community colleges through these fees may be bonded only
8 for the purpose of financing or refinancing new construction
9 and equipment, renovation, or remodeling of educational
10 facilities. The fee shall be collected as a component part of
11 the registration and tuition fees, paid into a separate
12 account, and expended only to construct and equip, maintain,
13 improve, or enhance the educational facilities of the
14 community college. Capital projects funded through the use of
15 the capital improvement fee shall meet the survey and
16 construction requirements of chapter 235. Pursuant to s.
17 216.0158, each community college shall identify each project,
18 including maintenance projects, proposed to be funded in whole
19 or in part by such fee. Capital improvement fee revenues may
20 be pledged by a board of trustees as a dedicated revenue
21 source to the repayment of debt, including lease-purchase
22 agreements and revenue bonds, with a term not to exceed 20
23 years, and not to exceed the useful life of the asset being
24 financed, only for the new construction and equipment,
25 renovation, or remodeling of educational facilities. Community
26 colleges may use the services of the Division of Bond Finance
27 of the State Board of Administration to issue any bonds
28 authorized through the provisions of this subsection. Any such
29 bonds issued by the Division of Bond Finance shall be in
30 compliance with the provisions of the State Bond Act. Bonds
31 issued pursuant to the State Bond Act shall be validated in

1 the manner provided by chapter 75. The complaint for such
2 validation shall be filed in the circuit court of the county
3 where the seat of state government is situated, the notice
4 required to be published by s. 75.06 shall be published only
5 in the county where the complaint is filed, and the complaint
6 and order of the circuit court shall be served only on the
7 state attorney of the circuit in which the action is pending.
8 A maximum of 15 cents per credit hour may be allocated from
9 the capital improvement fee for child care centers conducted
10 by the community college.

11 (12)~~(15)~~ In addition to matriculation, tuition,
12 financial aid, capital improvement, and student activity and
13 service,~~and technology~~ fees authorized in this section, each
14 board of trustees is authorized to establish fee schedules for
15 the following user fees and fines: laboratory fees; parking
16 fees and fines; library fees and fines; fees and fines
17 relating to facilities and equipment use or damage; access or
18 identification card fees; duplicating, photocopying, binding,
19 or microfilming fees; standardized testing fees; diploma
20 replacement fees; transcript fees; application fees;
21 graduation fees; transportation fees; and late fees related to
22 registration and payment. Such user fees and fines shall not
23 exceed the cost of the services provided and shall only be
24 charged to persons receiving the service. Community colleges
25 are not authorized to charge any fee that is not specifically
26 authorized by statute. Parking fee revenues may be pledged by
27 a community college board of trustees as a dedicated revenue
28 source for the repayment of debt, including lease-purchase
29 agreements and revenue bonds with terms not exceeding 20 years
30 and not exceeding the useful life of the asset being financed.
31 Community colleges shall use the services of the Division of

1 Bond Finance of the State Board of Administration to issue any
2 revenue bonds authorized by the provisions of this subsection.
3 Any such bonds issued by the Division of Bond Finance shall be
4 in compliance with the provisions of the State Bond Act. Bonds
5 issued pursuant to the State Bond Act shall be validated in
6 the manner established in chapter 75. The complaint for such
7 validation shall be filed in the circuit court of the county
8 where the seat of state government is situated, the notice
9 required to be published by s. 75.06 shall be published only
10 in the county where the complaint is filed, and the complaint
11 and order of the circuit court shall be served only on the
12 state attorney of the circuit in which the action is pending.

13 ~~(16) Each community college district board of trustees~~
14 ~~is authorized to establish a separate fee for technology,~~
15 ~~which may not exceed \$1.80 per credit hour or credit-hour~~
16 ~~equivalent for resident students and not more than \$5.40 per~~
17 ~~credit hour or credit-hour equivalent for nonresident~~
18 ~~students, to be expended according to technology improvement~~
19 ~~plans. The technology fee may apply to both college credit and~~
20 ~~college-preparatory instruction. Fifty percent of technology~~
21 ~~fee revenues may be pledged by a community college board of~~
22 ~~trustees as a dedicated revenue source for the repayment of~~
23 ~~debt, including lease-purchase agreements, not to exceed the~~
24 ~~useful life of the asset being financed. Revenues generated~~
25 ~~from the technology fee may not be bonded.~~

26 (12)~~(17)~~ Each community college is authorized to grant
27 student fee exemptions from all fees adopted by the State
28 Board of Education Community Colleges and the community
29 college board of trustees for up to 40 full-time equivalent
30 students at each institution.

31

1 Section 139. Notwithstanding subsection (7) of section
2 3 of chapter 2000-321, Laws of Florida, section 240.353,
3 Florida Statutes, shall not stand repealed January 7, 2003, as
4 scheduled by that law, but that section is reenacted to read:

5 240.353 Procedure for determining number of
6 instruction units for community colleges.--The number of
7 instruction units for community colleges in districts which
8 meet the requirements of law for operating a community college
9 shall be determined from the full-time equivalent students in
10 the community college, provided that full-time equivalent
11 students may not be counted more than once in determining
12 instruction units. Instruction units for community colleges
13 shall be computed as follows:

14 (1) One unit for each 12 full-time equivalent students
15 at a community college for the first 420 students and one unit
16 for each 15 full-time equivalent students for all over 420
17 students, in other than vocational programs as defined by
18 rules of the State Board of Education, and one unit for each
19 10 full-time equivalent students in vocational programs and
20 compensatory education programs as defined by rules of the
21 State Board of Education. Full-time equivalent students
22 enrolled in a community college shall be defined by rules of
23 the State Board of Education.

24 (2) For each 8 instruction units in a community
25 college, 1 instruction unit or proportionate fraction of a
26 unit shall be allowed for administrative and special
27 instructional services, and for each 20 instruction units, 1
28 instruction unit or proportionate fraction of a unit shall be
29 allowed for student personnel services.

30 Section 140. Notwithstanding subsection (7) of section
31 3 of chapter 2000-321, Laws of Florida, section 240.3575,

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:

4 240.3575 Economic development centers.--

5 (1) Community colleges may establish economic
6 development centers for the purpose of serving as liaisons
7 between community colleges and the business sector. The
8 responsibilities of each center shall include:

9 (a) Promoting the economic well-being of businesses
10 and industries.

11 (b) Coordinating, with chambers of commerce,
12 government agencies, school boards, and other organizations,
13 efforts to provide educational programs which promote economic
14 development, including, but not limited to, business
15 incubators, industrial development and research parks,
16 industry recruitment efforts, publication of business research
17 and resource guides, and sponsorship of workshops,
18 conferences, seminars, and consultation services.

19 (2) The district board of trustees of a community
20 college in which an economic development center is created, or
21 its designee, may negotiate, enter into, and execute
22 contracts; solicit and accept grants and donations; and fix
23 and collect fees, other payments, and donations that may
24 accrue by reason of activities of the center and its staff.

25 (3) Economic development centers shall operate under
26 policies and procedures established by the community college
27 district board of trustees.

28 (4) The State Board of Education ~~Community Colleges~~
29 may award grants to economic development centers for the
30 purposes of this section in accordance with its rules. ~~Grants~~
31 ~~awarded pursuant to this subsection shall be in accordance~~

1 ~~with rules established by the State Board of Community~~
2 ~~Colleges.~~

3 Section 141. Notwithstanding subsection (7) of section
4 3 of chapter 2000-321, Laws of Florida, section 240.359,
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:

8 240.359 Procedure for determining state financial
9 support and annual apportionment of state funds to each
10 community college district.--The procedure for determining
11 state financial support and the annual apportionment to each
12 community college district authorized to operate a community
13 college under the provisions of s. 240.313 shall be as
14 follows:

15 (1) DETERMINING THE AMOUNT TO BE INCLUDED IN THE STATE
16 COMMUNITY COLLEGE PROGRAM FUND FOR THE CURRENT OPERATING
17 PROGRAM.--

18 (a) The Department of Education shall determine
19 annually from an analysis of operating costs, prepared in the
20 manner prescribed by rules of the State Board of Education,
21 the costs per full-time equivalent student served in courses
22 and fields of study offered in community colleges. This
23 information and current college operating budgets shall be
24 submitted to the Executive Office of the Governor with the
25 legislative budget request prior to each regular session of
26 the Legislature.

27 (b) The allocation of funds for community colleges
28 shall be based on advanced and professional disciplines,
29 college-preparatory programs, and other programs for adults
30 funded pursuant to s. 239.115.

31

1 (c) The category of lifelong learning is for students
2 enrolled pursuant to s. 239.301. A student shall also be
3 reported as a lifelong learning student for his or her
4 enrollment in any course that he or she has previously taken,
5 unless it is a credit course in which the student earned a
6 grade of D or F.

7 ~~(d) If an adult student has been determined to be a~~
8 ~~disabled student eligible for an approved educational program~~
9 ~~for disabled adults provided pursuant to s. 239.301 and rules~~
10 ~~of the State Board of Education and is enrolled in a class~~
11 ~~with curriculum frameworks developed for the program, state~~
12 ~~funding for that student shall be provided at a level double~~
13 ~~that of a student enrolled in a special adult general~~
14 ~~education program provided by a community college.~~

15 (d)(e) The State Board of Education shall adopt rules
16 to implement s. 9(d)(8)f., Art. XII of the State Constitution.
17 These rules shall provide for the use of the funds available
18 under s. 9(d)(8)f., Art. XII by an individual community
19 college for operating expense in any fiscal year during which
20 the State Board of Education has determined that all major
21 capital outlay needs have been met. Highest priority for the
22 use of these funds for purposes other than financing approved
23 capital outlay projects shall be for the proper maintenance
24 and repair of existing facilities for projects approved by the
25 State Board of Education. However, in any fiscal year in which
26 funds from this source are authorized for operating expenses
27 ~~expense~~ other than approved maintenance and repair projects,
28 the allocation of community college program funds shall be
29 reduced by an amount equal to the sum used for such operating
30 expenses ~~expense~~ for that community college that year, and
31

1 that amount shall not be released or allocated among the other
2 community colleges that year.

3 (2) DETERMINING THE AMOUNT TO BE INCLUDED FOR CAPITAL
4 OUTLAY AND DEBT SERVICE.--The amount included for capital
5 outlay and debt service shall be as determined and provided in
6 s. 18, Art. XII of the State Constitution of 1885, as adopted
7 by s. 9(d), Art. XII of the 1968 revised State Constitution
8 and State Board of Education rules.

9 (3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.--

10 (a) By December 15 of each year, the Department of
11 Education shall estimate the annual enrollment of each
12 community college for the current fiscal year and for the 6
13 subsequent fiscal years. These estimates shall be based upon
14 prior years' enrollments, upon the initial fall term
15 enrollments for the current fiscal year for each college, and
16 upon each community college's estimated current enrollment and
17 demographic changes in the respective community college
18 districts.

19 (b) The apportionment to each community college from
20 the Community College Program Fund shall be determined
21 annually in the General Appropriations Act. In determining
22 each college's apportionment, the Legislature shall consider
23 the following components:

24 1. Base budget, which includes the state appropriation
25 to the Community College Program Fund in the current year plus
26 the related student matriculation and tuition fees assigned in
27 the current General Appropriations Act.

28 2. The cost-to-continue allocation, which consists of
29 incremental changes to the base budget, including salaries,
30 price levels, and other related costs.

31

1 3. Enrollment workload adjustment, which shall be
2 determined as follows:

3 a. The actual full-time equivalent enrollment for the
4 prior year, as accepted or modified by the Legislature, shall
5 be the assigned enrollment and the basis for allocating
6 appropriated funds for enrollment workload. If the enrollment
7 workload allocation to a college is determined to be less than
8 zero, the reduction in allocation shall be implemented over a
9 2-year period.

10 b. The systemwide average direct instructional cost
11 level of each program of study shall be used to calculate the
12 enrollment workload adjustment. This amount, multiplied by a
13 factor of 1.3, for support services shall be multiplied by the
14 change in enrollment as determined in sub-subparagraph a.
15 From this amount, student matriculation and tuition fees
16 generated by the change in assigned enrollment shall be
17 deducted and the remaining amount shall be the state
18 allocation to each community college for enrollment workload.

19 c. Students enrolled in a recreation and leisure
20 program and students enrolled in a lifelong learning program
21 may not be counted as full-time equivalent enrollments for
22 purposes of enrollment workload adjustments.

23 4. Operating costs of new facilities adjustments,
24 which shall be provided, from funds available, for each new
25 facility that is owned by the community college and is
26 recommended in accordance with s. 235.15.

27 5. New and improved program enhancements, which shall
28 be determined by the Legislature.

29
30 Student fees in the base budget plus student fee revenues
31 generated by increases in fee rates shall be deducted from the

1 sum of the components determined in subparagraphs 1.-5. The
2 amount remaining shall be the net annual state apportionment
3 to each community college.

4 (c) No community college shall commit funds for the
5 employment of personnel or resources in excess of those
6 required to continue the same level of support for either the
7 previously approved enrollment or the revised enrollment,
8 whichever is lower.

9 (d) The apportionment to each community college
10 district for capital outlay and debt service shall be the
11 amount determined in accordance with subsection (2). This
12 amount, less any amount determined as necessary for
13 administrative expense by the State Board of Education and any
14 amount necessary for debt service on bonds issued by the State
15 Board of Education, shall be transmitted to the community
16 college district board of trustees to be expended in a manner
17 prescribed by rules of the State Board of Education.

18 (e) Community colleges shall seek to maintain an
19 unencumbered fund balance of between 4 percent and 10 percent
20 of the funds available in the current general fund of the
21 operating budget. If the 10-percent upper level is exceeded
22 for 2 consecutive years, the appropriation to the community
23 college in a succeeding fiscal year shall be reduced by the
24 average of the excess of the fund balance over the 10 percent
25 for the 2 years. In exceptional cases, when fund balances
26 greater than 10 percent are necessary for a community college,
27 prior approval shall be obtained from the State Board of
28 Education Community Colleges.

29 (f) Expenditures for apprenticeship programs shall be
30 reported separately.

31

1 (4) EXPENDITURE OF ALLOCATED FUNDS.--Any funds
2 allocated herein to any district for a public community
3 college shall be expended only for the purpose of supporting
4 that community college.

5 (5) REPORT OF REMEDIAL EDUCATION.--Each community
6 college shall report the volume and cost of remedial education
7 activities as a separate item in its annual cost accounting
8 system.

9 Section 142. Notwithstanding subsection (7) of section
10 3 of chapter 2000-321, Laws of Florida, section 240.36,
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:

14 240.36 Dr. Philip Benjamin Matching Grant ~~Academic~~
15 ~~Improvement~~ Program for Community Colleges.--

16 (1) There is created the Dr. Philip Benjamin Matching
17 Grant ~~Academic Improvement~~ Program for Community Colleges as a
18 single matching gifts program that encompasses the goals
19 originally set out in the Academic Improvement Program, the
20 Scholarship Matching Program, and the Health Care Education
21 Quality Enhancement Challenge Grant. The program shall to be
22 administered according to rules of the State Board of
23 Education and Community Colleges. This program shall be used
24 to encourage private support in enhancing public community
25 colleges by providing the community college system with the
26 opportunity to receive and match challenge grants.

27 (2) Each district board of trustees and respective
28 college president receiving state appropriations under this
29 program shall approve each gift to ensure alignment with the
30 unique institutional mission of the community college.
31 Institutions must link all requests for a state match to the

1 goals and mission statement. The Florida Community College
2 Foundation Board and the Director of the Division of Community
3 Colleges receiving state appropriations under this program
4 shall approve each gift to ensure alignment with its goals and
5 mission statement.~~For every year in which there is a~~
6 ~~legislative appropriation to the program, no less than \$25,000~~
7 ~~must be reserved to permit each community college and the~~
8 ~~State Board of Community Colleges, which shall be an eligible~~
9 ~~community college entity for the purposes of this section, an~~
10 ~~opportunity to match challenge grants. The balance of the~~
11 ~~funds shall be available for matching by any eligible~~
12 ~~community college entity. Funds which remain unmatched by~~
13 ~~contribution on March 1 of any year shall also be available~~
14 ~~for matching by any community college entity. The State Board~~
15 ~~of Community Colleges shall adopt rules providing all~~
16 ~~community college entities with an opportunity to apply for~~
17 ~~excess funds prior to the awarding of such funds. However, no~~
18 ~~community college may receive more than its percentage of the~~
19 ~~total full-time equivalent enrollment or 15 percent, whichever~~
20 ~~is greater, of the funds appropriated to the program for that~~
21 ~~fiscal year and, likewise, the State Board of Community~~
22 ~~Colleges may not receive more than 15 percent of the funds~~
23 ~~appropriated to the program for that fiscal year. A community~~
24 ~~college entity shall place all funds it receives in excess of~~
25 ~~the first challenge grant and its matching funds in its~~
26 ~~endowment fund and only the earnings on that amount may be~~
27 ~~spent for approved projects. A community college entity may~~
28 ~~spend the first challenge grant and its matching funds as cash~~
29 ~~for any approved project, except scholarships. If a community~~
30 ~~college entity proposes to use any amount of the grant or the~~
31 ~~matching funds for scholarships, it must deposit that amount~~

1 ~~in its endowment in its academic improvement trust fund and~~
2 ~~use the earnings of the endowment to provide scholarships.~~

3 (3) Upon approval by the institutional board and the
4 state Board of Education, the ordering of donations for
5 priority listing of unmatched gifts should be determined by
6 the submitting institution.~~Challenge grants shall be~~
7 ~~proportionately allocated from the program on the basis of~~
8 ~~matching each \$4 of state funds with \$6 of local or private~~
9 ~~funds. To be eligible, a minimum of \$4,500 must be raised from~~
10 ~~private sources.~~

11 (4) Each year, eligible contributions received by a
12 college's foundation or the State Board of Education by
13 February 1 shall be eligible for state matching funds.

14 (a) Each district board of trustees and respective
15 college president or, when applicable, the Florida Community
16 College Foundation Board receiving state appropriations under
17 this program shall also certify in an annual report to the
18 State Board of Education the receipt of eligible cash
19 contributions that were previously unmatched by the state. The
20 State Board of Education shall adopt rules providing all
21 community college entities with an opportunity to apply for
22 excess funds before the awarding of such funds.

23 (b) Institutions must submit to the State Board of
24 Education an annual expenditure report tracking the use of all
25 matching funds.

26 (c) The audit of each foundation receiving state funds
27 from this program must include a certification of accuracy in
28 the amount reported for matching funds.

29 (5) Funds shall be proportionately allocated to the
30 colleges on the basis of matching each \$4 of state funds with
31 \$6 of local or private funds, except for donations received

1 for scholarships, loans, or need-based grants. For all
2 scholarships, loans, or need-based grants, the matching ratio
3 shall be \$1 of state funds to \$1 of local private funds. The
4 determination of whether the need-based scholarships and
5 scholarships that are not need-based awarded through the
6 combined program are endowed should be left to the
7 institutions.

8 (6)(a)(4) Funds sufficient to provide the match shall
9 be transferred from the state appropriation to the local
10 community college foundation or the statewide community
11 college foundation upon notification that a proportionate
12 amount has been received and deposited by the community
13 college entity in its own trust fund.

14 (b) If state funds appropriated for the program are
15 insufficient to match contributions, the amount allocated
16 shall be reduced in proportion to its share of the total
17 eligible contributions. However, in making proportional
18 reductions, every college shall receive a minimum of \$75,000
19 in state matching funds if its eligible contributions would
20 have generated an amount at least equal to \$75,000. All unmet
21 contributions shall be eligible for state matching funds in
22 subsequent fiscal years.

23 (7)(5) Each community college entity shall establish
24 its own matching grant program ~~academic improvement trust~~ fund
25 as a depository for the private contributions and matching
26 state funds provided under this section. The foundations of
27 the community college entities are responsible for the
28 maintenance, investment, and administration of their matching
29 grant program ~~academic improvement trust~~ funds.

30 (8) The Division of Community Colleges may receive
31 submissions of requests for matching funds and documentation

1 relating to those requests, may approve requests for matching
2 funds, and may allocate such funds to the community colleges.

3 (9)(6)(a) Each community college district ~~The board of~~
4 ~~trustees and the State Board of Education shall determine of~~
5 ~~the community college and the State Board of Community~~
6 ~~Colleges are responsible for determining the uses for the~~
7 ~~proceeds of their respective trust funds. Such uses of the~~
8 ~~proceeds shall include, but not be limited to, expenditure of~~
9 ~~the funds for:~~

10 (a)1- Scientific and technical equipment.

11 (b)2- Other activities that will benefit future
12 students as well as students currently enrolled at the
13 community college; and that will improve the quality of
14 education at the community college or in the community college
15 system; and will enhance economic development in the
16 community.

17 (c)3- Scholarships, loans, or need-based grants.

18 ~~(b) If a community college includes scholarships,~~
19 ~~loans, or need-based grants in its proposal, it shall create~~
20 ~~an endowment in its academic improvement trust fund and use~~
21 ~~the earnings of the endowment to provide scholarships, loans,~~
22 ~~or need-based grants.~~

23 ~~(c) Proposals for use of the trust fund shall be~~
24 ~~submitted to the State Board of Community Colleges for~~
25 ~~approval. Any proposal not acted upon in 60 days shall be~~
26 ~~considered not approved.~~

27 ~~(7) The State Board of Community Colleges shall~~
28 ~~establish rules to provide for the administration of this~~
29 ~~program. Such rules shall establish the minimum challenge~~
30 ~~grant reserved for each community college entity and the~~
31 ~~maximum amount which a community college entity may receive~~

1 ~~from a legislative appropriation in any fiscal year in~~
2 ~~accordance with the provisions of the General Appropriations~~
3 ~~Act.~~

4 Section 143. Notwithstanding subsection (7) of section
5 3 of chapter 2000-321, Laws of Florida, section 240.361,
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:

9 240.361 Budgets for community colleges.--The president
10 of each community college shall recommend to the district
11 board of trustees a budget of income and expenditures at such
12 time and in such form as the state board may prescribe. Upon
13 approval of a budget by the district board of trustees, such
14 budget shall be transmitted to the Division State Board of
15 Community Colleges ~~and the Department of Education~~ for review
16 ~~and approval~~. Rules ~~and regulations~~ of the State Board of
17 Education shall prescribe procedures for effecting budget
18 amendments subsequent to the final approval of a budget for a
19 given year.

20 Section 144. Notwithstanding subsection (7) of section
21 3 of chapter 2000-321, Laws of Florida, section 240.363,
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:

25 240.363 Financial accounting and expenditures.--All
26 funds accruing to a community college must be received,
27 accounted for, and expended in accordance with rules of the
28 State Board of Education Community Colleges. A direct-support
29 organization shall have sole responsibility for the acts,
30 debts, liabilities, and obligations of the organization. A
31 community college shall have no responsibility for such acts,

1 debts, liabilities, or obligations incurred or assumed by a
2 direct-support organization solely by reason of certification.
3 Each community college district board of trustees may adopt
4 rules ~~policies~~ that provide procedures for transferring
5 contributions made to the community college to the
6 direct-support organization of that community college ~~for~~
7 ~~administration by such organization contributions made to the~~
8 ~~community college.~~

9 Section 145. Notwithstanding subsection (7) of section
10 3 of chapter 2000-321, Laws of Florida, section 240.364,
11 Florida Statutes, shall not stand repealed January 7, 2003, as
12 scheduled by that law, but that section is reenacted to read:

13 240.364 Prohibited expenditures.--No community college
14 or direct-support organization shall expend any funds,
15 regardless of source, to purchase membership in, or goods and
16 services from, any organization which discriminates on the
17 basis of race, national origin, sex, or religion.

18 Section 146. Notwithstanding subsection (7) of section
19 3 of chapter 2000-321, Laws of Florida, section 240.365,
20 Florida Statutes, shall not stand repealed January 7, 2003, as
21 scheduled by that law, but that section is reenacted to read:

22 240.365 Delinquent accounts.--

23 (1) The district board of trustees shall exert every
24 effort to collect all delinquent accounts.

25 (2) The district board of trustees is authorized to
26 charge off such accounts as may prove uncollectible in
27 accordance with rules and regulations of the state board.

28 (3) The district board of trustees is authorized to
29 employ the services of a collection agency when deemed
30 advisable in collecting delinquent accounts.

31

1 Section 147. Notwithstanding subsection (7) of section
2 3 of chapter 2000-321, Laws of Florida, section 240.367,
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:

6 240.367 Current loans to community college district
7 boards of trustees.--

8 (1) At any time the current funds on hand are
9 insufficient to pay obligations created by the district board
10 of trustees of any community college district in accordance
11 with the approved budget of the community college, the
12 district board of trustees may request approval by the
13 Commissioner of Education of a proposal to negotiate a current
14 loan, with provisions for the repayment of such loan during
15 the fiscal year in which the loan is made, in order to meet
16 these obligations.

17 (2) The State Board of Education ~~department~~ shall
18 approve such proposal when, in its opinion, the proposal is
19 reasonable and just, the expenditure is necessary, and
20 revenues sufficient to meet the requirements of the loan can
21 reasonably be anticipated.

22 Section 148. Notwithstanding subsection (7) of section
23 3 of chapter 2000-321, Laws of Florida, section 240.369,
24 Florida Statutes, shall not stand repealed January 7, 2003, as
25 scheduled by that law, but that section is reenacted to read:

26 240.369 Exemption from county civil service
27 commissions.--

28 (1) Any community college located in a county which
29 has either a budget commission or a civil service commission
30 is exempt from the regulation, supervision, and control of any
31 such commission.

1 (2) Any general or special law conflicting with this
2 section is repealed to the extent that said law conflicts with
3 this section.

4 Section 149. Notwithstanding subsection (7) of section
5 3 of chapter 2000-321, Laws of Florida, section 240.371,
6 Florida Statutes, shall not stand repealed January 7, 2003, as
7 scheduled by that law, but that section is reenacted to read:

8 240.371 Transfer of benefits arising under local or
9 special acts.--All local or special acts in force on July 1,
10 1968, which provide benefits for a community college through a
11 school board shall continue in full force and effect, and such
12 benefits shall be transmitted to the community college
13 district board of trustees.

14 Section 150. Notwithstanding subsection (7) of section
15 3 of chapter 2000-321, Laws of Florida, section 240.375,
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:

19 240.375 Payment of costs of civil actions against
20 officers, employees, or agents of district board of
21 trustees.--Whenever any civil action has been brought against
22 any officer of the district board of trustees, including a
23 board member, or any person employed by or agent of the
24 district board of trustees, of any public community college
25 for any act or omission arising out of and in the course of
26 the performance of his or her duties and responsibilities, the
27 district board of trustees may defray all costs of defending
28 such action, including reasonable attorney's fees and expenses
29 together with costs of appeal, if any, and may save harmless
30 and protect such person from any financial loss resulting
31 therefrom; and the board of trustees is authorized to be

1 self-insured, to enter into risk management programs, or to
2 purchase insurance for whatever coverage it may choose, or to
3 have any combination thereof, to cover all such losses and
4 expenses. However, any attorney's fees paid from public funds
5 for any officer, employee, or agent who is found to be
6 personally liable by virtue of acting outside the scope of his
7 or her employment or acting in bad faith, with malicious
8 purpose, or in a manner exhibiting wanton and willful
9 disregard of human rights, safety, or property may be
10 recovered by the state, county, municipality, or political
11 subdivision in a civil action against such officer, employee,
12 or agent. Failure by a district board of trustees to perform
13 any act authorized by this section shall not constitute a
14 cause of action against the community college or its trustees,
15 officers, employees, agents, or members.

16 Section 151. Notwithstanding subsection (7) of section
17 3 of chapter 2000-321, Laws of Florida, section 240.376,
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:

21 240.376 Provisions for the protection of property by
22 district boards of trustees.--The district boards of trustees
23 shall be responsible for managing and protecting real and
24 personal property acquired or held in trust for use by and for
25 the benefit of such community college. To that end, any board
26 is authorized to be self-insured, to enter into risk
27 management programs, or to purchase insurance for whatever
28 coverage it may choose, or to have any combination thereof, in
29 anticipation of any loss, damage, or destruction.

30 Section 152. Notwithstanding subsection (7) of section
31 3 of chapter 2000-321, Laws of Florida, section 240.3763,

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:

4 240.3763 Expenditures for self-insurance services;
5 special account.--

6 (1) The district boards of trustees, singly or
7 collectively, may ~~are authorized to~~ contract with an
8 administrator or service company approved by the Department of
9 Insurance pursuant to chapter 626 to provide self-insurance
10 services, including, but not limited to, the evaluation,
11 settlement, and payment of self-insurance claims on behalf of
12 the district board or a consortium of boards.

13 (2) Pursuant to such a contract, a district board may
14 advance money to the administrator or service company to be
15 deposited in a special account for paying claims against the
16 board under its self-insurance program. The special account
17 shall be maintained in a designated depository as provided by
18 s. 136.01. The district board may replenish such account as
19 often as necessary upon the presentation by the administrator
20 or service company of documentation for claims paid in an
21 amount equal to the amount of the requested reimbursement. Any
22 contract for disbursement of funds from the special account
23 shall ensure that the payments are subject to proper
24 disbursement controls and accounting procedures.

25 Section 153. Notwithstanding subsection (7) of section
26 3 of chapter 2000-321, Laws of Florida, section 240.377,
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:

30 240.377 Promotion and public relations funding.--Each
31 community college district board of trustees may ~~is authorized~~

1 ~~to~~ budget and use a portion of the funds accruing to it from
2 auxiliary enterprises and undesignated gifts for promotion and
3 public relations as prescribed by rules ~~regulations~~ of the
4 State Board of Education. Such funds may be used to provide
5 expenditures for hospitality of business guests at the
6 community college or elsewhere. However, such hospitality
7 expenses may not exceed the amount authorized for such
8 contingency fund as prescribed by rules of the State Board of
9 Education.

10 Section 154. Notwithstanding subsection (7) of section
11 3 of chapter 2000-321, Laws of Florida, section 240.379,
12 Florida Statutes, shall not stand repealed January 7, 2003, as
13 scheduled by that law, but that section is reenacted to read:

14 240.379 Certain chapters inapplicable to community
15 colleges.--Chapters 231, 233, 234, 236, and 237 are not
16 applicable to community colleges, except for those sections
17 specifically referred to in this part and in the State Board
18 of Education rules.

19 Section 155. Notwithstanding subsection (7) of section
20 3 of chapter 2000-321, Laws of Florida, section 240.38,
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:

24 240.38 Community college police.--

25 (1) As used in this section, the term "campus" means
26 any property or facilities of the community college or any
27 direct support organization certified by the community
28 college.

29 (2)~~(1)~~ Each community college may ~~is permitted and~~
30 ~~empowered to~~ employ police officers for the community college,
31 who must be designated community college police.

1 ~~(3)(2)~~ Each community college police officer is a law
2 enforcement officer of the state and a conservator of the
3 peace who has the authority to arrest, in accordance with the
4 laws of this state, any person for a violation of state law or
5 applicable county or municipal ordinance if that violation
6 occurs on or in any property or facilities of the community
7 college by which he or she is employed. A community college
8 police officer may also arrest a person off campus for a
9 violation committed on campus after a hot pursuit of that
10 person which began on campus. A community college police
11 officer may bear arms in the performance of his or her duties
12 and carry out a search pursuant to a search warrant on the
13 campus where he or she is employed. Community college police,
14 upon request of the sheriff or local police authority, may
15 serve subpoenas or other legal process and may make arrests of
16 persons against whom arrest warrants have been issued or
17 against whom charges have been made for violations of federal
18 or state laws or county or municipal ordinances.

19 ~~(4)(3)~~ Community college police shall promptly deliver
20 all persons arrested and charged with felonies to the sheriff
21 of the county within which the community college is located
22 and all persons arrested and charged with misdemeanors to the
23 applicable authority as provided by law, but otherwise to the
24 sheriff of the county in which the community college is
25 located.

26 ~~(5)(4)~~ Community college police must meet the minimum
27 standards established by the Police Standards and Training
28 Commission of the Department of Law Enforcement and chapter
29 943 for law enforcement officers. Each community college
30 police officer must, before entering into the performance of
31 his or her duties, take the oath of office established by the

1 community college. Each community college that employs police
2 officers may obtain and approve a bond on each police officer,
3 conditioned upon the officer's faithful performance of his or
4 her duties, which bond must be payable to the Governor. The
5 community college may determine the amount of the bond. In
6 determining the amount of the bond, the community college may
7 consider the amount of money or property likely to be in the
8 custody of the officer at any one time. The community college
9 shall provide a uniform set of identifying credentials to each
10 community college police officer it employs.

11 (6)~~(5)~~ In performance of any of the powers, duties,
12 and functions authorized by law, community college police have
13 the same rights, protections, and immunities afforded other
14 law enforcement officers.

15 ~~(6) The community college, with the approval of the~~
16 ~~Department of Law Enforcement, shall adopt rules, including,~~
17 ~~without limitation, rules for the appointment, employment, and~~
18 ~~removal of community college police in accordance with the~~
19 ~~state Career Service System and shall establish in writing a~~
20 ~~policy manual, that includes, without limitation, procedures~~
21 ~~for managing routine law enforcement situations and emergency~~
22 ~~law enforcement situations. The community college shall~~
23 ~~furnish a copy of the policy manual to each of the police~~
24 ~~officers it employs.~~

25 Section 156. Notwithstanding subsection (7) of section
26 3 of chapter 2000-321, Laws of Florida, section 240.3815,
27 Florida Statutes, shall not stand repealed January 7, 2003, as
28 scheduled by that law, but that section is reenacted to read:

29 240.3815 Report of campus crime statistics.--Each
30 community college shall prepare annually a report of
31 statistics of crimes committed on its campus for the preceding

1 3 years. The community college shall give students and
2 prospective students notice that this report is available upon
3 request.

4 Section 157. Notwithstanding subsection (7) of section
5 3 of chapter 2000-321, Laws of Florida, section 240.382,
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:

9 240.382 Establishment of child development training
10 centers at community colleges.--

11 (1) The Legislature recognizes the importance of
12 preschool developmental education and the need for adult
13 students with limited economic resources to have access to
14 high-quality, affordable child care at variable hours for
15 their children. It is therefore the intent of the Legislature
16 that community colleges provide high-quality, affordable child
17 care to the children of adult students enrolled in community
18 colleges. The primary purpose of these child development
19 training centers is to provide affordable child care for
20 children of adult students, particularly those who demonstrate
21 financial need, as well as for employees and staff of the
22 institution. Further, the child development training centers
23 are intended to provide both preschool instruction to the
24 children and clinical experiences for prospective child care
25 and early childhood instructional and administrative
26 personnel. A secondary mission of the centers shall be to
27 provide instruction in parenting skills for the clients of the
28 center as well as for the community.

29 (2) In consultation with the student government
30 association or a recognized student group representing the
31 student body, the district board of trustees of any community

1 college may establish a child development training center in
2 accordance with this section. Each child development training
3 center shall be a child care center established to provide
4 child care during the day and at variable hours, including
5 evenings and weekends, for the children of students. Emphasis
6 should be placed on serving students who demonstrate financial
7 need as defined by the district board of trustees. At least 50
8 percent of the child care slots must be made available to
9 students, and financially needy students, as defined by the
10 district board of trustees, shall receive child care slots
11 first. The center may serve the children of staff, employees,
12 and faculty; however, a designated number of child care slots
13 shall not be allocated for employees. Whenever possible, the
14 center shall be located on the campus of the community
15 college. However, the district board may elect to provide
16 child care services for students through alternative
17 mechanisms, which may include contracting with private
18 providers.

19 (3) There shall be a board of directors of each child
20 development training center, consisting of the president or
21 his or her designee, the student government president or his
22 or her designee, the chair of the department participating in
23 the center or his or her designee, and one parent for each 25
24 children enrolled in the center, elected by the parents of the
25 children enrolled in the center. There shall be a director of
26 each center, selected by the board of directors of the center.
27 The director shall be an ex officio, nonvoting member of the
28 board. The district board of trustees shall establish local
29 policies and perform local oversight and operational guidance
30 for the center.

31

1 (4) Each center may charge fees for the care and
2 services it provides. Each district board of trustees shall
3 establish mechanisms to facilitate access to center services
4 for students with financial need, which shall include a
5 sliding fee scale and other methods adopted by the district
6 board to reduce or defray payment of fees for students. The
7 district board of trustees is authorized to seek and receive
8 grants and other resources to support the operation of the
9 child development center.

10 (5) In addition to revenues derived from child care
11 fees charged to parents and other external resources, each
12 child development training center may be funded by a portion
13 of funds from the student activity and service fee authorized
14 by s. 240.35(6)~~s. 240.35(10)~~ and the capital improvement fee
15 authorized by s. 240.35(10)~~s. 240.35(14)~~. Community colleges
16 are authorized to transfer funds as necessary from the
17 community college's general fund to support the operation of
18 the child development training center.

19 (6) This section does not preclude the continuation of
20 or in any way affect child care centers operated by community
21 colleges which were established by the district board of
22 trustees prior to July 1, 1994.

23 Section 158. Notwithstanding subsection (7) of section
24 3 of chapter 2000-321, Laws of Florida, section 240.383,
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:

28 240.383 State Community College ~~System~~ Facility
29 Enhancement Challenge Grant Program.--

30 (1) The Legislature recognizes that the ~~Florida~~
31 community colleges do ~~College System does~~ not have sufficient

1 physical facilities to meet the current demands of its
2 instructional and community programs. It further recognizes
3 that, to strengthen and enhance ~~the Florida~~ community colleges
4 ~~College System~~, it is necessary to provide facilities in
5 addition to those currently available from existing revenue
6 sources. It further recognizes that there are sources of
7 private support that, if matched with state support, can
8 assist in constructing much needed facilities and strengthen
9 the commitment of citizens and organizations in promoting
10 excellence throughout the ~~state~~ community colleges. Therefore,
11 it is the intent of the Legislature to establish a program to
12 provide the opportunity for each community college through its
13 direct-support organization to receive and match challenge
14 grants for instructional and community-related capital
15 facilities within the community college.

16 (2) There is established the State Community College
17 ~~System~~ Facility Enhancement Challenge Grant Program for the
18 purpose of assisting the ~~Florida~~ community colleges ~~College~~
19 ~~System~~ in building high priority instructional and
20 community-related capital facilities consistent with s.
21 240.301, including common areas connecting such facilities.
22 The direct-support organizations that serve the community
23 colleges shall solicit gifts from private sources to provide
24 matching funds for capital facilities. For the purposes of
25 this section, private sources of funds shall not include any
26 federal or state government funds that a community college may
27 receive.

28 (3) The Community College Capital Facilities Matching
29 Program shall provide funds to match private contributions for
30 the development of high priority instructional and
31 community-related capital facilities, including common areas

1 connecting such facilities, within the ~~Florida~~ community
2 colleges ~~College System~~.

3 (4) Within the direct-support organization of each
4 community college there must be established a separate capital
5 facilities matching account for the purpose of providing
6 matching funds from the direct-support organization's
7 unrestricted donations or other private contributions for the
8 development of high priority instructional and
9 community-related capital facilities, including common areas
10 connecting such facilities. The Legislature shall appropriate
11 funds for distribution to a community college after matching
12 funds are certified by the direct-support organization and
13 community college. The Public Education Capital Outlay and
14 Debt Service Trust Fund shall not be used as the source of the
15 state match for private contributions.

16 (5) A project may not be initiated unless all private
17 funds for planning, construction, and equipping the facility
18 have been received and deposited in the direct-support
19 organization's matching account and the state's share for the
20 minimum amount of funds needed to begin the project has been
21 appropriated by the Legislature. The Legislature may
22 appropriate the state's matching funds in one or more fiscal
23 years for the planning, construction, and equipping of an
24 eligible facility. However, these requirements shall not
25 preclude the community college or direct-support organization
26 from expending available funds from private sources to develop
27 a prospectus, including preliminary architectural schematics
28 and ~~and/or~~ models, for use in its efforts to raise private
29 funds for a facility. Additionally, any private sources of
30 funds expended for this purpose are eligible for state

31

1 matching funds should the project materialize as provided for
2 in this section.

3 (6) To be eligible to participate in the State
4 Community College ~~System~~ Facility Enhancement Challenge Grant
5 Program, a community college, through its direct-support
6 organization, shall raise a contribution equal to one-half of
7 the total cost of a facilities construction project from
8 private sources which shall be matched by a state
9 appropriation equal to the amount raised for a facilities
10 construction project, subject to the General Appropriations
11 Act.

12 (7) If the state's share of the required match is
13 insufficient to meet the requirements of subsection (6), the
14 community college shall renegotiate the terms of the
15 contribution with the donors. If the project is terminated,
16 each private donation, plus accrued interest, reverts to the
17 direct-support organization for remittance to the donor.

18 (8) By September 1 of each year, the director of the
19 Division of Community Colleges shall transmit to the
20 Legislature a list of projects which meet all eligibility
21 requirements to participate in the State Community College
22 ~~System~~ Facility Enhancement Challenge Grant Program and a
23 budget request which includes the recommended schedule
24 necessary to complete each project.

25 (9) In order for a project to be eligible under this
26 program, it must be survey recommended under the provisions of
27 s. 235.15 and included in the ~~Florida~~ community college ~~System~~
28 5-year capital improvement plan, and it must receive prior
29 approval from the State Board of Education ~~Community Colleges~~.

30 (10) A community college project may not be removed
31 from the approved 3-year PECO priority list because of its

1 successful participation in this program until approved by the
2 Legislature and provided for in the General Appropriations
3 Act. When such a project is completed and removed from the
4 list, all other projects shall move up on the 3-year PECO
5 priority list.

6 (11) Any project funds that are unexpended after a
7 project is completed shall revert to the community college's
8 direct-support organization capital facilities matching
9 account. Fifty percent of such unexpended funds shall be
10 reserved for the community college which originally received
11 the private contribution for the purpose of providing private
12 matching funds for future facility construction projects as
13 provided in this section. The balance of such unexpended
14 funds shall be returned to the General Revenue Fund.

15 (12) The surveys, architectural plans, facility, and
16 equipment shall be the property of the participating community
17 college. A facility constructed under this section may be
18 named in honor of a donor at the option of the community
19 college district board of trustees. A facility may not be
20 named after a living person without prior approval by the
21 State Board of Education ~~Community Colleges~~.

22 Section 159. Notwithstanding subsection (7) of section
23 3 of chapter 2000-321, Laws of Florida, section 240.3836,
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:

27 240.3836 Site-determined baccalaureate degree
28 access.--

29 (1) The Legislature recognizes that public and private
30 postsecondary education institutions play essential roles in
31 improving the quality of life and economic well-being of the

1 state and its residents. The Legislature also recognizes that
2 economic development needs and the educational needs of
3 place-bound, nontraditional students have increased the demand
4 for local access to baccalaureate degree programs. In some,
5 but not all, geographic regions, baccalaureate degree programs
6 are being delivered successfully at the local community
7 college through agreements between the community college and
8 4-year postsecondary institutions within or outside of the
9 state. It is therefore the intent of the Legislature to
10 further expand access to baccalaureate degree programs through
11 the use of community colleges.

12 (2) A community college may be authorized by the State
13 ~~Florida~~ Board of Education to offer a limited number of
14 baccalaureate degrees designed to meet local workforce needs
15 through one of the following processes:

16 (a) A community college may enter into a formal
17 agreement with the state university or college in its service
18 area for the community college to deliver specified
19 baccalaureate degree programs. The agreement must be submitted
20 to the State ~~Florida~~ Board of Education for approval. The
21 community college's proposal must include the following
22 information:

23 1. Demand for the baccalaureate degree program is
24 identified by the workforce development board, local
25 businesses and industry, local chambers of commerce, and
26 potential students.

27 2. Unmet need for graduates of the proposed degree
28 program is substantiated.

29 3. The community college has the facilities and
30 academic resources to deliver the program.

31

1 The proposal must be submitted to the Council for Education
2 Policy Research and Improvement for review and comment. Upon
3 approval of the State ~~Florida~~ Board of Education for the
4 specific degree program or programs, the community college
5 shall pursue regional accreditation by the Commission on
6 Colleges of the Southern Association of Colleges and Schools.
7 Any additional baccalaureate degree programs the community
8 college wishes to offer must be approved by the State ~~Florida~~
9 Board of Education.

10 (b) A community college may develop a proposal to
11 deliver specified baccalaureate degree programs in its
12 district. The proposal must be submitted to the State ~~Florida~~
13 Board of Education for approval. The community college's
14 proposal must include the following information:

15 1. Demand for the baccalaureate degree program is
16 identified by the workforce development board, local
17 businesses and industry, local chambers of commerce, and
18 potential students.

19 2. Unmet need for graduates of the proposed degree
20 program is substantiated.

21 3. The community college has the facilities and
22 academic resources to deliver the program.

23

24 The proposal must be submitted to the Council for Education
25 Policy Research and Improvement for review and comment. Upon
26 approval of the State ~~Florida~~ Board of Education for the
27 specific degree program or programs, the community college
28 shall pursue regional accreditation by the Commission on
29 Colleges of the Southern Association of Colleges and Schools.
30 Any additional baccalaureate degree programs the community
31

1 college wishes to offer must be approved by the State Florida
2 Board of Education.

3 (3) A community college may not terminate its
4 associate in arts or associate in science degree programs as a
5 result of the authorization provided in subsection (2). The
6 Legislature intends that the primary mission of a community
7 college, including a community college that offers
8 baccalaureate degree programs, continues to be the provision
9 of associate degrees that provide access to a university or
10 college.

11 Section 160. Notwithstanding subsection (7) of section
12 3 of chapter 2000-321, Laws of Florida, section 240.384,
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:

16 240.384 Training school consolidation pilot
17 projects.--

18 (1) ESTABLISHMENT.--To consolidate and more
19 efficiently use state and taxpayer resources by combining
20 training programs, pilot training centers are established to
21 provide public criminal justice training in Leon and St. Johns
22 Counties. The following pilot training centers are
23 established:

24 (a) The Pat Thomas Center at Tallahassee Community
25 College.

26 (b) The Criminal Justice Academy at St. Johns River
27 Community College.

28 (2) EXISTING PUBLIC CRIMINAL JUSTICE TRAINING
29 PROGRAMS.--Notwithstanding ss. 229.551(1)(g), 230.02, 230.35,
30 and 230.64, or any other provision of law to the contrary,
31 criminal justice training programs in the pilot counties shall

1 ~~will~~ transfer to community colleges, ~~effective July 1, 1999,~~
2 ~~at which time~~ Responsibility for the provision of basic
3 recruit, advanced, career development, and continuing training
4 courses and programs offered in public criminal justice
5 training programs and for the operation of existing public
6 criminal justice training programs shall ~~will~~ be shifted from
7 the school district to the community college in whose service
8 area the public criminal justice training program is located.
9 Certification of the program granted by the Criminal Justice
10 Standards and Training Commission shall ~~will~~ be transferred to
11 the respective community college and the community college
12 must continue to meet the requirements of the commission.

13 (3) FACILITIES.--

14 (a) Criminal justice training program educational
15 facilities, educational plants, and related equipment as
16 defined in s. 235.011(6) and (7) which are owned by the state
17 and paid for with only state funds shall be transferred to the
18 community college, except that, if such an educational
19 facility or educational plant or part of such facility or
20 plant is used for other purposes in addition to public
21 criminal justice training, the Criminal Justice Standards and
22 Training Commission shall mediate the transfer or a suitable
23 multiuse arrangement.

24 (b) 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 school
27 district and paid for in whole or in part with local tax funds
28 shall be leased to the community college. However, if such an
29 educational facility or educational plant, or part of such
30 facility or plant, is used for other purposes in addition to
31 public criminal justice training, the Criminal Justice

1 Standards and Training Commission shall mediate a suitable
2 lease agreement. If a school district and a community college
3 cannot agree on the terms and conditions of the lease
4 agreement, the Criminal Justice Standards and Training
5 Commission shall finalize the agreement and report its
6 decision to the Legislature. The Department of Education,
7 Office of Educational Facilities, shall conduct an analysis,
8 ~~by December 31, 1999,~~ to determine the amount of local tax
9 contribution used in the construction of a
10 school-district-owned criminal justice training program,
11 educational facility, or educational plant affected by the
12 transfer. This analysis shall be used to establish a purchase
13 price for the facility or plant. The local community college
14 district board of trustees may make a legislative budget
15 request through the State Board of Education ~~Community~~
16 ~~Colleges~~ to purchase the facility or plant, or it may continue
17 to lease the facility or plant.

18 (4) PROGRAM REQUIREMENTS.--Each pilot training center
19 shall ~~will~~ be regional in nature, as defined by the Criminal
20 Justice Standards and Training Commission. Each community
21 college with responsibility for a public criminal justice
22 training program must:

23 (a) Establish a pilot training center advisory
24 committee made up of professionals from the field of each
25 training program included in the pilot project.

26 (b) Provide certificate and noncredit options for
27 students and training components of the pilot training center
28 that so require.

29 (c) Develop an articulation agreement with the
30 universities or colleges ~~State University System~~ to facilitate
31 the transfer of graduates of a community college degree

1 training program to the upper division of a state university
2 or college with a corresponding program.

3 (5) STAFFING.--The community college board of trustees
4 may provide for school district public criminal justice
5 training staff employed in full-time budgeted positions to be
6 transferred into the community college personnel system at the
7 same rate of salary. Retirement and leave provisions shall
8 ~~will~~ be transferred according to law.

9 (6) FUNDING.--~~Beginning July 1, 1999,~~The Department
10 of Education shall shift funds generated by students in the
11 pilot training centers established by this section, including
12 workforce development recurring and nonrecurring funds, from
13 the appropriate school district to the respective community
14 college. The community college shall qualify for future
15 facilities funding upon transfer of the facility.

16 (a) Consistent with s. 236.081(7), school districts
17 that transfer programs shall ~~will~~ receive an amount equal to
18 15 percent of the funding generated for the program under the
19 FEFP in 1996-1997.

20 (b) Reflecting the lower program costs in the
21 community colleges ~~College System~~, notwithstanding the funding
22 generated in paragraph (a), community colleges shall ~~will~~
23 receive 90 percent of the funding generated for the program
24 under the FEFP in 1996-1997. The school district shall ~~will~~
25 retain the remaining 10 percent.

26 (c) Notwithstanding ss. 239.115(6)(a) and
27 239.117(6)(a), or any other provision of law to the contrary,
28 fees for continuing workforce education for public law
29 enforcement officers at these pilot centers shall not exceed
30 25 percent of the cost of the course, and state funding shall
31

1 not under any circumstances exceed 50 percent of the cost of
2 the course.

3 Section 161. Part IV of chapter 240, Florida Statutes,
4 is redesignated as "State-funded Student Assistance."

5 Section 162. Notwithstanding subsection (7) of section
6 3 of chapter 2000-321, Laws of Florida, section 240.40,
7 Florida Statutes, shall not stand repealed January 7, 2003, as
8 scheduled by that law, but that section is reenacted to read:

9 240.40 State Student Financial Assistance Trust
10 Fund.--

11 (1) The State Student Financial Assistance Trust Fund
12 is hereby created, to be administered by the Department of
13 Education. Funds shall be credited to the trust fund as
14 provided in the General Appropriations Act or similar
15 legislation, to be used for the purposes set forth therein.

16 (2) The department may transfer into this trust fund
17 general revenue, private donations for the purpose of matching
18 state funds, and federal receipts for scholarships and grant
19 programs. An individual account code shall be established for
20 each funded scholarship and grant program for auditing
21 purposes.

22 (3) Notwithstanding the provisions of s. 216.301, and
23 pursuant to s. 216.351, any balance in the trust fund at the
24 end of any fiscal year shall remain in the trust fund and
25 shall be available for carrying out the purposes of the trust
26 fund.

27 Section 163. Subsections (3), (4), and (8) of section
28 240.4015, Florida Statutes, are amended to read:

29 240.4015 Florida Bright Futures Scholarship Testing
30 Program.--

31

1 (3) Beginning with initial award recipients for the
2 2002-2003 academic year and continuing thereafter, students
3 eligible for a Florida Academic Scholars award or a Florida
4 Medallion ~~Merit~~ Scholars award who are admitted to and enroll
5 in a community college or state university shall, prior to
6 registering for courses that may be earned through a CLEP
7 examination and no later than registration for their second
8 term, complete at least five examinations from those specified
9 in subsection (1) in the following areas: English; humanities;
10 mathematics; natural sciences; and social sciences. Successful
11 completion of dual enrollment courses, Advanced Placement
12 examinations, and International Baccalaureate examinations
13 taken prior to high school graduation satisfy this
14 requirement. The Articulation Coordinating Committee shall
15 identify the examinations that satisfy each component of this
16 requirement.

17 (4) Initial award recipients for the 2001-2002
18 academic year who are eligible for a Florida Academic Scholars
19 award or a Florida Medallion ~~Merit~~ Scholars award and who are
20 admitted to and enroll in a community college or state
21 university may choose, prior to registering for courses that
22 may be earned through CLEP examination, to complete up to five
23 CLEP examinations, one in each of the following areas:
24 English; humanities; mathematics; natural sciences; and social
25 sciences.

26 (8) Beginning with the 2002-2003 award recipients, the
27 Department of Education shall track and annually report on the
28 effectiveness of the program, and include information on the
29 number of students participating in the program; the CLEP
30 examinations taken and the passage rate of Florida Academic
31 Scholars and Florida Medallion ~~Merit~~ Scholars award

1 recipients; the use of Advanced Placement and International
2 Baccalaureate examinations and dual enrollment courses to
3 satisfy the requirements of the program; and the course credit
4 provided.

5 Section 164. Notwithstanding subsection (7) of section
6 3 of chapter 2000-321, Laws of Florida, section 240.40201,
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:

10 240.40201 Florida Bright Futures Scholarship
11 Program.--

12 (1) The Florida Bright Futures Scholarship Program is
13 created to establish a lottery-funded scholarship program to
14 reward any Florida high school graduate who merits recognition
15 of high academic achievement and who enrolls in a degree
16 program, certificate program, or applied technology diploma
17 program at an eligible Florida public or private postsecondary
18 education institution within 7 ~~3~~ years after ~~of~~ graduation
19 from high school. An award may not be provided to a student
20 beyond 7 years after high school graduation, regardless of the
21 year in which the student first receives scholarship funding.

22 (2) The Bright Futures Scholarship Program consists of
23 three types of awards, the Florida Academic Scholarship, the
24 Florida Medallion ~~Merit~~ Scholarship, and the Florida
25 ~~Vocational~~ Gold Seal Vocational Scholarship.

26 (3) The Department of Education shall administer the
27 Bright Futures Scholarship Program according to rules and
28 procedures established by the State Board ~~Commissioner~~ of
29 Education. A single application must be sufficient for a
30 student to apply for any of the three types of awards. The
31 department must advertise the availability of the scholarship

1 program and must notify students, teachers, parents, guidance
2 counselors, and principals or other relevant school
3 administrators of the criteria and application procedures. The
4 department must begin this process of notification no later
5 than January 1 of each year.

6 (4) Funding for the Bright Futures Scholarship Program
7 must be allocated from the Education Enhancement Trust Fund
8 and must be provided before allocations from that fund are
9 calculated for disbursement to other educational entities.

10 (a) If funds appropriated are not adequate to provide
11 the maximum allowable award to each eligible applicant, awards
12 in all three components of the program must be prorated using
13 the same percentage reduction.

14 (b) Notwithstanding s. 216.301, if all funds allocated
15 to the Bright Futures Scholarship Program are not used in any
16 fiscal year, up to 10 percent of the total allocation may be
17 carried forward and used for awards in the following year.

18 (5) The department shall issue awards from the
19 scholarship program annually. ~~Annual awards may be for up to~~
20 ~~45 semester credit hours or the equivalent.~~ Before the
21 registration period each semester, the department shall
22 transmit payment for each award to the president or director
23 of the postsecondary education institution, or his or her
24 representative, except that the department may withhold
25 payment if the receiving institution fails to report or to
26 make refunds to the department as required by law ~~in this act~~.

27 (a) Within 30 days after the end of regular
28 registration each semester, the educational institution shall
29 certify to the department the eligibility status of each
30 student who receives an award. After the end of the drop and
31 add period, an institution is not required to reevaluate or

1 revise a student's eligibility status, but must make a refund
2 to the department if a student who receives an award
3 disbursement terminates enrollment for any reason during an
4 academic term and a refund is permitted by the institution's
5 refund policy.

6 (b) An institution that receives funds from the
7 program shall certify to the department the amount of funds
8 disbursed to each student and shall remit to the department
9 any undisbursed advances within 60 days after the end of
10 regular registration.

11 (c) Each institution that receives moneys through this
12 program shall prepare an annual report that includes an
13 independent external audit or an audit prepared by the Office
14 of the Auditor General. The report shall include an audit of
15 the institution's administration of the program and a complete
16 accounting of the moneys for the program. This report must be
17 submitted to the department annually by March 1. The
18 department may conduct its own annual audit of an
19 institution's administration of the program. The department
20 may request a refund of any moneys overpaid to the institution
21 for the program. The department may suspend or revoke an
22 institution's eligibility to receive future moneys for the
23 program if the department finds that an institution has not
24 complied with this section. The institution must remit within
25 60 days any refund requested in accordance with this
26 subsection.

27 (6) A student enrolled in 6 to 8 semester credit hours
28 may receive up to one-half of the maximum award; a student
29 enrolled in 9 to 11 credit hours may receive up to
30 three-fourths of the maximum award; and a student enrolled in
31 12 or more credit hours may receive up to the full award.

1 (7) A student may receive only one type of award from
2 the Florida Bright Futures Scholarship Program at a time, but
3 may transfer from one type of award to another through the
4 renewal application process, if the student's eligibility
5 status changes. However, a student is not eligible to transfer
6 from a Florida Medallion Merit Scholarship or a Florida
7 ~~Vocational~~ Gold Seal Vocational Scholarship to a Florida
8 Academic Scholarship. A student who receives an award from the
9 program may also receive a federal family education loan or a
10 federal direct loan, and the value of the award must be
11 considered in the certification or calculation of the
12 student's loan eligibility.

13 (8) If a recipient transfers from one eligible
14 institution to another and continues to meet eligibility
15 requirements, the award must be transferred with the student.

16 (9) A student may use an award for summer term
17 enrollment if funds are available.

18 (10) Funds from any scholarship within the Florida
19 Bright Futures Scholarship Program may not be used to pay for
20 remedial or college-preparatory coursework.

21 (11) A student who graduated from high school in 1997
22 or earlier and who is eligible for the Florida Undergraduate
23 Scholar's Program pursuant to s. 240.402, Florida Statutes,
24 1996 Supplement, is eligible for the Florida Academic Scholars
25 award as provided in this chapter. A student who graduated
26 from high school in 1997 or earlier and who is eligible for
27 the Florida Gold Seal Vocational Endorsement Scholarship award
28 pursuant to s. 240.40201, Florida Statutes, 1996 Supplement,
29 is eligible for the Florida Gold Seal Vocational Scholarship
30 award as provided in this chapter. Award eligibility ends 7
31 years after high school graduation.

1 Section 165. Notwithstanding subsection (7) of section
2 3 of chapter 2000-321, Laws of Florida, section 240.40202,
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:

6 240.40202 Florida Bright Futures Scholarship Program;
7 student eligibility requirements for initial awards.--

8 (1) To be eligible for an initial award from any of
9 the three types of scholarships under the Florida Bright
10 Futures Scholarship Program, a student must:

11 (a) Be a Florida resident as defined in s. 240.404 and
12 rules of the State Board of Education.

13 (b) Earn a standard Florida high school diploma or its
14 equivalent as described in s. 232.246 or s. 229.814 unless:

15 1. The student is enrolled full time in the early
16 admission program of an eligible postsecondary education
17 institution or completes a home education program according to
18 s. 232.0201; or

19 2. The student earns a high school diploma from a
20 non-Florida school while living with a parent or guardian who
21 is on military or public service assignment away from Florida.
22 The term "public service assignment," as used in this
23 subparagraph, means the occupational assignment outside this
24 state of a person who is a permanent resident of this state
25 and who is employed by the United States Government or the
26 State of Florida conditioned upon assignment outside this
27 state.

28 (c) Be accepted by and enroll in an eligible Florida
29 public or independent postsecondary education institution.

30 (d) Be enrolled for at least 6 semester credit hours
31 or the equivalent in quarter hours or clock hours.

1 (e) Not have been found guilty of, or plead nolo
2 contendere to, a felony charge, unless the student has been
3 granted clemency by the Governor and Cabinet sitting as the
4 Executive Office of Clemency.

5 (f) Apply for a scholarship from the program within 2
6 years after ~~by April 1 of the last semester before~~ high school
7 graduation.

8 (2) ~~A student is eligible to accept an initial award~~
9 ~~for 3 years following high school graduation and to accept a~~
10 ~~renewal award for 7 years following high school graduation.~~ A
11 student who applies for an award ~~by April 1~~ and who meets all
12 ~~other~~ eligibility requirements, but who does not accept his or
13 her award during the first year of eligibility after high
14 school graduation, may apply for reinstatement of the award
15 for use within 7 ~~reapply during subsequent application periods~~
16 ~~up to 3~~ years after high school graduation. Reinstatement
17 applications must be received by the deadline established by
18 the Department of Education.

19 (3) For purposes of calculating the grade point
20 average to be used in determining initial eligibility for a
21 Florida Bright Futures scholarship, the department shall
22 assign additional weights to grades earned in the following
23 courses:

24 (a) Courses identified in the course code directory as
25 Advanced Placement, pre-International Baccalaureate, or
26 International Baccalaureate.

27 (b) Courses designated as academic dual enrollment
28 courses in the statewide course numbering system.

29
30 The department may assign additional weights to courses, other
31 than those described in paragraphs (a) and (b), that are

1 identified by the Articulation Coordinating Committee as
2 containing rigorous academic curriculum and performance
3 standards. The additional weight assigned to a course pursuant
4 to this subsection shall not exceed 0.5 per course. ~~The~~
5 ~~weighted system shall be developed and distributed to all high~~
6 ~~schools in the state prior to January 1, 1998.~~The department
7 may determine a student's eligibility status during the senior
8 year before graduation and may inform the student of the award
9 at that time.

10 (4) Each school district shall annually provide to
11 each high school student a complete and accurate Florida
12 Bright Futures Scholarship Evaluation Report and Key. The
13 report shall be disseminated at the beginning of each school
14 year. The report must include all high school coursework
15 attempted, the number of credits earned toward each type of
16 award, and the calculation of the grade-point average for each
17 award. The report must also identify all requirements not met
18 per award, including the grade-point-average requirement, as
19 well as identify the awards for which the student has met the
20 academic requirements. The student report cards must contain a
21 disclosure that the grade-point average calculated for
22 purposes of the Bright Futures Scholarship Program may differ
23 from the grade-point average on the report card.

24 (5)~~(4)~~ A student who wishes to qualify for a
25 particular award within the Florida Bright Futures Scholarship
26 Program, but who does not meet all of the requirements for
27 that level of award, may, nevertheless, receive the award if
28 the principal of the student's school or the district
29 superintendent verifies that the deficiency is caused by the
30 fact that school district personnel provided inaccurate or
31 incomplete information to the student. The school district

1 must provide a means for the student to correct the
2 deficiencies and the student must correct them, either by
3 completing comparable work at the postsecondary institution or
4 by completing a directed individualized study program
5 developed and administered by the school district. If the
6 student does not complete the requirements by December 31
7 immediately following high school graduation, the student is
8 ineligible to participate in the program.

9 Section 166. Notwithstanding subsection (7) of section
10 3 of chapter 2000-321, Laws of Florida, section 240.40203,
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:

14 240.40203 Florida Bright Futures Scholarship Program;
15 student eligibility requirements for renewal, reinstatement,
16 and restoration awards.--

17 (1) After the first year of eligibility, if a student
18 wishes to receive ~~To be eligible to renew~~ a scholarship from
19 any of the three types of scholarships under the Florida
20 Bright Futures Scholarship Program, the ~~a~~ student must meet
21 the following requirements for either renewal, reinstatement,
22 or restoration:

23 (a) Renewal applies to a student who received an award
24 for at least one term during the previous academic year. For
25 renewal, a student must complete at least 12 semester credit
26 hours or the equivalent in the last academic year in which the
27 student earned a scholarship and—

28 ~~(b)~~ maintain the cumulative grade point average
29 required by the scholarship program, except that:

30 1. If a recipient's grades fall beneath the average
31 required to renew a Florida Academic Scholarship, but are

1 sufficient to renew a Florida Medallion Merit Scholarship ~~or a~~
2 ~~Florida Vocational Gold Seal Scholarship~~, the Department of
3 Education may grant a renewal from the Florida Medallion
4 Scholarship Program ~~one of those other scholarship programs,~~
5 ~~if the student meets the renewal eligibility requirements; or~~
6 2. If, upon renewal evaluation ~~at any time during the~~
7 ~~eligibility period~~, a student's grades or hours, or both, are
8 not sufficient ~~insufficient~~ to renew the scholarship, the
9 student may use the cumulative grades or hours, or both,
10 earned during the following summer to renew the scholarship
11 ~~restore eligibility by improving the grade point average to~~
12 ~~the required level. A student is eligible for such a~~
13 ~~reinstatement only once.~~The Legislature encourages education
14 institutions to assist students to calculate whether or not it
15 is possible to raise the grade point average during the summer
16 term. ~~If the institution determines that it is possible, the~~
17 ~~education institution may so inform the department, which may~~
18 ~~reserve the student's award if funds are available.~~The
19 renewal, however, must not be granted until the student
20 achieves the required cumulative grade point average and earns
21 the required number of credit hours. If during the summer term
22 the student does not earn ~~is not sufficient~~ hours or ~~to~~ raise
23 the grade point average to the required renewal level, the
24 student is not eligible for an award ~~student's next~~
25 ~~opportunity for renewal is the fall semester of~~ the following
26 academic year.
27 (b) Reinstatement applies to a student who was
28 eligible for, but did not receive, an award during the
29 previous academic year or years and who may apply to
30 reestablish use of the scholarship. For reinstatement, a
31 student must have been eligible at the time of the student's

1 most recent Bright Futures eligibility determination. The
2 student must apply for reinstatement by submitting a
3 reinstatement application by the deadline established by the
4 Department of Education.

5 (c) Restoration applies to a student who did not meet
6 renewal grade-point-average or hours-earned requirements at a
7 prior evaluation period. A student may restore eligibility by
8 meeting the required renewal grade-point average at a
9 subsequent renewal evaluation period. A student is eligible
10 for restoration only once. The student must submit a
11 restoration application by the deadlines established by the
12 Department of Education.

13 (2) A student who is enrolled in a program that
14 terminates in an associate degree or a baccalaureate degree
15 may receive an award for a maximum of 110 percent of the
16 number of credit hours required to complete the program. A
17 student who is enrolled in a program that terminates in a
18 technical certificate may receive an award for a maximum of
19 110 percent of the credit hours or clock hours required to
20 complete the program up to 90 credit hours. A student who
21 transfers from one of these program levels to another becomes
22 eligible for the higher of the two credit hour limits.
23 Effective for students who receive an initial award in 2002
24 and thereafter, a student may receive an award for the
25 undergraduate portion of a program that terminates in the
26 simultaneous award of a baccalaureate and postbaccalaureate
27 degree or only a postbaccalaureate degree but may not generate
28 funds from the Bright Futures Program for enrollment in
29 courses that are designated at the postbaccalaureate degree
30 level.

31

1 Section 167. Notwithstanding subsection (7) of section
2 3 of chapter 2000-321, Laws of Florida, section 240.40204,
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:

6 240.40204 Florida Bright Futures Scholarship Program;
7 eligible postsecondary education institutions.--A student is
8 eligible for an award or the renewal of an award from the
9 Florida Bright Futures Scholarship Program if the student
10 meets the requirements for the program as described in this
11 act and is enrolled in a postsecondary education institution
12 that meets the description in any one of the following
13 subsections:

14 (1) A Florida public university, college,community
15 college, or technical center.

16 (2) An independent Florida college or university that
17 is accredited by an accrediting association whose standards
18 are comparable to the minimum standards required to operate an
19 institution at that level in this state, as determined by
20 rules of the Commission for Independent Education,~~a member of~~
21 ~~the Commission on Recognition of Postsecondary Accreditation~~
22 and that ~~which~~ has operated in the state for at least 3 years.

23 (3) An independent Florida postsecondary education
24 institution that is licensed by the Commission for Independent
25 Education ~~State Board of Independent Colleges and Universities~~
26 and that ~~which~~:

27 (a) Is authorized to grant degrees;

28 (b)~~(a)~~ Shows evidence of sound financial condition;

29 and

30
31

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 exemptions 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, a community college, a college, or a
23 school district that conducts postsecondary education programs
24 may defer matriculation and other mandatory fees for a student
25 whose state or federal financial-assistance payment is
26 delayed, if the delay is beyond the student's control and the
27 student meets the program requirements, including the
28 application deadline. Veterans and others receiving benefits
29 under chapter 30, chapter 31, chapter 32, chapter 34, or
30 chapter 35 of Title 38 U.S.C., or under chapter 106 of Title
31 10 U.S.C., are entitled to one deferment each academic year

1 and an additional deferment each time those benefits are
2 delayed.

3 (3) The following fee exemptions are available to
4 students enrolled in adult general education programs or
5 career and technical education programs conducted by school
6 districts 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 or vocational preparatory instruction
22 if the student demonstrates literacy skills at or below the
23 eighth grade level.

24 (d) A student is exempt from fees for enrollment in
25 adult basic or secondary education if the student has not
26 obtained a high school diploma.

27 Section 179. Notwithstanding subsection (7) of section
28 3 of chapter 2000-321, Laws of Florida, section 240.405,
29 Florida Statutes, shall not stand repealed on January 7, 2003,
30 as scheduled by that law, but that section is reenacted and
31 amended to read:

1 (Substantial rewording of section. See
2 s. 240.405, F.S., for present text.)
3 240.405 State-funded assistance for school
4 employees.--State-funded assistance for school employees is
5 provided to attract capable and promising students to
6 employment in the public school system, especially to areas of
7 projected or current critical shortage. Funds appropriated by
8 the Legislature or repaid by students for the programs
9 governed by this section must be deposited in the State
10 Student Financial Assistance Trust Fund. Any balance at the
11 end of a fiscal year remains in the trust fund and is
12 available for the individual programs in future years. This
13 section shall be implemented only to the extent specifically
14 funded and authorized by law. Pursuant to ss. 120.536(1) and
15 120.54, the State Board of Education shall adopt rules
16 necessary to identify the areas of critical shortage and to
17 administer the programs. The Department of Education shall
18 administer the programs or shall delegate administrative
19 responsibility as required in this section or rules of the
20 State Board of Education.

21 (1) The reimbursement program for college expenses is
22 established to encourage qualified personnel to seek
23 employment in areas in which critical shortages exist in
24 publicly funded schools. For purposes of this chapter, a
25 school is publicly funded if it receives at least 75 percent
26 of its operating costs from governmental agencies and operates
27 its educational program under contract with a public school
28 district or the Department of Education. The two components of
29 the program are for repayment of student loans or for tuition
30 reimbursement, as follows:

31

1 (a) Loan repayments are intended to be made to
2 qualified applicants who begin employment for the first time
3 in designated shortage areas and who apply during their first
4 year of teaching as certified teachers or licensed therapists
5 in these areas. Repayment is limited to loans from a federal
6 program or a commercial lending institution. A student who
7 receives a scholarship loan or a fellowship loan provided
8 under this section is not eligible to receive a loan repayment
9 from the program. From the funds available, the Department of
10 Education may make loan principal repayments as follows:

11 1. Up to \$2,500 a year for up to 4 years on behalf of
12 selected graduates of state-approved undergraduate
13 postsecondary teacher preparation programs; persons certified
14 to teach pursuant to any applicable teacher certification
15 requirements; selected teacher preparation graduates from any
16 state participating in the Interstate Agreement on the
17 Qualification of Educational Personnel; or selected graduates
18 of accredited programs for undergraduate preparation of
19 occupational therapists or physical therapists. A licensed
20 occupational therapist assistant or licensed physical
21 therapist assistant is eligible for an award for up to 2
22 years.

23 2. Up to \$5,000 a year for up to 2 years on behalf of
24 selected graduates of state-approved graduate postsecondary
25 teacher preparation programs, persons with graduate degrees
26 certified to teach pursuant to any applicable teacher
27 certification requirements, or selected teacher preparation
28 graduates from any state participating in the Interstate
29 Agreement on the Qualification of Educational Personnel.

30
31

1 All repayments are contingent on continued proof of employment
2 in the designated areas in this state and shall be made
3 directly to the holder of the loan or, if the loan is paid in
4 full, directly to the teacher or therapist. The state is not
5 responsible for collecting any interest charges or other
6 remaining balance. If the State Board of Education changes the
7 designated critical shortage areas, an employee remains
8 eligible for loan repayment as long as he or she continues
9 employment in the area for which the original loan repayment
10 was made and otherwise meets all conditions of eligibility.

11 (b) Tuition reimbursement is intended for current
12 employees or persons preparing for employment in critical
13 shortage areas. Any full-time certified teacher, licensed
14 physical therapist or assistant, or licensed occupational
15 therapist or assistant in a publicly funded school or
16 developmental research school in this state is eligible for
17 tuition reimbursement for the following courses in areas of
18 critical shortage:

19 1. Graduate-level courses leading to a master's,
20 specialist, or doctoral degree;

21 2. Graduate-level courses leading to a new
22 certification area; or

23 3. State-approved undergraduate courses leading to an
24 advanced degree or new certification area.

25
26 Participants may receive tuition reimbursement payments for up
27 to 9 semester hours, or the equivalent in quarter hours, per
28 year, at a rate not to exceed \$78 per semester hour, up to a
29 total of 36 semester hours. Tuition reimbursements are
30 contingent on passing an approved course with a minimum
31 grade-point average of 3.0 or its equivalent.

1 (2) The forgivable loan program for school employees
2 in areas of critical shortage is intended to make
3 undergraduate-level and graduate-level forgivable loans
4 available to eligible students entering programs of study
5 which lead to a degree in a program in an area of critical
6 shortage in the public school system. A person is not eligible
7 for both a forgivable loan and a reimbursement of college
8 expenses under this section.

9 (a) The Legislature finds that reimbursement of
10 college expenses is a more effective method of meeting the
11 needs of the state than are forgivable loans. The Legislature
12 intends to phase out the forgivable loan program.

13 (b) To be eligible for a loan under this program, a
14 candidate must:

15 1. Be a full-time student at the upper-division
16 undergraduate or graduate level in a state-approved teacher
17 preparation program leading to certification in a critical
18 teacher shortage subject area, or be a full-time student in a
19 therapy assistant program or in the upper division or higher
20 level in an occupational therapist or physical therapist
21 educational program. Occupational therapist and occupational
22 therapy assistant programs must be accredited by the American
23 Medical Association in collaboration with the American
24 Occupational Therapy Association. Physical therapist and
25 physical therapist assistant programs must be accredited by
26 the American Physical Therapy Association.

27 2. Have declared an intent to be employed, for at
28 least the number of years for which a forgivable loan is
29 received, in publicly funded elementary or secondary schools
30 in this state in a critical shortage area identified by the
31 State Board of Education.

1 3. Meet the general requirements for student
2 eligibility as provided in s. 240.404.

3 4. If applying for an undergraduate forgivable loan
4 for employment as a teacher, have maintained a minimum
5 cumulative grade-point average of 2.5 on a 4.0 scale for all
6 undergraduate work.

7 5. If applying for an undergraduate forgivable loan
8 for employment as an occupational therapist, physical
9 therapist, or therapist assistant, have maintained a minimum
10 cumulative grade-point average of 2.0 on a 4.0 scale for all
11 undergraduate work.

12 6. If applying for renewal of an undergraduate loan,
13 have maintained a minimum cumulative grade-point average of at
14 least a 2.5 on a 4.0 scale for all undergraduate work and have
15 earned at least 12 semester credits per term, or the
16 equivalent.

17 7. If applying for a graduate forgivable loan for any
18 eligible employment, have maintained an undergraduate
19 cumulative grade-point average of at least a 3.0 on a 4.0
20 scale or have attained a Graduate Record Examination score of
21 at least 1,000. Renewal applicants for graduate loans shall
22 maintain a minimum cumulative grade-point average of at least
23 a 3.0 on a 4.0 scale for all graduate work and have earned at
24 least 9 semester credits per term, or the equivalent.

25 (c) An undergraduate forgivable loan may be awarded
26 for 2 undergraduate years, not to exceed \$4,000 per year, or
27 for a maximum of 3 years for programs requiring a fifth year
28 of instruction to obtain initial teaching certification.

29 (d) A graduate forgivable loan may be awarded for 2
30 graduate years and may not exceed \$8,000 per year for a
31 teacher and \$4,000 per year for a therapist or therapist

1 assistant. At the graduate level, a loan recipient must meet
2 the educational and general criteria required of an
3 undergraduate recipient and must also:

4 1. Hold a bachelor's degree from a college or
5 university accredited by the Commission on Colleges of the
6 Southern Association of Colleges and Schools, the American
7 Physical Therapy Association, or the American Medical
8 Association in collaboration with the American Occupational
9 Therapy Association.

10 2. Not already hold a teaching certificate or therapy
11 license resulting from an undergraduate degree in education or
12 therapy in an area of critical shortage as designated by the
13 State Board of Education.

14 3. Not have received a forgivable loan from this
15 program at the undergraduate level.

16 (e) Recipients of the Paul Douglas Teacher Scholarship
17 Loan Program as authorized under Title IV, part D, subpart 1
18 of the Higher Education Act of 1965, as amended, are not
19 eligible to participate in the Florida Critical Teacher
20 Shortage Forgivable Loan Program.

21 (f) A forgivable loan must be repaid within 10 years
22 after completion of a program of studies.

23 1. Credit for repayment of an undergraduate or
24 graduate forgivable loan shall be in an amount not to exceed
25 \$4,000 in loan principal, plus applicable accrued interest,
26 for each full year of eligible teaching service. However,
27 credit in an amount not to exceed \$8,000 in loan principal,
28 plus applicable accrued interest, shall be given for each full
29 year of eligible teaching service completed at a high-density,
30 low-economic urban school or at a low-density, low-economic
31 rural school, as identified by the State Board of Education.

1 2. Any forgivable loan recipient who fails to teach in
2 a publicly funded elementary or secondary school in this
3 state, or a nonpublic school teaching any grades from K-12 in
4 this state which is recognized by the Florida Association of
5 Academic Nonpublic Schools, is responsible for repaying the
6 loan plus accrued interest at 8 percent annually.

7 3. Forgivable loan recipients may receive loan
8 repayment credit for teaching service rendered at any time
9 during the scheduled repayment period. However, this repayment
10 credit is applicable only to the current principal and accrued
11 interest balance that remains at the time the repayment credit
12 is earned. A loan recipient may not be reimbursed for previous
13 cash payments of principal and interest.

14 (3)(a) The grant program for teachers preparing for
15 exceptional student education is designed for teachers who:

16 1. Hold a full-time contract to teach in a district
17 school system, a state-operated or state-supported program, or
18 an agency or organization under contract with the Department
19 of Education;

20 2. Hold a valid Florida educator's certificate that
21 does not reflect an exceptional-student-education coverage or
22 endorsement that is appropriate for the teacher's assignment;
23 and

24 3. Satisfactorily complete the eligible courses.

25 (b) The Department of Education shall establish rates
26 to determine grant amounts.

27 (4) The "Chappie" James Most Promising Teacher
28 Scholarship shall be offered to a top graduating senior from
29 each publicly funded secondary school in the state. An
30 additional number of "Chappie" James Most Promising Teacher
31 Scholarship awards shall be offered annually to graduating

1 seniors from nonpublic secondary schools in the state which
2 are listed with the Department of Education and accredited by
3 the Southern Association of Colleges and Schools or any other
4 private statewide accrediting agency that makes public its
5 standards, procedures, and member schools. The nonpublic
6 secondary schools must be in compliance with regulations of
7 the Office for Civil Rights. The number of awards to nonpublic
8 secondary school students shall be proportional to the number
9 of awards available to public secondary school students and
10 shall be calculated as the ratio of the number of nonpublic to
11 public secondary school seniors in the state multiplied by the
12 number of public secondary schools in the state.

13 (a) The scholarship may be used for attendance at a
14 state university, a community college, or an independent
15 institution eligible for the William L. Boyd, IV, Florida
16 Resident Access Grant.

17 (b) The amount of the scholarship is \$1,500 and may be
18 renewed for 1 year if the student earns a 2.5 cumulative
19 grade-point average and 12 credit hours per term and meets the
20 eligibility requirements for renewal of the award.

21 (c) To be eligible for the scholarship, a student must
22 be ranked within the top quartile of the senior class; have
23 been an active member of a high school future teacher
24 organization, if such organization exists in the student's
25 school; have earned a minimum unweighted cumulative
26 grade-point average of 3.0 on a 4.0 scale; file an application
27 within the application period; meet the general requirements
28 for student eligibility as provided in s. 240.404, except as
29 otherwise provided in this section; and have the intent to
30 enter the public teaching profession in this state.

31

1 (d) Three candidates from each public secondary school
2 and one candidate from each nonpublic secondary school in this
3 state shall be nominated by the principal and a committee of
4 teachers, based on criteria that includes, but need not be
5 limited to, rank in class, standardized test scores,
6 cumulative grade-point average, extracurricular activities,
7 letters of recommendation, an essay, and a declaration of
8 intention to teach in a public school in this state.

9 (e) From public secondary school nominees, the
10 Commissioner of Education shall select a graduating senior
11 from each public high school to receive a scholarship.
12 Selection of recipients from nonpublic secondary schools shall
13 be made by a committee, appointed by the Commissioner of
14 Education, comprised of representatives from nonpublic
15 secondary schools and the Department of Education.

16 (f) Fifteen percent of scholarships awarded shall be
17 to minority students. However, if fewer than 15 percent of the
18 total eligible nominees are minority students, the
19 commissioner may allocate all award funds as long as a
20 scholarship loan is reserved for each eligible minority
21 nominee.

22 (5) The minority teacher education scholars program is
23 a collaborative performance-based scholarship program for
24 African-American, Hispanic-American, Asian-American, and
25 Native American students. The participants in the program
26 include the state's public community colleges and its public
27 and private universities that have teacher education programs.

28 (a) The minority teacher education scholars program
29 provides an annual scholarship of \$4,000 for each approved
30 minority teacher education scholar who is enrolled in one of
31

1 the state's public or private universities in the junior year
2 and is admitted into a teacher education program.

3 (b) To assist each participating education institution
4 in recruiting and retaining minority teacher scholars, the
5 administrators of the Florida Fund for Minority Teachers,
6 Inc., shall implement a systemwide training program. The
7 training program must include an annual conference or series
8 of conferences for students who are in the program or who are
9 identified by a high school or a community college as likely
10 candidates for the program. The training program must also
11 include research about and dissemination of information
12 concerning successful activities or programs that recruit
13 minority students for teacher education and retain them
14 through graduation, certification, and employment. Staff
15 employed by the corporation may work with each participating
16 education institution to assure that local faculty and
17 administrators receive the benefit of all available research
18 and resources to increase retention of their minority teacher
19 education scholars.

20 (c) The total amount appropriated annually for new
21 scholarships in the program must be divided by \$4,000 and by
22 the number of participating colleges and universities. Each
23 participating institution has access to the same number of
24 scholarships and may award all of them to eligible minority
25 students. If a college or university does not award all of its
26 scholarships by the date set by the program administration at
27 the Florida Fund for Minority Teachers, Inc., the remaining
28 scholarships must be transferred to another institution that
29 has eligible students.

30 (d) A student may receive a scholarship from the
31 program for 3 consecutive years if the student remains

1 enrolled full-time in the program and makes satisfactory
2 progress toward a baccalaureate degree with a major in
3 education.

4 (e) If a minority teacher education scholar graduates
5 and is employed as a teacher in a publicly funded school in
6 this state, the scholar is not required to repay the
7 scholarship amount so long as the scholar teaches in a
8 publicly funded school. A scholar may repay the entire
9 scholarship amount by remaining employed as a teacher for 1
10 year for each year he or she received the scholarship.

11 (f) If a minority teacher education scholar does not
12 graduate within 3 years, or if the scholar graduates but does
13 not teach in a publicly funded school in this state, the
14 scholar must repay the total amount awarded, plus annual
15 interest of 8 percent.

16 1. Interest begins accruing the first day of the 13th
17 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. Interest does
20 not accrue during any period of deferment or eligible teaching
21 service.

22 2. The repayment period begins the first day of the
23 13th month after the month in which the recipient completes an
24 approved teacher education program or after the month in which
25 enrollment as a full-time student is terminated.

26 3. The terms and conditions of the scholarship
27 repayment must be contained in a promissory note and a
28 repayment schedule. The loan must be paid within 10 years
29 after the date of graduation or termination of full-time
30 enrollment, including any periods of deferment. A shorter
31 repayment period may be granted. The minimum monthly repayment

1 is \$50 or the unpaid balance, unless otherwise approved,
2 except that the monthly payment may not be less than the
3 accruing interest. The recipient may prepay any part of the
4 scholarship without penalty.

5 4. The holder of the promissory note may grant a
6 deferment of repayment for a recipient who is a full-time
7 student, who is unable to secure a teaching position that
8 would qualify as repayment, who becomes disabled, or who
9 experiences other hardships. Such a deferment may be granted
10 for a total of 24 months.

11 5. If a student defaults on the scholarship, the
12 entire unpaid balance, including interest accrued, becomes due
13 and payable at the option of the holder of the promissory
14 note, or when the recipient is no longer able to pay or no
15 longer intends to pay. The recipient shall pay all reasonable
16 attorney's fees and other costs and charges necessary for
17 administering the collection process.

18 (g) The Florida Fund for Minority Teachers, Inc.,
19 shall report annually to the Department of Education any data
20 required to respond to requests for information by the
21 Legislature or the public. The department may define the
22 required information, but may not require data other than what
23 is commonly reported in the annual financial aid report for
24 other state-funded student assistance programs.

25 Section 180. Sections 240.4063, 240.4064, and
26 240.4065, Florida Statutes, are repealed.

27 Section 181. Notwithstanding subsection (7) of section
28 3 of chapter 2000-321, Laws of Florida, section 240.4067,
29 Florida Statutes, shall not stand repealed January 7, 2003, as
30 scheduled by that law, but that section is reenacted to read:
31

1 240.4067 Medical Education Reimbursement and Loan
2 Repayment Program.--

3 (1) To encourage qualified medical professionals to
4 practice in underserved locations where there are shortages of
5 such personnel, there is established the Medical Education
6 Reimbursement and Loan Repayment Program. The function of the
7 program is to make payments that offset loans and educational
8 expenses incurred by students for studies leading to a medical
9 or nursing degree, medical or nursing licensure, or advanced
10 registered nurse practitioner certification or physician
11 assistant licensure. The following licensed or certified
12 health care professionals are eligible to participate in this
13 program: medical doctors with primary care specialties,
14 doctors of osteopathic medicine with primary care specialties,
15 physician's assistants, licensed practical nurses and
16 registered nurses, and advanced registered nurse practitioners
17 with primary care specialties such as certified nurse
18 midwives. Primary care medical specialties for physicians
19 include obstetrics, gynecology, general and family practice,
20 internal medicine, pediatrics, and other specialties which may
21 be identified by the Department of Health.

22 (2) From the funds available, the Department of Health
23 shall make payments to selected medical professionals as
24 follows:

25 (a) Up to \$4,000 per year for licensed practical
26 nurses and registered nurses, up to \$10,000 per year for
27 advanced registered nurse practitioners and physician's
28 assistants, and up to \$20,000 per year for physicians.
29 Penalties for noncompliance shall be the same as those in the
30 National Health Services Corps Loan Repayment Program.
31 Educational expenses include costs for tuition, matriculation,

1 registration, books, laboratory and other fees, other
2 educational costs, and reasonable living expenses as
3 determined by the Department of Health.

4 (b) All payments shall be contingent on continued
5 proof of primary care practice in an area defined in s.
6 395.602(2)(e), or an underserved area designated by the
7 Department of Health, provided the practitioner accepts
8 Medicaid reimbursement if eligible for such reimbursement.
9 Correctional facilities, state hospitals, and other state
10 institutions that employ medical personnel shall be designated
11 by the Department of Health as underserved locations.
12 Locations with high incidences of infant mortality, high
13 morbidity, or low Medicaid participation by health care
14 professionals may be designated as underserved.

15 (c) The Department of Health may use funds
16 appropriated for the Medical Education Reimbursement and Loan
17 Repayment Program as matching funds for federal loan repayment
18 programs such as the National Health Service Corps State Loan
19 Repayment Program.

20 (3) The Department of Health may adopt any rules
21 necessary for the administration of the Medical Education
22 Reimbursement and Loan Repayment Program. The department may
23 also solicit technical advice regarding conduct of the program
24 from the Department of Education and Florida universities and
25 community colleges. The Department of Health shall submit a
26 budget request for an amount sufficient to fund medical
27 education reimbursement, loan repayments, and program
28 administration.

29 Section 182. Section 240.40685, Florida Statutes, is
30 repealed.

31

1 Section 183. Notwithstanding subsection (7) of section
2 3 of chapter 2000-321, Laws of Florida, section 240.4069,
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:

6 240.4069 Virgil Hawkins Fellows Assistance Program.--

7 (1) The Virgil Hawkins Fellows Assistance Program
8 shall provide financial assistance for study in law to
9 minority students at the public law schools in this state
10 ~~Florida State University College of Law and minority students~~
11 ~~at the University of Florida College of Law.~~ For the purposes
12 of this section, a minority student qualified to receive
13 assistance from the Virgil Hawkins Fellows Assistance Program
14 shall be identified pursuant to policies adopted by the State
15 Board of Education ~~Regents~~.

16 (2) Each student who is awarded a fellowship ~~may shall~~
17 ~~be entitled to~~ receive an award under this section ~~act~~ for
18 each academic term that the student is in good standing as
19 approved by the ~~Board of Regents~~ Office for Equal Opportunity
20 Programs within the Division of Colleges and Universities and
21 the dean at the law school ~~Florida State University College of~~
22 ~~Law or at the University of Florida College of Law.~~

23 (3) If a fellowship vacancy occurs, that slot shall be
24 reassigned and funded as a continuing fellowship for the
25 remainder of the period for which the award was originally
26 designated.

27 (4) The State Board of Education ~~Regents~~ shall adopt
28 policies and the Division of Colleges and Universities shall
29 administer the Virgil Hawkins Fellows Assistance Program.

30 Section 184. Notwithstanding subsection (7) of section
31 3 of chapter 2000-321, Laws of Florida, section 240.4075,

1 Florida Statutes, shall not stand repealed January 7, 2003, as
2 scheduled by that law, but that section is reenacted to read:

3 240.4075 Nursing Student Loan Forgiveness Program.--

4 (1) To encourage qualified personnel to seek
5 employment in areas of this state in which critical nursing
6 shortages exist, there is established the Nursing Student Loan
7 Forgiveness Program. The primary function of the program is
8 to increase employment and retention of registered nurses and
9 licensed practical nurses in nursing homes and hospitals in
10 the state and in state-operated medical and health care
11 facilities, public schools, birth centers, federally sponsored
12 community health centers, family practice teaching hospitals,
13 and specialty children's hospitals by making repayments toward
14 loans received by students from federal or state programs or
15 commercial lending institutions for the support of
16 postsecondary study in accredited or approved nursing
17 programs.

18 (2) To be eligible, a candidate must have graduated
19 from an accredited or approved nursing program and have
20 received a Florida license as a licensed practical nurse or a
21 registered nurse or a Florida certificate as an advanced
22 registered nurse practitioner.

23 (3) Only loans to pay the costs of tuition, books, and
24 living expenses shall be covered, at an amount not to exceed
25 \$4,000 for each year of education towards the degree obtained.

26 (4) Receipt of funds pursuant to this program shall be
27 contingent upon continued proof of employment in the
28 designated facilities in this state. Loan principal payments
29 shall be made by the Department of Health directly to the
30 federal or state programs or commercial lending institutions
31 holding the loan as follows:

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 State
29 Board of Education ~~Regents~~ or the secretary the awarding of
30 grants and contracts to qualified profit or nonprofit
31 associations or governmental agencies in order to plan,

1 establish, or conduct programs in cancer control or
2 prevention, cancer education and training, and cancer
3 research.

4 (m) If funds are specifically appropriated by the
5 Legislature, the council shall develop or purchase
6 standardized written summaries, written in layperson's terms
7 and in language easily understood by the average adult
8 patient, informing actual and high-risk breast cancer
9 patients, prostate cancer patients, and men who are
10 considering prostate cancer screening of the medically viable
11 treatment alternatives available to them in the effective
12 management of breast cancer and prostate cancer; describing
13 such treatment alternatives; and explaining the relative
14 advantages, disadvantages, and risks associated therewith.
15 The breast cancer summary, upon its completion, shall be
16 printed in the form of a pamphlet or booklet and made
17 continuously available to physicians and surgeons in this
18 state for their use in accordance with s. 458.324 and to
19 osteopathic physicians in this state for their use in
20 accordance with s. 459.0125. The council shall periodically
21 update both summaries to reflect current standards of medical
22 practice in the treatment of breast cancer and prostate
23 cancer. The council shall develop and implement educational
24 programs, including distribution of the summaries developed or
25 purchased under this paragraph, to inform citizen groups,
26 associations, and voluntary organizations about early
27 detection and treatment of breast cancer and prostate cancer.

28 (n) The council shall have the responsibility to
29 advise the State Board of Education ~~Regents~~ and the secretary
30 on methods of enforcing and implementing laws already enacted
31 and concerned with cancer control, research, and education.

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 State Board of Education ~~Regents~~
25 or the secretary.

26 Section 264. Notwithstanding subsection (7) of section
27 3 of chapter 2000-321, Laws of Florida, section 240.513,
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

1 240.513 University of Florida; J. Hillis Miller Health
2 Center.--

3 (1) There is established the J. Hillis Miller Health
4 Center at the University of Florida, including campuses at
5 Gainesville and Jacksonville and affiliated teaching
6 hospitals, which shall include the following colleges:

7 (a) College of Dentistry.

8 (b) College of Health ~~Health-Related~~ Professions.

9 (c) College of Medicine.

10 (d) College of Nursing.

11 (e) College of Pharmacy.

12 (f) College of Veterinary Medicine and related
13 teaching hospitals.

14 (2) Each college of the health center shall be so
15 maintained and operated as to comply with the standards
16 approved by a nationally recognized association for
17 accreditation.

18 (3)(a) The University of Florida Health Center
19 Operations and Maintenance Trust Fund shall ~~is hereby created,~~
20 ~~to~~ be administered by the Board of Trustees of the University
21 of Florida ~~Department of Education~~. Funds shall be credited to
22 the trust fund from the sale of goods and services performed
23 by the University of Florida Veterinary Medicine Teaching
24 Hospital. The purpose of the trust fund is to support the
25 instruction, research, and service missions of the University
26 of Florida College of Veterinary Medicine.

27 (b) Notwithstanding ~~the provisions of~~ s. 216.301, and
28 pursuant to s. 216.351, any balance in the trust fund at the
29 end of any fiscal year shall remain in the trust fund and
30 shall be available for carrying out the purposes of the trust
31 fund.

1 (4)(a) The State Board of Education shall lease the
2 hospital facilities of the health center, known as the Shands
3 Teaching Hospital and Clinics, ~~and consisting of Building 446~~
4 ~~and parts of Buildings 204 and 205~~ on the campus of the
5 University of Florida and all furnishings, equipment, and
6 other chattels or choses in action used in the operation of
7 the hospital, to a private not-for-profit ~~nonprofit~~
8 corporation organized solely for the purpose of operating the
9 hospital and ancillary health care facilities of the health
10 center and other health care facilities and programs
11 determined to be necessary by the board of the not-for-profit
12 ~~nonprofit~~ corporation. The rental for the hospital facilities
13 shall be an amount equal to the debt service on bonds or
14 revenue certificates issued solely for capital improvements to
15 the hospital facilities ~~or as otherwise provided by law. The~~
16 ~~board shall request recommendations from the Board of Regents~~
17 ~~of the State University System as to the terms of the lease~~
18 ~~not otherwise provided for in this act.~~

19 (b) The Board of Trustees of the University of Florida
20 shall provide in the lease or by separate contract or
21 agreement with the not-for-profit ~~nonprofit~~ corporation for
22 the following:

23 1. Approval of the articles of incorporation of the
24 not-for-profit ~~nonprofit~~ corporation by the Board of Trustees
25 of the University of Florida ~~Regents~~ and the governance of the
26 not-for-profit ~~nonprofit~~ corporation by a board of directors
27 appointed by the President of the University of Florida and
28 chaired by the Vice President for Health Affairs of the
29 University of Florida.

30
31

1 ~~2. The orderly and just transition of hospital~~
2 ~~employees from state to corporate employment with the same or~~
3 ~~equivalent seniority, earnings, and benefits.~~

4 2.3. The appropriate use of hospital facilities and
5 personnel in support of the research programs and of the
6 teaching role of the health center.

7 ~~4. The continued recognition of the collective~~
8 ~~bargaining units and collective bargaining agreements as~~
9 ~~currently composed and recognition of the certified labor~~
10 ~~organizations representing those units and agreements.~~

11 ~~5. The use of hospital facilities and personnel in~~
12 ~~connection with research programs conducted by the health~~
13 ~~center.~~

14 3.6. Reimbursement to the hospital for indigent
15 patients, state-mandated programs, underfunded state programs,
16 and costs to the hospital for support of the teaching and
17 research programs of the health center. Such reimbursement
18 shall be appropriated to the health center or the hospital
19 each year by the Legislature after review and approval of the
20 request for funds.

21 ~~7. The transfer of funds appropriated for and~~
22 ~~accumulated from the operation of the hospital to the health~~
23 ~~center to be used to fund contracts for services with the~~
24 ~~hospital.~~

25 (c) The Board of Trustees of the University of Florida
26 ~~may, with the approval of the Legislature,~~increase the
27 hospital facilities or remodel or renovate them, if provided
28 ~~that~~ the rental paid by the hospital for such new, remodeled,
29 or renovated facilities is sufficient to amortize the costs
30 thereof over a reasonable period of time or fund the debt

31

1 service for any bonds or revenue certificates issued to
2 finance such improvements.

3 (d) The Board of Trustees of the University of Florida
4 ~~may Regents is authorized to~~ provide to the not-for-profit
5 ~~nonprofit~~ corporation leasing the hospital facilities, and its
6 not-for-profit subsidiaries, comprehensive general liability
7 insurance, including professional liability, from a the
8 self-insurance program ~~trust fund~~ established pursuant to s.
9 240.213.

10 (e) ~~If in the event that~~ the lease of the hospital
11 facilities to the not-for-profit ~~nonprofit~~ corporation is
12 terminated for any reason, the Board of Trustees of the
13 University of Florida Regents shall assume ~~resume~~ management
14 and operation of the hospital facilities. In such event, the
15 Administration Commission ~~may is authorized to~~ appropriate
16 revenues generated from the operation of the hospital
17 facilities to the Board of Trustees of the University of
18 Florida Regents to pay the costs and expenses of operating the
19 hospital facility for the remainder of the fiscal year in
20 which such termination occurs.

21 Section 265. Notwithstanding subsection (7) of section
22 3 of chapter 2000-321, Laws of Florida, section 240.5135,
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:

26 240.5135 Shands Jacksonville Healthcare, Inc.; Board
27 of Trustees of the University of Florida Regents authorized to
28 provide insurance.--The Board of Trustees of the University of
29 Florida ~~may Regents is authorized to~~ provide to Shands
30 Jacksonville Healthcare, Inc., and its not-for-profit
31 subsidiaries and affiliates and any successor corporation that

1 acts in support of the Board of Trustees of the University of
2 Florida Regents, comprehensive general liability coverage,
3 including professional liability, from a ~~the~~ self-insurance
4 program ~~programs~~ established pursuant to s. 240.213.

5 Section 266. Notwithstanding subsection (7) of section
6 3 of chapter 2000-321, Laws of Florida, section 240.514,
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:

10 240.514 Louis de la Parte Florida Mental Health
11 Institute.--There is established the Louis de la Parte Florida
12 Mental Health Institute within the University of South
13 Florida.

14 (1) The purpose of the institute is to strengthen
15 mental health services throughout the state by providing
16 technical assistance and support services to mental health
17 agencies and mental health professionals. Such assistance and
18 services shall include:

19 (a) Technical training and specialized education.

20 (b) Development, implementation, and evaluation of
21 mental health service programs.

22 (c) Evaluation of availability and effectiveness of
23 existing mental health services.

24 (d) Analysis of factors that influence the incidence
25 and prevalence of mental and emotional disorders.

26 (e) Dissemination of information about innovations in
27 mental health services.

28 (f) Consultation on all aspects of program development
29 and implementation.

30 (g) Provisions for direct client services, provided
31 for a limited period of time either in the institute facility

1 or in other facilities within the state, and limited to
2 purposes of research or training.

3 (2) The Department of Children and Family Services may
4 ~~is authorized to~~ designate the Louis de la Parte Florida
5 Mental Health Institute a treatment facility for the purpose
6 of accepting voluntary and involuntary clients in accordance
7 with institute programs. Clients to be admitted are exempted
8 from prior screening by a community mental health center.

9 (3) The institute may provide direct services in
10 coordination with other agencies. The institute may also
11 provide support services to state agencies through joint
12 programs, collaborative agreements, contracts, and grants.

13 (4) The institute shall operate under the authority of
14 the President of the University of South Florida and shall
15 employ a mental health professional as director. The director
16 shall hold a faculty appointment in a college or department
17 related to mental health within the university. The director
18 has primary responsibility for establishing active liaisons
19 with the community of mental health professionals and other
20 related constituencies in the state and may, with approval of
21 the university president, establish appropriate statewide
22 advisory groups to assist in developing these communication
23 links.

24 ~~(5) The Louis de la Parte Florida Mental Health~~
25 ~~Institute is authorized to utilize the pay plan of the State~~
26 ~~University System.~~

27 Section 267. Notwithstanding subsection (7) of section
28 3 of chapter 2000-321, Laws of Florida, section 240.515,
29 Florida Statutes, shall not stand repealed January 7, 2003, as
30 scheduled by that law, but that section is reenacted to read:
31

1 240.515 Florida Museum of Natural History;
2 functions.--
3 (1) The functions of the Florida Museum of Natural
4 History, located at the University of Florida, are to make
5 scientific investigations toward the sustained development of
6 natural resources and a greater appreciation of human cultural
7 heritage, including, but not limited to, biological surveys,
8 ecological studies, environmental impact assessments, in-depth
9 archaeological research, and ethnological analyses, and to
10 collect and maintain a depository of biological,
11 archaeological, and ethnographic specimens and materials in
12 sufficient numbers and quantities to provide within the state
13 and region a base for research on the variety, evolution, and
14 conservation of wild species; the composition, distribution,
15 importance, and functioning of natural ecosystems; and the
16 distribution of prehistoric and historic archaeological sites
17 and an understanding of the aboriginal and early European
18 cultures that occupied them. State institutions, departments,
19 and agencies may deposit type collections from archaeological
20 sites in the museum, and it shall be the duty of each state
21 institution, department, and agency to cooperate by depositing
22 in the museum voucher and type biological specimens collected
23 as part of the normal research and monitoring duties of its
24 staff and to transfer to the museum those biological specimens
25 and collections in its possession but not actively being
26 curated or used in the research or teaching of that
27 institution, department, or agency. The Florida Museum of
28 Natural History is empowered to accept, preserve, maintain, or
29 dispose of these specimens and materials in a manner which
30 makes each collection and its accompanying data available for
31 research and use by the staff of the museum and by cooperating

1 institutions, departments, agencies, and qualified independent
2 researchers. The biological, archaeological, and ethnographic
3 collections shall belong to the state with the title vested in
4 the Florida Museum of Natural History, except as provided in
5 s. 267.12(3). In collecting or otherwise acquiring these
6 collections, the museum shall comply with pertinent state
7 wildlife, archaeological, and agricultural laws and rules.
8 However, all collecting, quarantine, and accreditation permits
9 issued by other institutions, departments, and agencies shall
10 be granted routinely for said museum research study or
11 collecting effort on state lands or within state jurisdiction
12 which does not pose a significant threat to the survival of
13 endangered wild species, habitats, or ecosystems. In
14 addition, the museum shall develop exhibitions and conduct
15 programs which illustrate, interpret, and explain the natural
16 history of the state and region and shall maintain a library
17 of publications pertaining to the work as herein provided.
18 The exhibitions, collections, and library of the museum shall
19 be open, free to the public, under suitable rules to be
20 promulgated by the director of the museum and approved by the
21 University of Florida.

22 (2) Any gifts, transfers, bequests, or other
23 conveyances made to the Florida State Museum are deemed to
24 have been made to the Florida Museum of Natural History.

25 Section 268. Notwithstanding subsection (7) of section
26 3 of chapter 2000-321, Laws of Florida, section 240.516,
27 Florida Statutes, shall not stand repealed January 7, 2003, as
28 scheduled by that law, but that section is reenacted to read:

29 240.516 Vertebrate paleontological sites and remains;
30 legislative intent and state policy.--

31

1 (1) It is the declared intention of the Legislature
2 that vertebrate paleontological sites be protected and
3 preserved and that, pursuant thereto, vertebrate
4 paleontological field investigation activities, including, but
5 not limited to, collection, excavation, salvage, restoration,
6 and cataloging of fossils, be discouraged except when such
7 activities are carried on in accordance with both the
8 provisions and the spirit of this act. However, it is not the
9 intention of the Legislature that the provisions of this act
10 impede mining or quarrying for rock, gravel, fill, phosphate,
11 and other minerals, or the construction of canals or similar
12 excavations, when such activities are permitted by law.
13 Rather, it is the intent of the Legislature that mine and
14 heavy equipment operators be encouraged to cooperate with the
15 state in preserving its vertebrate paleontological heritage
16 and vertebrate fossils by notifying the Florida Museum of
17 Natural History whenever vertebrate fossils are discovered
18 during mining or digging operations and by allowing such
19 fossils to be properly salvaged and that persons having
20 knowledge of vertebrate paleontological sites be encouraged to
21 communicate such information to the museum.

22 (2) It is hereby declared to be the public policy of
23 this state to protect and preserve vertebrate paleontological
24 sites containing vertebrate fossils, including bones, teeth,
25 natural casts, molds, impressions, and other remains of
26 prehistoric fauna, and to provide for the collection,
27 acquisition, and study of the vertebrate fossils of the state
28 which offer documentation of the diversity of life on this
29 planet.

30 (3) It is further declared to be the public policy of
31 the state that all vertebrate fossils found on state-owned

1 lands, including submerged lands and uplands, belong to the
2 state with title to the fossils vested in the Florida Museum
3 of Natural History for the purpose of administration of ss.
4 240.516-240.5163.

5 Section 269. Notwithstanding subsection (7) of section
6 3 of chapter 2000-321, Laws of Florida, section 240.5161,
7 Florida Statutes, shall not stand repealed January 7, 2003, as
8 scheduled by that law, but that section is reenacted to read:

9 240.5161 Program of vertebrate paleontology within
10 Florida Museum of Natural History.--There is established
11 within the Florida Museum of Natural History a program of
12 vertebrate paleontology, which program has the following
13 responsibilities:

14 (1) Encouraging the study of the vertebrate fossils
15 and vertebrate paleontological heritage of the state and
16 providing exhibits and other educational materials on the
17 vertebrate fauna to the universities and schools of the state.

18 (2) Developing a statewide plan, to be submitted to
19 the director of the Florida Museum of Natural History, for
20 preserving the vertebrate paleontological resources of the
21 state in a manner which is consistent with the state policies
22 in s. 240.516 and which will not unduly hamper development in
23 this state, including mining and excavating operations.

24 (3) Locating, surveying, acquiring, collecting,
25 salvaging, conserving, and restoring vertebrate fossils;
26 conducting research on the history and systematics of the
27 fossil fauna of the state; and maintaining the official state
28 depository of vertebrate fossils.

29 (4) Locating, surveying, acquiring, excavating, and
30 operating vertebrate paleontological sites and properties
31 containing vertebrate fossils, which sites and properties have

1 great significance to the scientific study of such vertebrate
2 fossils or to public representation of the faunal heritage of
3 the state.

4 (5) Enlisting the aid of professional vertebrate
5 paleontologists, mine and quarry operators, heavy digging
6 equipment operators, and qualified amateurs in carrying out
7 the provisions of subsections (1)-(4), and authorizing their
8 active support and cooperation by issuing permits to them as
9 provided in s. 240.5162.

10 (6) Cooperating and coordinating activities with the
11 Department of Environmental Protection under the provisions of
12 ss. 375.021 and 375.031 and the Department of State under
13 chapter 267 in the acquisition, preservation, and operation of
14 significant vertebrate paleontological sites and properties of
15 great and continuing scientific value, so that such sites and
16 properties may be utilized to conserve the faunal heritage of
17 this state and to promote an appreciation of that heritage.

18 (7) Designating areas as "state vertebrate
19 paleontological sites" pursuant to the provisions of this
20 section, which areas are of great and continuing significance
21 to the scientific study and public understanding of the faunal
22 history of the state. However, no privately owned site or
23 grouping of sites shall be so designated without the express
24 written consent of the private owner of the site or group of
25 sites. Upon designation of a state vertebrate paleontological
26 site, the owners and occupants of such site shall be given
27 written notification of such designation by the program. Once
28 such site has been so designated, no person may conduct
29 paleontological field investigation activities on the site
30 without first securing a permit for such activities as
31 provided in s. 240.5162.

1 (8) Arranging for the disposition of the vertebrate
2 fossils by accredited institutions and for the temporary or
3 permanent loan of such fossils for the purpose of further
4 scientific study, interpretative display, and curatorial
5 responsibilities by such institutions.

6 Section 270. Notwithstanding subsection (7) of section
7 3 of chapter 2000-321, Laws of Florida, section 240.5162,
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:

11 240.5162 Destruction, purchase, and sale of vertebrate
12 fossils prohibited, exceptions; field investigation permits
13 required; penalty for violation.--

14 (1) The destruction, defacement, purchase, and sale of
15 vertebrate fossils found on or under land owned or leased by
16 the state and on land in state-designated vertebrate
17 paleontological sites are prohibited, except that the Florida
18 Museum of Natural History may sell vertebrate fossils and may
19 adopt rules defining "nonessential vertebrate fossils" and
20 prescribing the conditions under which such fossils may be
21 sold or otherwise disposed of by a person holding a permit
22 issued by the Florida Museum of Natural History. Field
23 investigations of vertebrate fossils, including, but not
24 limited to, the systematic collection, acquisition,
25 excavation, salvage, exhumation, or restoration of such
26 fossils, are prohibited on all lands owned or leased by the
27 state and on lands in state-designated vertebrate
28 paleontological sites, unless such activities are conducted
29 under the authority of permits issued by the Florida Museum of
30 Natural History. A permit may be granted by the Florida
31 Museum of Natural History upon application for the permit

1 accompanied by an application fee not to exceed \$5 ~~as provided~~
2 ~~in rules adopted pursuant to s. 240.227(1) which rules are in~~
3 ~~furtherance of the preservation of the vertebrate~~
4 ~~paleontological resources of this state.~~ The privileges
5 authorized pursuant to the grant of a permit as provided in
6 this subsection may not be assigned or sublet to any other
7 party.

8 (2) Any person who, in violation of this section,
9 engages in any of the activities described in subsection (1)
10 without first having obtained a permit to engage in such
11 activity is guilty of a misdemeanor, punishable by a fine not
12 to exceed \$500 or by imprisonment in the county jail for a
13 period not to exceed 6 months, or both; and, in addition, he
14 or she shall forfeit to the state all specimens, objects, and
15 materials collected and excavated in violation of this
16 section, together with all photographs and records relating to
17 such materials.

18 (3) The Florida Museum of Natural History may
19 institute a civil action in the appropriate circuit court for
20 recovery of any unlawfully taken vertebrate fossil. The
21 fossil shall be forfeited to the state if the Florida Museum
22 of Natural History shows by the greater weight of the evidence
23 that the fossil has been taken from a particular site within
24 this state and that the person found in possession of the
25 fossil is not authorized by law to possess such fossil.

26 Section 271. Notwithstanding subsection (7) of section
27 3 of chapter 2000-321, Laws of Florida, section 240.5163,
28 Florida Statutes, shall not stand repealed January 7, 2003, as
29 scheduled by that law, but that section is reenacted to read:

30 240.5163 Certain rights of mine or quarry operators
31 and dragline or heavy equipment operators preserved.--Nothing

1 in ss. 240.516-240.5162 shall infringe upon the right of a
2 legitimate mine or quarry operator to extract rock, gravel,
3 fill, phosphate, or other minerals or infringe upon the right
4 of a legitimate operator of draglines or similar heavy
5 dredging, trenching, or digging equipment to construct
6 drainage canals or other excavations because of the actual or
7 potential destruction of vertebrate fossils.

8 Section 272. Notwithstanding subsection (7) of section
9 3 of chapter 2000-321, Laws of Florida, section 240.517,
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:

13 240.517 Certain books furnished by Clerk of Supreme
14 Court.--

15 (1) The Clerk of the Supreme Court of the state shall
16 furnish ~~the Board of Regents~~ three bound copies of each volume
17 of the Florida Supreme Court Reports as the reports ~~same~~ are
18 issued and published to ~~for the use of the School of Law of~~
19 the University of Florida, and three bound copies of each
20 volume of such reports for the use of the Florida State
21 University, Florida International University, and Florida
22 Agricultural and Mechanical University College of Law.

23 (2) The Clerk of the Supreme Court shall transmit to
24 the universities ~~Board of Regents~~ for distribution to their
25 ~~said schools of law schools~~ any law books coming into his or
26 her possession for the Supreme Court which are not necessary
27 for the ~~said~~ court. The clerk of the ~~said~~ court shall furnish
28 the ~~said~~ Supreme Court Reports and ~~said~~ surplus law books
29 without cost to the recipient universities ~~Board of Regents or~~
30 ~~said law schools.~~

31

1 Section 273. Notwithstanding subsection (7) of section
2 3 of chapter 2000-321, Laws of Florida, section 240.518,
3 Florida Statutes, shall not stand repealed January 7, 2003, as
4 scheduled by that law, but that section is reenacted to read:

5 240.518 The Historically Black College and University
6 Library Improvement Program.--

7 (1) It is the intent of the Legislature to enhance the
8 quality of the libraries at Florida Agricultural and
9 Mechanical University, Bethune-Cookman College, Edward Waters
10 College, and Florida Memorial College.

11 (2) There is created the Historically Black College
12 and University Library Improvement Program to be administered
13 by the Department of Education. The primary objectives of the
14 program shall be to increase each library's holdings by 500 to
15 1,000 books per year, to increase library use by students and
16 faculty, and to enhance the professional growth of librarians
17 by providing inservice training. At least 50 percent of
18 library acquisitions shall be in the humanities, with the
19 balance to be in all other disciplines. It is the intent of
20 the Legislature to provide general revenue funds each year to
21 support this program.

22 (3) Each institution shall submit to the State Board
23 of Education a plan for enhancing its library through the
24 following activities:

25 (a) Each institution shall increase the number of
26 volumes by purchasing replacement books and new titles. Funds
27 shall not be used to purchase periodicals or nonprint media.
28 The goal of these purchases is to meet the needs of students
29 and faculty in disciplines that have recently been added to
30 the curriculum, in traditional academic fields that have been
31 expanded, or in academic fields in which rapid changes in

1 technology result in accelerated obsolescence of related
2 library holdings.

3 (b) A committee composed of librarians and faculty at
4 each institution shall assess the adequacy of library holdings
5 in all academic areas. The committee shall develop a list of
6 resources that need to be replaced. Based on its assessment
7 of the current collection, the committee shall develop a
8 prioritized list of recommended acquisitions and shall submit
9 such list to the college or university president.

10 Section 274. Paragraph (a) of subsection (3) and
11 subsection (5) of section 240.5185, Florida Statutes, are
12 amended to read:

13 240.5185 Community and Faith-based Organizations
14 Initiative; Community and Library Technology Access
15 Partnership.--

16 (3) AUTHORIZED ACTIVITIES.--

17 (a) Authorized activities of the initiative.--The
18 Institute on Urban Policy and Commerce at Florida Agricultural
19 and Mechanical University may conduct the following activities
20 as part of the Community and Faith-based Organizations
21 Initiative:

22 1. Create and operate training programs to enhance the
23 professional skills of individuals in community and
24 faith-based organizations.

25 2. Create and operate a program to select and place
26 students and recent graduates from business and related
27 professional schools as interns with community and faith-based
28 organizations for a period not to exceed 1 year, and provide
29 stipends for such interns.

30 3. Organize an annual conference for community and
31 faith-based organizations to discuss and share information on

1 best practices regarding issues relevant to the creation,
2 operation, and sustainability of these organizations.

3 4. Provide funding for the development of materials
4 for courses on topics in the area of community development,
5 and for research on economic, operational, and policy issues
6 relating to community development.

7 5. Provide financial assistance to community and
8 faith-based organizations through small grants for
9 partnerships with universities and colleges and the operation
10 of programs to build strong communities and future community
11 development leaders. The Institute on Urban Policy and
12 Commerce at Florida Agricultural and Mechanical University
13 shall develop selection criteria for awarding such grants
14 which are based on the goals of the initiative.

15
16 The institute, to the maximum extent possible, shall leverage
17 state funding for the initiative with any federal funding that
18 the institute may receive to support similar community-based
19 activities.

20 ~~(5) REVIEW AND EVALUATION.--~~

21 ~~(a) By January 1, 2001, the Institute on Urban Policy~~
22 ~~and Commerce and the Division of Library and Information~~
23 ~~Services shall submit to the Governor, the President of the~~
24 ~~Senate, and the Speaker of the House of Representatives brief~~
25 ~~status reports on their respective implementation of the~~
26 ~~activities authorized under this section. The institute and~~
27 ~~the division may elect to collaborate on the submission of a~~
28 ~~combined status report covering both programs. At a minimum,~~
29 ~~the status reports or combined report shall address:~~

30 1. ~~The activities and accomplishments to date;~~

31

1 ~~2. Any impediments to the effective implementation or~~
2 ~~utilization of each program; and~~

3 ~~3. The initial progress toward achievement of~~
4 ~~measurable program outcomes.~~

5 ~~(b) By January 1, 2002, the Institute on Urban Policy~~
6 ~~and Commerce and the Division of Library and Information~~
7 ~~Services shall submit to the Governor, the President of the~~
8 ~~Senate, and the Speaker of the House of Representatives final~~
9 ~~reports on the activities authorized under this section. The~~
10 ~~institute and the division may elect to collaborate on the~~
11 ~~submission of a combined final report covering both programs.~~
12 ~~In addition to updating the elements addressed under paragraph~~
13 ~~(a), the reports or combined report shall include~~

14 ~~recommendations on whether it would be sound public policy to~~
15 ~~continue the programs and recommendations on any changes~~
16 ~~designed to enhance the effectiveness of the programs.~~

17 Section 275. Subsection (10) of section 240.5186,
18 Florida Statutes, as amended by section 37 of chapter 2001-89,
19 Laws of Florida, and sections 240.519 and 240.52, Florida
20 Statutes, are repealed.

21 Section 276. Notwithstanding subsection (7) of section
22 3 of chapter 2000-321, Laws of Florida, section 240.527,
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:

26 240.527 The University of South Florida St.
27 Petersburg.--

28 (1) The St. Petersburg campus of the University of
29 South Florida is established and shall be known as the
30 "University of South Florida St. Petersburg."
31

1 (a) The Legislature intends that the University of
2 South Florida St. Petersburg be operated and maintained as a
3 separate organizational and budget entity of the University of
4 South Florida, and that all legislative appropriations for the
5 University of South Florida St. Petersburg be set forth as
6 separate line items in the annual General Appropriations Act.

7 (b) The University of South Florida St. Petersburg
8 shall have a Campus Board and a Campus Executive Officer.

9 (c) As soon as possible, but no later than the
10 effective date of this act, the President of the University of
11 South Florida shall begin the process of application to the
12 Commission on Colleges of the Southern Association of Colleges
13 and Schools for separate accreditation of the University of
14 South Florida St. Petersburg. If the application is not
15 approved or is provisionally approved, the University of South
16 Florida shall correct any identified deficiencies and shall
17 continue to work for accreditation.

18 (2) The Board of Trustees of the University of South
19 Florida shall appoint to the Campus Board, from
20 recommendations of the President of the University of South
21 Florida, five residents of Pinellas County. If a resident of
22 Pinellas County is appointed to the Board of Trustees of the
23 University of South Florida, the board shall appoint that
24 member to serve jointly as a member of the Campus Board. If
25 more than one Pinellas County resident is appointed to the
26 Board of Trustees, the board shall select one joint member.
27 The Board of Trustees may reappoint a member to the Campus
28 Board for one additional term. The Campus Board has the powers
29 and duties provided by 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 St. Petersburg campus for~~
13 ~~fiscal year 2000-2001 and any additional funds provided in the~~
14 ~~fiscal year 2001-2002 legislative appropriation.~~

15 (c) Enter into central support services contracts with
16 the Board of Trustees of the University of South Florida for
17 any services that the St. Petersburg campus cannot provide
18 more economically, including payroll processing, accounting,
19 technology, construction administration, and other desired
20 services. However, all legal services for the campus must be
21 provided by a central services contract with the university.
22 The Board of Trustees of the University of South Florida and
23 the Campus Board shall determine in a letter of agreement any
24 allocation or sharing of student fee revenue between the
25 University of South Florida's main campus and the St.
26 Petersburg campus.

27
28 The Board of Trustees of the University of South Florida may
29 lawfully delegate other powers and duties to the Campus Board
30 for the efficient operation and improvement of the campus and
31 for the purpose of vesting in the campus the attributes

1 necessary to meet the requirements for separate accreditation
2 by the Southern Association of Colleges and Schools.

3 (3) The University of South Florida St. Petersburg
4 shall be administered by a Campus Executive Officer who shall
5 be appointed by, report directly to, and serve at the pleasure
6 of the President of the University of South Florida. The
7 President shall consult with the Campus Board before hiring or
8 terminating the Campus Executive Officer. The Campus Executive
9 Officer has authority and responsibility as provided in law,
10 including the authority to:

11 (a) Administer campus operations within the annual
12 operating budget as approved by the Campus Board.

13 (b) Recommend to the Campus Board an annual
14 legislative budget request that includes funding for campus
15 operations and fixed capital outlay.

16 (c) Recommend to the Campus Board an annual campus
17 operating budget.

18 (d) Recommend to the Campus Board appropriate services
19 and terms and conditions to be included in annual central
20 support services contracts.

21 (e) Carry out any additional responsibilities assigned
22 or delegated by the President of the University of South
23 Florida for the efficient operation and improvement of the
24 campus, especially any authority necessary for the purpose of
25 vesting in the campus attributes necessary to meet the
26 requirements for separate accreditation.

27 (4) Students enrolled at the University of South
28 Florida, including those enrolled at a branch campus, have the
29 same rights and obligations as provided by law, policy, or
30 rule adopted by the Board of Trustees of the University of
31 South Florida and the State Board of Education, ~~the Florida~~

1 ~~Department of Education, or other lawful entity.~~ The
2 University of South Florida shall provide a comprehensive and
3 coordinated system of student registration so that a student
4 enrolled at any campus of the University of South Florida has
5 the ability to register for courses at any other campus of the
6 University of South Florida.

7 (5) The following entities are not affected by this
8 section and remain under the administrative control of the
9 University of South Florida:

10 (a) The University of South Florida College of Marine
11 Science, which is a component college of the main campus.

12 (b) The Florida Institute of Oceanography, which is a
13 Type One Institute.

14 (c) The University of South Florida Pediatric Research
15 Center.

16 (d) The University of South Florida/USGS joint
17 facility.

18 Section 277. Paragraphs (a) and (b) of subsection (2)
19 and subsection (4) of section 240.5275, Florida Statutes, are
20 amended to read:

21 240.5275 The University of South Florida
22 Sarasota/Manatee.--

23 (2) The Board of Trustees of the University of South
24 Florida shall appoint to the Campus Board, from
25 recommendations of the President of the University of South
26 Florida, three residents of Manatee County and two residents
27 of Sarasota County, to serve 4-year staggered terms. If one or
28 more residents of Sarasota County or Manatee County are
29 appointed to the Board of Trustees of the University of South
30 Florida, the board shall, at the next vacancy of the Campus
31 Board, appoint one of those members to serve jointly as a

1 member of the Campus Board. The Board of Trustees may
2 reappoint a member to the Campus Board for one additional
3 term. The Campus Board has the powers and duties provided by
4 law, which include the authority to:

5 (a) Review and approve an annual legislative budget
6 request to be submitted to the Commissioner of Education. The
7 Campus Executive Officer shall prepare the legislative budget
8 request in accordance with guidelines established by the State
9 ~~Florida~~ Board of Education. This request must include items
10 for campus operations and fixed capital outlay.

11 (b) Approve and submit an annual operating plan and
12 budget for review and consultation by the Board of Trustees of
13 the University of South Florida. The campus operating budget
14 must reflect the actual funding available to that campus from
15 separate line-item appropriations contained in each annual
16 General Appropriations Act, ~~which line-item appropriations~~
17 ~~must initially reflect the funds reported to the Legislature~~
18 ~~for the University of South Florida Sarasota/Manatee campus~~
19 ~~for fiscal year 2000-2001 and any additional funds provided in~~
20 ~~the fiscal year 2001-2002 legislative appropriation.~~

21
22 The Board of Trustees of the University of South Florida may
23 lawfully delegate other powers and duties to the Campus Board
24 for the efficient operation and improvement of the campus and
25 for the purpose of vesting in the campus the attributes
26 necessary to meet the requirements for separate accreditation
27 by the Southern Association of Colleges and Schools.

28 (4) Students enrolled at the University of South
29 Florida, including those enrolled at a branch campus, have the
30 same rights and obligations as provided by law, policy, or
31 rule adopted by the Board of Trustees of the University of

1 South Florida and the State Board of Education, ~~the Florida~~
2 ~~Department of Education, or other lawful entity.~~ The
3 University of South Florida shall provide a comprehensive and
4 coordinated system of student registration so that a student
5 enrolled at any campus of the University of South Florida has
6 the ability to register for courses at any other campus of the
7 University of South Florida.

8 Section 278. Subsections (1) and (3) of section
9 240.5277, Florida Statutes, are amended to read:

10 240.5277 New College of Florida.--

11 (1) MISSION AND GOALS.--~~As a member of the State~~
12 ~~University System of Florida,~~New College of Florida shall
13 preserve ~~preserves~~ its distinctive mission as a residential
14 liberal arts honors college. To maintain this mission, New
15 College of Florida has the following goals:

16 (a) To provide a quality education to students of high
17 ability who, because of their ability, deserve a program of
18 study that is both demanding and stimulating.

19 (b) To engage in undergraduate educational reform by
20 combining educational innovation with educational excellence.

21 (c) To provide programs of study that allow students
22 to design their educational experience as much as possible in
23 accordance with their individual interests, values, and
24 abilities.

25 (d) To challenge undergraduates not only to master
26 existing bodies of knowledge but also to extend the frontiers
27 of knowledge through original research.

28 (3) BOARD OF TRUSTEES.--The Governor shall appoint 12
29 members to the Board of Trustees, to serve 4-year staggered
30 terms, as follows:

31 (a) Three residents of Sarasota County.

1 (b) Two residents of Manatee County.

2 (c) Until the expiration date of the terms of office
3 of the members who are on the board June 30, 2001, seven
4 members selected from the Board of Trustees of the New College
5 Foundation.

6
7 In addition, a student body president shall be an ex officio,
8 a voting member of the board.

9 Section 279. Subsections (2) and (5) and paragraph (c)
10 of subsection (8) of section 240.5278, Florida Statutes, are
11 amended to read:

12 240.5278 St. Petersburg College.--

13 (2) ST. PETERSBURG COLLEGE; MISSION; POLICIES.--St.
14 Petersburg Junior College is redesignated as St. Petersburg
15 College. The college shall immediately seek accreditation from
16 the Southern Association of Colleges and Schools as a
17 baccalaureate degree granting college.

18 (a) The primary mission of St. Petersburg College is
19 to provide high-quality undergraduate education at an
20 affordable price for students and the state. The purpose is to
21 promote economic development by preparing people for
22 occupations that require a bachelor's degree and are in demand
23 by existing or emerging public and private employers in this
24 state.

25 (b) St. Petersburg College shall maintain the mission
26 and policies of a Florida community college, including the
27 open-door admissions policy and the authority to offer all
28 programs consistent with a public community college's
29 authority.

30 (c) St. Petersburg College shall maintain the
31 distinction between the college and its university center. St.

1 Petersburg College is limited to community college programs
2 and to selected baccalaureate degree level programs that meet
3 community needs and are authorized as provided by this
4 section. The University Center may make available more diverse
5 program offerings, but those programs are offered by a
6 participating college or university and are not to be
7 classified or funded as programs of St. Petersburg College.

8 (d) The academic policies of the upper-division
9 program at St. Petersburg College must be in accordance with
10 rules ~~policies~~ of the State Board of Education ~~University~~
11 ~~System~~.

12 (e) Sections 240.293 and 240.2945 apply to St.
13 Petersburg College.

14 (5) BOARD ~~BOARDS~~.--

15 (a) ~~The Board of Trustees of St. Petersburg Junior~~
16 ~~College is renamed~~ The Board of Trustees of St. Petersburg
17 College shall serve ~~and serves~~ as its governing board. The
18 Governor shall appoint members as provided in s. 240.313, and
19 the board has the duties and authorities granted in ss.
20 240.315 and 240.319 and by rules of the State ~~Florida~~ Board of
21 Education.

22 (b) The Board of Trustees of St. Petersburg College
23 may authorize direct-support organizations as authorized in
24 ss. 240.299 and 240.331.

25 (c) The Board of Trustees of St. Petersburg College
26 may continue to award degrees, diplomas, and certificates as
27 authorized for St. Petersburg Junior College, and in the name
28 of St. Petersburg Junior College, until St. Petersburg College
29 receives its accreditation.

30 (d) A coordinating board shall assist the Board of
31 Trustees in its deliberations concerning issues that affect

1 the upper division of St. Petersburg College. The coordinating
2 board consists of the President of the University of South
3 Florida, the President of St. Petersburg College, the
4 President of Pasco-Hernando Community College, and the chairs
5 of the boards of trustees of those institutions.

6 (e) Beginning 4 years after the college receives
7 accreditation to offer baccalaureate degrees, the Board of
8 Trustees of St. Petersburg College may determine additional
9 programs to be offered, with the approval of the coordinating
10 board. The determination must consider community needs and
11 economic opportunities.

12 (f) The coordinating board shall meet at the request
13 of the President of the University of South Florida or the
14 President of St. Petersburg College.

15 (g) If the coordinating board cannot decide an issue
16 of importance to the programs designed for upper-division
17 students, the Commissioner of Education ~~chief educational~~
18 ~~officer of this state~~ shall resolve the issue.

19 (8) STATE FUNDING.--

20 (c) ~~During the 2001-2002 fiscal year, St. Petersburg~~
21 ~~College shall estimate the appropriate level of funding for~~
22 ~~these programs.~~ By March 1, 2002, the college shall complete a
23 cost study and shall submit to the Legislature a proposal for
24 cost accounting and legislative budget requests designed to
25 acknowledge its unique classification. The cost study must
26 indicate actual costs projected for the first 4 years of
27 operation as a baccalaureate degree level institution, with
28 the first students expected to enroll in the upper division in
29 the fall semester of 2002.

30 Section 280. Section 240.528, Florida Statutes, and
31 section 240.5285, Florida Statutes, as amended by section 27

1 of chapter 2001-61 and section 82 of chapter 2001-266, Laws of
2 Florida, are repealed.

3 Section 281. Notwithstanding subsection (7) of section
4 3 of chapter 2000-321, Laws of Florida, section 240.529,
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:

8 240.529 Public accountability and state approval for
9 teacher preparation programs.--

10 (1) INTENT.--The Legislature recognizes that skilled
11 teachers make an important contribution to a system that
12 allows students to obtain a high-quality education. The intent
13 of the Legislature is to establish a system for development
14 and approval of teacher preparation programs that will free
15 postsecondary teacher preparation institutions to employ
16 varied and innovative teacher preparation techniques while
17 being held accountable for producing graduates with the
18 competencies and skills necessary to achieve the state
19 education goals; help the state's diverse student population,
20 including students with limited English proficiency, meet high
21 standards for academic achievement; maintain safe, secure
22 classroom learning environments; and sustain the state system
23 of school improvement and education accountability established
24 pursuant to ss. 229.591 and 229.592. The State Board of
25 Education shall adopt rules pursuant to ss. 120.536(1) and
26 120.54 that establish uniform core curricula for each
27 state-approved teacher preparation program.

28 (2) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.--A
29 system developed by the Department of Education in
30 collaboration with institutions of higher education shall
31 assist departments and colleges of education in the

1 restructuring of their programs to meet the need for producing
2 quality teachers now and in the future. The system must be
3 designed to assist teacher educators in conceptualizing,
4 developing, implementing, and evaluating programs that meet
5 state-adopted standards. The Education Standards Commission
6 has primary responsibility for recommending these standards to
7 the State Board of Education for adoption. These standards
8 shall emphasize quality indicators drawn from research,
9 professional literature, recognized guidelines, Florida
10 essential teaching competencies and educator-accomplished
11 practices, effective classroom practices, and the outcomes of
12 the state system of school improvement and education
13 accountability, as well as performance measures. Departments
14 and colleges of education shall emphasize the state system of
15 school improvement and education accountability concepts and
16 standards, including Sunshine State Standards. State-approved
17 teacher preparation programs must incorporate appropriate
18 English for Speakers of Other Languages instruction so that
19 program graduates will have completed the requirements for
20 teaching limited English proficient students in Florida public
21 schools.

22 (3) INITIAL STATE PROGRAM APPROVAL.--

23 (a) A program approval process based on standards
24 adopted pursuant to subsection (2) must be established for
25 postsecondary teacher preparation programs, phased in
26 according to timelines determined by the Department of
27 Education, and fully implemented for all teacher preparation
28 programs in the state. Each program shall be approved by the
29 department, consistent with the intent set forth in subsection
30 (1) and based primarily upon significant, objective, and
31 quantifiable graduate performance measures.

1 (b) Each teacher preparation program approved by the
2 Department of Education, as provided for by this section,
3 shall require students to meet the following as prerequisites
4 for admission into the program:

5 1. Have a grade point average of at least 2.5 on a 4.0
6 scale for the general education component of undergraduate
7 studies or have completed the requirements for a baccalaureate
8 degree with a minimum grade point average of 2.5 on a 4.0
9 scale from any college or university accredited by a regional
10 accrediting association as defined by state board rule; and

11 2. ~~Beginning with the 2000-2001 academic year,~~
12 Demonstrate mastery of general knowledge, including the
13 ability to read, write, and compute by passing the College
14 Level Academic Skills Test, a corresponding component of the
15 National Teachers Examination series, or a similar test
16 pursuant to rules of the State Board of Education.

17
18 The State Board of Education may provide by rule for a waiver
19 of these requirements. The rule shall require that 90 percent
20 of those admitted to each teacher education program meet the
21 requirements of this paragraph and that the program implement
22 strategies to ensure that students admitted under a waiver
23 receive assistance to demonstrate competencies to successfully
24 meet requirements for certification.

25 (4) CONTINUED PROGRAM APPROVAL.--Notwithstanding
26 subsection (3), failure by a public or nonpublic teacher
27 preparation program to meet the criteria for continued program
28 approval shall result in loss of program approval. The
29 Department of Education, in collaboration with the departments
30 and colleges of education, shall develop procedures for

31

1 continued program approval which document the continuous
2 improvement of program processes and graduates' performance.

3 (a) Continued approval of specific teacher preparation
4 programs at each public and nonpublic institution of higher
5 education within the state is contingent upon the passing of
6 the written examination required by s. 231.17 by at least 90
7 percent of the graduates of the program who take the
8 examination. On request of an institution, the Department of
9 Education shall provide an analysis of the performance of the
10 graduates of such institution with respect to the competencies
11 assessed by the examination required by s. 231.17.

12 (b) Additional criteria for continued program approval
13 for public institutions may be developed by the Education
14 Standards Commission and approved by the State Board of
15 Education. Such criteria must emphasize instruction in
16 classroom management and must provide for the evaluation of
17 the teacher candidates' performance in this area. The criteria
18 shall also require instruction in working with underachieving
19 students. Program evaluation procedures must include, but are
20 not limited to, program graduates' satisfaction with
21 instruction and the program's responsiveness to local school
22 districts. Additional criteria for continued program approval
23 for nonpublic institutions shall be developed in the same
24 manner as for public institutions; however, such criteria must
25 be based upon significant, objective, and quantifiable
26 graduate performance measures. Responsibility for collecting
27 data on outcome measures through survey instruments and other
28 appropriate means shall be shared by the institutions of
29 higher education, ~~the Board of Regents, the State Board of~~
30 ~~Independent Colleges and Universities, and the Department of~~
31 Education, and the Commission for Independent Education. By

1 January 1 of each year, the Department of Education, in
2 cooperation with the Commission for Independent Education
3 ~~Board of Regents and the State Board of Independent Colleges~~
4 ~~and Universities~~, shall report this information for each
5 postsecondary institution that has state-approved programs of
6 teacher education to the Governor, the Commissioner of
7 Education, ~~the Chancellor of the State University System~~, the
8 President of the Senate, the Speaker of the House of
9 Representatives, all Florida postsecondary teacher preparation
10 programs, and interested members of the public. This report
11 must analyze the data and make recommendations for improving
12 teacher preparation programs in the state.

13 (c) Continued approval for a teacher preparation
14 program is contingent upon the results of annual reviews of
15 the program conducted by the institution of higher education,
16 using procedures and criteria outlined in an institutional
17 program evaluation plan approved by the Department of
18 Education. This plan must incorporate the criteria established
19 in paragraphs (a) and (b) and include provisions for involving
20 primary stakeholders, such as program graduates, district
21 school personnel, classroom teachers, principals, community
22 agencies, and business representatives in the evaluation
23 process. Upon request by an institution, the department shall
24 provide assistance in developing, enhancing, or reviewing the
25 institutional program evaluation plan and training evaluation
26 team members.

27 (d) Continued approval for a teacher preparation
28 program is contingent upon standards being in place that are
29 designed to adequately prepare elementary, middle, and high
30 school teachers to instruct their students in higher-level
31

1 mathematics concepts and in the use of technology at the
2 appropriate grade level.

3 (e) ~~Beginning July 1, 2000,~~Continued approval of
4 teacher preparation programs is contingent upon compliance
5 with the student admission requirements of subsection (3) and
6 upon the receipt of at least a satisfactory rating from public
7 schools and nonpublic schools that employ graduates of the
8 program. Employer satisfaction shall be determined by an
9 annually administered survey instrument approved by the
10 Department of Education that, at a minimum, must include
11 employer satisfaction of the graduates' ability to do the
12 following:

13 1. Write and speak in a logical and understandable
14 style with appropriate grammar.

15 2. Recognize signs of students' difficulty with the
16 reading and computational process and apply appropriate
17 measures to improve students' reading and computational
18 performance.

19 3. Use and integrate appropriate technology in
20 teaching and learning processes.

21 4. Demonstrate knowledge and understanding of Sunshine
22 State Standards.

23 (f)1. ~~Beginning with the 2000-2001 academic year,~~Each
24 Florida public and private institution that offers a
25 state-approved teacher preparation program must annually
26 report information regarding these programs to the state and
27 the general public. This information shall be reported in a
28 uniform and comprehensible manner that conforms with
29 definitions and methods proposed by the Education Standards
30 Commission, that is consistent with definitions and methods
31 approved by the Commissioner of the National Center for

1 Educational Statistics, and that is approved by the State
2 Board of Education. ~~Beginning with the 2001-2002 academic~~
3 ~~year,~~This information must include, at a minimum:
4 a. The percent of graduates obtaining full-time
5 teaching employment within the first year of graduation.
6 b. The average length of stay of graduates in their
7 full-time teaching positions.
8 c. Satisfaction ratings required in paragraph (e).
9 2. ~~Beginning with the 2001-2002 academic year,~~Each
10 public and private institution offering training for school
11 readiness-related professions, including training in the
12 fields of child care and early childhood education, whether
13 offering vocational credit, associate in science degree
14 programs, or associate in arts degree programs, shall annually
15 report information regarding these programs to the state and
16 the general public in a uniform and comprehensible manner that
17 conforms with definitions and methods proposed by the
18 Education Standards Commission. This information must include,
19 at a minimum:
20 a. Average length of stay of graduates in their
21 positions.
22 b. Satisfaction ratings of graduates' employers.
23
24 This information shall be reported through publications,
25 including college and university catalogs and promotional
26 materials sent to potential applicants, secondary school
27 guidance counselors, and prospective employers of the
28 institution's program graduates.
29 (5) PRESERVICE FIELD EXPERIENCE.--All postsecondary
30 instructors, school district personnel and instructional
31 personnel, and school sites preparing instructional personnel

1 through preservice field experience courses and internships
2 shall meet special requirements.

3 (a) All instructors in postsecondary teacher
4 preparation programs who instruct or supervise preservice
5 field experience courses or internships shall have at least
6 one of the following: specialized training in clinical
7 supervision; a valid professional teaching certificate
8 pursuant to ss. 231.17 and 231.24; or at least 3 years of
9 successful teaching experience in prekindergarten through
10 grade 12.

11 (b) All school district personnel and instructional
12 personnel who supervise or direct teacher preparation students
13 during upper-division field experience courses or internships
14 must have evidence of "clinical educator" training and must
15 successfully demonstrate effective classroom management
16 strategies that consistently result in improved student
17 performance. The Education Standards Commission shall
18 recommend, and the state board shall approve, the training
19 requirements.

20 (c) Preservice field experience programs must provide
21 specific guidance and demonstration of effective classroom
22 management strategies, strategies for incorporating technology
23 into classroom instruction, and ways to link instructional
24 plans to the Sunshine State Standards, as appropriate. The
25 length of structured field experiences may be extended to
26 ensure that candidates achieve the competencies needed to meet
27 certification requirements.

28 (d) Postsecondary teacher preparation programs in
29 cooperation with district school boards and approved nonpublic
30 school associations shall select the school sites for
31 preservice field experience activities. These sites must

1 represent the full spectrum of school communities, including,
2 but not limited to, schools located in urban settings. In
3 order to be selected, school sites must demonstrate commitment
4 to the education of ~~public school~~ students and to the
5 preparation of future teachers.

6 ~~(6) STANDARDS OF EXCELLENCE.--The Education Standards~~
7 ~~Commission shall recommend, and the State Board of Education~~
8 ~~shall approve, standards of excellence for teacher~~
9 ~~preparation. These standards must exceed the requirements for~~
10 ~~program approval pursuant to subsection (3) and must~~
11 ~~incorporate state and national recommendations for exemplary~~
12 ~~teacher preparation programs. Approved teacher preparation~~
13 ~~programs that meet these standards of excellence shall receive~~
14 ~~public recognition as programs of excellence and may be~~
15 ~~eligible to receive teaching profession enhancement grants~~
16 ~~pursuant to s. 240.5291.~~

17 (6)~~(7)~~ NATIONAL BOARD STANDARDS.--The Education
18 Standards Commission and the State Board of Education shall
19 review standards and recommendations developed by the National
20 Board for Professional Teaching Standards and may incorporate
21 those parts deemed appropriate into criteria for continued
22 state program approval, standards of excellence, and
23 requirements for inservice education.

24 (7)~~(8)~~ COMMUNITY COLLEGES.--To the extent practical,
25 postsecondary institutions offering teacher preparation
26 programs shall establish articulation agreements on a core of
27 liberal arts courses and introductory professional courses
28 with field experience components which shall be offered at
29 community colleges.

30 (8)~~(9)~~ PRETEACHER AND TEACHER EDUCATION PILOT
31 PROGRAMS.--Universities, colleges, and community colleges may

1 establish preteacher education and teacher education pilot
2 programs to encourage promising minority students to prepare
3 for a career in education. These pilot programs shall be
4 designed to recruit and provide additional academic, clinical,
5 and counseling support for students whom the institution
6 judges to be potentially successful teacher education
7 candidates, but who may not meet teacher education program
8 admission standards. Priority consideration shall be given to
9 those pilot programs that are jointly submitted by community
10 colleges, colleges, and universities.

11 (a) These pilot programs shall be approved by the
12 State Board of Education and shall be designed to provide help
13 and support for program participants during the preteacher
14 education period of general academic preparation at a
15 community college, college, or university and during
16 professional preparation in a state-approved teacher education
17 program. Emphasis shall be placed on development of the basic
18 skills needed by successful teachers.

19 (b) Universities, colleges, and community colleges may
20 admit into the pilot program those incoming students who
21 demonstrate an interest in teaching as a career, but who may
22 not meet the requirements for entrance into an approved
23 teacher education program.

24 1. Flexibility may be given to colleges of education
25 to develop and market innovative teacher training programs
26 directed at specific target groups such as graduates from the
27 colleges of arts and sciences, employed education
28 paraprofessionals, substitute teachers, early federal
29 retirees, and nontraditional college students. Programs must
30 be submitted to the State Board of Education for approval.

31

1 2. Academically successful graduates in the fields of
2 liberal arts and science may be encouraged to embark upon a
3 career in education.

4 3. Models may be developed to provide a positive
5 initial experience in teaching in order to encourage
6 retention. Priority should be given to models that encourage
7 minority graduates.

8 (c) In order to be certified, a graduate from a pilot
9 program shall meet all requirements for teacher certification
10 specified by s. 231.17. Should a graduate of a pilot program
11 not meet the requirements of s. 231.17, that person shall not
12 be included in the calculations required by paragraph (4)(a)
13 and State Board of Education rules for continued program
14 approval, or in the statutes used by the State Board of
15 Education in deciding which teacher education programs to
16 approve.

17 (d) Institutions participating in the pilot program
18 shall submit an annual report evaluating the success of the
19 program to the Commissioner of Education by March 1 of each
20 year. The report shall contain, but shall not be limited to:
21 the number of pilot program participants, including the number
22 participating in general education and the number admitted to
23 approved teacher education programs, the number of pilot
24 program graduates, and the number of pilot program graduates
25 who met the requirements of s. 231.17. The commissioner shall
26 consider the number of participants recruited, the number of
27 graduates, and the number of graduates successfully meeting
28 the requirements of s. 231.17 reported by each institution,
29 and shall make an annual recommendation to the state board
30 regarding the institution's continued participation in the
31 pilot program.

1 (9)~~(10)~~ TEACHER EDUCATION PILOT PROGRAMS FOR
2 HIGH-ACHIEVING STUDENTS.--Pilot teacher preparation programs
3 shall be established at the University of Central Florida, the
4 University of North Florida, and the University of South
5 Florida. These programs shall include a year-long paid
6 teaching assignment and competency-based learning experiences
7 and shall be designed to encourage high-achieving students, as
8 identified by the institution, to pursue a career in
9 education. Students chosen to participate in the pilot
10 programs shall agree to teach for at least 1 year after they
11 receive their degrees. Criteria for identifying
12 high-achieving students shall be developed by the institution
13 and shall include, at a minimum, requirements that the student
14 have a 3.3 grade point average or above and that the student
15 has demonstrated mastery of general knowledge pursuant to s.
16 231.17(2)(g). The year-long paid teaching assignment shall
17 begin after completion of the equivalent of 3 years of the
18 university teacher preparation program.

19 (a) Each pilot program shall be designed to include:
20 1. A year-long paid teaching assignment at a specified
21 school site during the fourth year of the university teacher
22 preparation program, which includes intense supervision by a
23 support team trained in clinical education. The support team
24 shall include a university supervisor and experienced
25 school-based mentors. A mentor teacher shall be assigned to
26 each fourth year employed teacher to implement an
27 individualized learning plan. This mentor teacher will be
28 considered an adjunct professor for purposes of this program
29 and may receive credit for time spent as a mentor teacher in
30 the program. The mentor teacher must have a master's degree
31 or above, a minimum of 3 years of teaching experience, and

1 clinical education training or certification by the National
2 Board of Professional Teaching Standards. Experiences and
3 instruction may be delivered by other mentors, assigned
4 teachers, professors, individualized learning, and
5 demonstrations. Students in this paid teaching assignment
6 shall assume full responsibility of all teaching duties.

7 2. Professional education curriculum requirements that
8 address the educator-accomplished practices and other
9 competencies specified in state board rule.

10 3. A modified instructional delivery system that
11 provides onsite training during the paid teaching assignment
12 in the professional education areas and competencies specified
13 in this subsection. The institutions participating in this
14 pilot program shall be given a waiver to provide a modified
15 instructional delivery system meeting criteria that allows
16 earned credit through nontraditional approaches. The modified
17 system may provide for an initial evaluation of the
18 candidate's competencies to determine an appropriate
19 individualized professional development plan and may provide
20 for earned credit by:

21 a. Internet learning and competency acquisition.
22 b. Learning acquired by observing demonstrations and
23 being observed in application.
24 c. Independent study or instruction by mentor teachers
25 or adjunct teachers.

26 4. Satisfactory demonstration of the
27 educator-accomplished practices and content area competencies
28 for program completion.

29 5. For program completion, required achievement of
30 passing scores on all tests required for certification by
31 State Board of Education rules.

1 (b) Beginning in July 2003, each institution
2 participating in the pilot program shall submit to the
3 Commissioner of Education an annual report evaluating the
4 effectiveness of the program. The report shall include, but
5 shall not be limited to, the number of students selected for
6 the pilot program, the number of students successfully
7 completing the pilot program, the number of program
8 participants who passed all required examinations, the number
9 of program participants who successfully demonstrated all
10 required competencies, and a followup study to determine the
11 number of pilot program completers who were employed in a
12 teaching position and employers' satisfaction with the
13 performance of pilot program completers.

14 (c) This subsection shall be implemented to the extent
15 specifically funded in the General Appropriations Act.

16 (10)~~(11)~~ RULES.--The State Board of Education shall
17 adopt necessary rules pursuant to ss. 120.536(1) and 120.54 to
18 implement this section.

19 Section 282. Sections 240.52901, 240.5291, and 240.53,
20 Florida Statutes, are repealed.

21 Section 283. Notwithstanding subsection (7) of section
22 3 of chapter 2000-321, Laws of Florida, section 240.531,
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:

26 240.531 Establishment of educational research centers
27 for child development.--

28 (1) Upon approval of the university president, the
29 student government association of any state university ~~within~~
30 ~~the State University System~~ may establish an educational
31 research center for child development in accordance with the

1 provisions of this section. Each such center shall be a child
2 day care center established to provide care for the children
3 of students, both graduate and undergraduate, faculty, and
4 other staff and employees of the university and to provide an
5 opportunity for interested schools or departments of the
6 university to conduct educational research programs and
7 establish internship programs within such centers. Whenever
8 possible, such center shall be located on the campus of the
9 university. There shall be a director of each center,
10 selected by the board of directors of the center.

11 (2) There shall be a board of directors for each
12 educational research center for child development, consisting
13 of the president of the university or his or her designee, the
14 student government president or his or her designee, the chair
15 of each department participating in the center or his or her
16 designee, and one parent for each 50 children enrolled in the
17 center, elected by the parents of children enrolled in the
18 center. The director of the center shall be an ex officio,
19 nonvoting member of the board. The board shall establish
20 local policies and perform local oversight and operational
21 guidance for the center.

22 (3) Each center is authorized to charge fees for the
23 care and services it provides. Such fees must be approved by
24 the board of trustees of the state university ~~Regents~~ and may
25 be imposed on a sliding scale based on ability to pay or any
26 other factors deemed relevant by the board.

27 (4) Each state university board of trustees may adopt
28 ~~The Board of Regents is authorized and directed to promulgate~~
29 rules for the establishment, operation, and supervision of
30 educational research centers for child development. Such rules
31 shall include, but need not be limited to: a defined method

1 of establishment of and participation in the operation of
2 centers by the appropriate student government associations;
3 guidelines for the establishment of an intern program in each
4 center; and guidelines for the receipt and monitoring of funds
5 from grants and other sources of funds consistent with
6 existing laws.

7 (5) Each educational research center for child
8 development shall be funded by a portion of the Capital
9 Improvement Trust Fund fee ~~established by the Board of Regents~~
10 ~~pursuant to s. 240.209(3)(g)~~. Each university that ~~which~~
11 establishes a center shall receive a portion of such fees
12 collected from the students enrolled at that university,
13 usable only at that university, equal to 22.5 cents per
14 student per credit hour taken per term, based on the summer
15 term and fall and spring semesters. This allocation shall be
16 used by the university only for the establishment and
17 operation of a center as provided by this section and rules
18 adopted under this section promulgated hereunder. The said
19 allocation may be made only after all bond obligations
20 required to be paid from such fees have been met.

21 Section 284. Notwithstanding subsection (7) of section
22 3 of chapter 2000-321, Laws of Florida, section 240.5321,
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:

26 240.5321 Interdisciplinary Center for Brownfield
27 Rehabilitation Assistance.--The State Board of Education ~~Board~~
28 ~~of Regents~~ shall establish a Center for Brownfield
29 Rehabilitation Assistance in the Environmental Sciences and
30 Policy Program in the College of Arts and Sciences at the
31 University of South Florida with the collaboration of other

1 related disciplines such as business administration,
2 environmental science, and medicine. The center shall work in
3 conjunction with other colleges and state universities ~~in the~~
4 ~~State University System~~. The Center for Brownfield

5 Rehabilitation Assistance shall:

6 (1) Conduct research relating to problems and
7 solutions associated with rehabilitation and restoration of
8 brownfield areas as defined in s. 376.79. The research must
9 include identifying innovative solutions to removing
10 contamination from brownfield sites to reduce the threats to
11 drinking water supplies and other potential public health
12 threats from contaminated sites.

13 (2) Provide public service to local, regional, and
14 state agencies, units of government, and authorities by
15 helping them to create workable mechanisms, partnerships with
16 public and private sectors, and other techniques for
17 rehabilitating brownfield areas.

18 (3) Conduct special research relating to risk-based
19 corrective actions for rehabilitation of brownfield areas.

20 (4) Develop a base of informational and financial
21 support from the private sector for the activities of the
22 center.

23 Section 285. Notwithstanding subsection (7) of section
24 3 of chapter 2000-321, Laws of Florida, section 240.5325,
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:

28 240.5325 Research activities relating to solid and
29 hazardous waste management.--Research, training, and service
30 activities related to solid and hazardous waste management
31 conducted by state universities shall be coordinated by the

1 State Board of Education ~~Board of Regents~~ through the Office
2 of the Commissioner of Education ~~Chancellor~~. Proposals for
3 research contracts and grants; public service assignments; and
4 responses to requests for information and technical assistance
5 by state and local government, business, and industry shall be
6 addressed by a formal Type I Center process involving an
7 advisory board of university personnel appointed by the
8 commissioner ~~chancellor~~ and chaired and directed by an
9 individual appointed by the commissioner ~~chancellor~~. The
10 commissioner ~~Board of Regents~~ shall consult with the
11 Department of Environmental Protection in developing the
12 research programs and provide the department with a copy of
13 the proposed research program for review and comment before
14 the research is undertaken. Research contracts shall be
15 awarded to independent nonprofit colleges and universities
16 within the state which are accredited by the Southern
17 Association of Colleges and Schools on the same basis as those
18 research contracts awarded to the state universities. Research
19 activities shall include, but are not limited to, the
20 following areas:

- 21 (1) Methods and processes for recycling solid and
22 hazardous waste;
23 (2) Methods of treatment for detoxifying hazardous
24 waste; and
25 (3) Technologies for disposing of solid and hazardous
26 waste.

27 Section 286. Section 240.5326, Florida Statutes, is
28 repealed.

29 Section 287. Notwithstanding subsection (7) of section
30 3 of chapter 2000-321, Laws of Florida, section 240.5329,
31

1 Florida Statutes, shall not stand repealed January 7, 2003, as
2 scheduled by that law, but that section is reenacted to read:

3 240.5329 Florida LAKEWATCH Program.--The Florida
4 LAKEWATCH Program is hereby created within the Department of
5 Fisheries and Aquaculture of the Institute of Food and
6 Agricultural Sciences at the University of Florida. The
7 purpose of the program is to provide public education and
8 training with respect to the water quality of Florida's lakes.
9 The Department of Fisheries and Aquaculture may, in
10 implementing the LAKEWATCH program:

11 (1) Train, supervise, and coordinate volunteers to
12 collect water quality data from Florida's lakes.

13 (2) Compile the data collected by volunteers.

14 (3) Disseminate information to the public about the
15 LAKEWATCH program.

16 (4) Provide or loan equipment to volunteers in the
17 program.

18 (5) Perform other functions as may be necessary or
19 beneficial in coordinating the LAKEWATCH program.

20
21 Data collected and compiled shall be used to establish trends
22 and provide general background information and shall in no
23 instance be used in a regulatory proceeding.

24 Section 288. Notwithstanding subsection (7) of section
25 3 of chapter 2000-321, Laws of Florida, section 240.533,
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:

29 240.533 Gender equity in intercollegiate athletics.--

30 (1) LEGISLATIVE INTENT.--The Legislature recognizes
31 that the educational opportunities for women athletes are

1 greatly enhanced by providing equal opportunity for women to
2 participate in intercollegiate athletics. Therefore, it is the
3 intent of the Legislature to demonstrate through financial
4 assistance to the state universities and colleges ~~State~~
5 ~~University System and the institutions therein~~ its commitment
6 to the principle of equity by assuring equal opportunity for
7 female athletes. Furthermore, it is the intent of the
8 Legislature that the Title IX regulations of the 1972
9 Educational Amendments, as amended, form the basis upon which
10 appropriations are made.

11 (2) COUNCIL.--

12 (a) There is created from among the state universities
13 and colleges ~~within the Board of Regents~~ the Council on Equity
14 in Athletics. The council shall meet at least once, but not
15 more than four times, annually. The council shall be composed
16 of:

17 ~~1. The Chancellor of the State University System or a~~
18 ~~designee, who shall serve as chair of the council.~~

19 1.2. The Commissioner of Education or a designee, who
20 shall serve as chair of the council.

21 ~~2.3.~~ The President of the State Council of Student
22 Body Presidents or a designee.

23 ~~3.4.~~ The Equal Employment Opportunity officer for the
24 Department of Education or a designee.

25 ~~4.5.~~ The director of the Office of Equal Opportunity
26 Programs for the Department of Education ~~Board of Regents~~.

27 5.6. One member from each state university and college
28 ~~institution within the State University System~~, at least five
29 of whom shall be women. Except for ~~the Chancellor or his or~~
30 ~~her designee~~, the Commissioner of Education or designee, the
31 Equal Employment Opportunity officer for the Department of

1 Education, and the Director of the ~~Board of Regents~~ Office of
2 Equal Opportunity Programs of the Department of Education, and
3 except for the President of the State Council of Student Body
4 Presidents, or a designee, who shall be appointed to a term of
5 1 year, ~~the terms of council members appointed to fill~~
6 ~~vacancies which occur after August 1, 1991, shall be as~~
7 ~~follows: three members shall be appointed for 2-year terms;~~
8 ~~three members shall be appointed for 3-year terms; and three~~
9 ~~members shall be appointed for 4-year terms. Upon expiration~~
10 ~~of these members' terms of office, terms of office shall be~~
11 ~~for 4 years.~~ Institutional members shall be nominated by the
12 university or college presidents and selected by the
13 Commissioner of Education ~~Chancellor of the State University~~
14 ~~System.~~ If ~~in the event of a vacancy occurs~~ prior to
15 expiration of a member's term, such vacancy shall be filled by
16 the commissioner ~~Chancellor of the State University System.~~

17 (b) The council shall have as its primary
18 responsibilities:

19 1. The determination of available resources for
20 women's intercollegiate athletics at each state university and
21 college institution within the State University System.

22 2. The determination of required resources for women's
23 intercollegiate athletics at each state university and college
24 institution within the State University System in order to
25 comply with this section ~~the provisions herein.~~

26 3. The development of a state formula for the request
27 and allocation of funds based on the Title IX regulations,
28 which shall assure equity for funding women's intercollegiate
29 athletics at each state university and college institution
30 within the State University System.

31

1 4. The advisement of the State Board of Education
2 ~~board~~ of the required appropriation and allocation to assure
3 equity as provided herein.

4 (3) FUNDING.--

5 (a) An equitable portion of all separate athletic fees
6 shall be designated for women's intercollegiate athletics.

7 (b) The level of funding and percentage share of
8 support for women's intercollegiate athletics shall be
9 determined by the State Board of Education ~~Board of Regents~~,
10 in consultation with the Council on Equity in Athletics. The
11 level of funding and percentage share attained in the
12 1980-1981 fiscal year shall be the minimum level and
13 percentage maintained by each institution, except as the state
14 ~~board~~ ~~Board of Regents~~ otherwise directs for the purpose of
15 assuring equity. Consideration shall be given by the state
16 ~~board~~ ~~Board of Regents~~ to emerging athletic programs at state
17 universities and colleges that ~~which~~ may not have the
18 resources to secure external funds to provide athletic
19 opportunities for women. It is the intent that the effect of
20 any redistribution of funds among institutions shall not
21 negate the requirements as set forth in this section.

22 (c) In addition to the above amount, an amount equal
23 to the sales taxes collected from admission to athletic events
24 sponsored by a state university or college ~~an institution~~
25 ~~within the State University System~~ shall be retained and
26 utilized by each institution to support women's athletics.

27 (4) GENDER EQUITY PLAN.--

28 (a) Each state university and college shall develop a
29 gender equity plan pursuant to s. 228.2001. The council shall
30 review each ~~university's~~ plan to ensure compliance and report
31

1 such findings to the State Board of Education ~~Board of~~
2 ~~Regents~~.

3 (b) The plan shall include consideration of equity in
4 sports offerings, participation, availability of facilities,
5 scholarship offerings, and funds allocated for administration,
6 recruitment, comparable coaching, publicity and promotion, and
7 other support costs.

8 (c) The Commissioner of Education shall annually
9 assess the progress of each ~~university's~~ plan ~~and advise the~~
10 ~~Board of Regents~~ regarding compliance.

11 (d) The State Board of Education ~~Board of Regents~~
12 shall annually evaluate the ~~Chancellor and~~ university and
13 college presidents on the extent to which the gender equity
14 goals have been achieved.

15 (e) To determine the proper level of support for
16 women's athletic scholarships, an equity plan may determine,
17 where appropriate, that support for women's scholarships may
18 be disproportionate to the support of scholarships for men.

19 (f) ~~Effective July 1, 1994,~~ If a state university or
20 college is not in compliance with Title IX of the Education
21 Amendments of 1972 and the Florida Educational Equity Act, the
22 State Board of Education ~~Board of Regents~~ shall:

23 1. Declare the university or college ineligible for
24 competitive state grants.

25 2. Withhold funds sufficient to obtain compliance.

26
27 The university or college shall remain ineligible and the
28 funds shall not be paid until the university or college comes
29 into compliance or the Commissioner of Education ~~Chancellor~~
30 approves a plan for compliance.

31

1 (5) STATE BOARD OF EDUCATION ~~BOARD OF REGENTS~~.--The
2 State Board of Education ~~Board of Regents~~ shall assure equal
3 opportunity for female athletes and establish:

4 (a) Guidelines for reporting of intercollegiate
5 athletics data concerning financial, program, and facilities
6 information for review by the state board ~~Board of Regents~~
7 annually.

8 (b) Systematic audits for the evaluation of such data.

9 (c) Criteria for determining and assuring equity.

10 Section 289. Sections 240.5339, 240.5340, 240.5341,
11 240.5342, 240.5343, 240.5344, 240.5345, 240.5346, 240.5347,
12 240.5348, and 240.5349, Florida Statutes, are repealed.

13 Section 290. Notwithstanding subsection (7) of section
14 3 of chapter 2000-321, Laws of Florida, section 240.535,
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:

18 240.535 New World School of the Arts.--

19 (1) This section ~~shall be known and~~ may be cited as
20 the "New World School of the Arts Act."

21 (2) As Florida strives to achieve excellence in all
22 aspects of public education, it is the intent of the
23 Legislature that specific attention be given to the needs of
24 artistically talented high school and college students. It is
25 further intended that such students who are occupationally
26 oriented to the arts be provided with the means for achieving
27 both an academic education and artistic training appropriate
28 to their gifts.

29 (3) There is ~~hereby~~ created the New World School of
30 the Arts, a center of excellence for the performing and visual
31 arts, to serve all of the State of Florida. The school shall

1 offer a program of academic and artistic studies in the visual
2 and performing arts which shall be available to talented high
3 school and college students.

4 (4)(a) For purposes of governance, the New World
5 School of the Arts is assigned to the State Board of Education
6 ~~University System~~, Miami-Dade Community College, and the
7 Miami-Dade ~~Dade~~ County School District. The State Board of
8 Education ~~Board of Regents~~ shall assign to the New World
9 School of the Arts a university partner or partners. In this
10 selection, the state board shall ~~Board of Regents will~~
11 consider the accreditation status of the core programs.
12 Florida International University, in its capacity as the
13 provider of university services to Miami-Dade ~~Dade~~ County,
14 will be a partner to serve the New World School of the Arts,
15 upon meeting the accreditation criteria. The respective boards
16 shall appoint members to an executive board for administration
17 of the school. The executive board may include community
18 members and shall reflect proportionately the participating
19 institutions. Miami-Dade Community College shall serve as
20 fiscal agent for the school.

21 (b) The New World School of the Arts Foundation is
22 ~~hereby~~ created for the purpose of providing auxiliary
23 financial support for the school's programs, including, but
24 not limited to, the promotion and sponsorship of special
25 events and scholarships. Foundation membership shall be
26 determined by the executive board.

27 (c) The school may affiliate with other public or
28 private educational or arts institutions. The school shall
29 serve as a professional school for all qualified students
30 within appropriations and limitations established by the
31 Legislature and the respective educational institutions.

1 (5) The school shall submit annually a formula-driven
2 budget request to the Commissioner of Education and the
3 Legislature. This formula shall be developed in consultation
4 with the State Board of Education ~~Department of Education, the~~
5 ~~Division of Community Colleges, the Board of Regents,~~ and
6 staff of the Legislature. However, the actual funding for the
7 school shall be determined by the Legislature in the General
8 Appropriations Act.

9 (6) The State Board of Education ~~Board of Regents~~
10 shall utilize resources, programs, and faculty from the
11 various state universities in planning and providing the
12 curriculum and courses at the New World School of the Arts,
13 drawing on program strengths at each state university.

14 Section 291. Sections 240.539, 240.540, and 240.541,
15 Florida Statutes, are repealed.

16 Section 292. Paragraph (h) of subsection (2),
17 subsection (4), paragraph (b) of subsection (5), paragraph
18 (f) of subsection (6), paragraphs (d), (i), and (t) of
19 subsection (7), subsection (9), subsection (12), paragraph (e)
20 of subsection (13) and subsection and subsection (21) of
21 section 240.551, Florida Statutes, are amended, and paragraph
22 (x) is added to subsection (7) of that section, to read:

23 240.551 Florida Prepaid College Program.--

24 (2) DEFINITIONS.--

25 (h) "State postsecondary institution" means any
26 community college identified in s. 240.3031 or university or
27 college identified in s. 240.2011.

28 (4) FLORIDA PREPAID COLLEGE TRUST FUND.--There is
29 created within the State Board of Administration the Florida
30 Prepaid College Trust Fund. The fund shall consist of state
31 appropriations, moneys acquired from other governmental or

1 private sources, and moneys remitted in accordance with
2 advance payment contracts. All funds deposited into the trust
3 fund may be invested pursuant to s. 215.47. Dividends,
4 interest, and gains accruing to the trust fund shall increase
5 the total funds available for the program. Notwithstanding the
6 provisions of chapter 717, funds associated with terminated
7 contracts pursuant to subsection (12) and canceled contracts
8 for which no refunds have been claimed shall be retained by
9 the board ~~increase the total funds available for the program.~~
10 However, the board shall establish procedures for notifying
11 purchasers who subsequently cancel their contracts of any
12 unclaimed refund and shall establish a time period after which
13 no refund may be claimed by a purchaser who canceled a
14 contract. The board may transfer funds retained from such
15 terminated contracts and cancelled contracts to the Florida
16 Prepaid Tuition Scholarship Program to provide funds for
17 prepaid tuition scholarships for economically disadvantaged
18 youths who remain drug-free and crime-free.Any balance
19 contained within the fund at the end of a fiscal year shall
20 remain therein and shall be available for carrying out the
21 purposes of the program and the direct support organization
22 established pursuant to subsection (22). ~~If in the event that~~
23 dividends, interest, and gains exceed the amount necessary for
24 program administration and disbursements, the board may
25 designate an additional percentage of the fund to serve as a
26 contingency fund. Moneys contained within the fund shall be
27 exempt from the investment requirements of s. 18.10. Any funds
28 of a direct-support organization created pursuant to
29 subsection (22) shall be exempt from the provisions of this
30 subsection.

31 (5) PROGRAM ADMINISTRATION.--

1 (b) The board shall consist of seven members to be
2 composed of the Attorney General, the Chief Financial Officer,
3 the Director of the Division of Colleges and Universities, the
4 Director of the Division of Community Colleges,~~Insurance~~
5 ~~Commissioner and Treasurer, the Comptroller, the Chancellor of~~
6 ~~the Board of Regents, the Executive Director of the State~~
7 ~~Board of Community Colleges,~~ and three members appointed by
8 the Governor and subject to confirmation by the Senate. Each
9 member appointed by the Governor shall possess knowledge,
10 skill, and experience in the areas of accounting, actuary,
11 risk management, or investment management. Each member of the
12 board not appointed by the Governor may name a designee to
13 serve the board on behalf of the member; however, any designee
14 so named shall meet the qualifications required of
15 gubernatorial appointees to the board. Members appointed by
16 the Governor shall serve terms of 3 years. Any person
17 appointed to fill a vacancy on the board shall be appointed in
18 a like manner and shall serve for only the unexpired term.
19 Any member shall be eligible for reappointment and shall serve
20 until a successor qualifies. Members of the board shall serve
21 without compensation but shall be reimbursed for per diem and
22 travel in accordance with s. 112.061. Each member of the
23 board shall file a full and public disclosure of his or her
24 financial interests pursuant to s. 8, Art. II of the State
25 Constitution and corresponding statute.

26 (6) FLORIDA PREPAID COLLEGE BOARD; DUTIES.--The board
27 shall:

28 (f) Solicit proposals and contract, pursuant to s.
29 287.057, for product providers to develop investment
30 portfolios on behalf of the board to achieve the purposes of
31 this section. Product providers shall be limited to authorized

1 insurers as defined in s. 624.09, banks as defined in s.
2 658.12, associations as defined in s. 665.012, authorized
3 Securities and Exchange Commission investment advisers, and
4 investment companies as defined in the Investment Company Act
5 of 1940. All product providers shall have their principal
6 place of business and corporate charter located and registered
7 in the United States. In addition, each product provider shall
8 agree to meet the obligations of the board to qualified
9 beneficiaries if moneys in the fund fail to offset the
10 obligations of the board as a result of imprudent investing by
11 such provider. Each authorized insurer shall evidence superior
12 performance overall on an acceptable level of surety in
13 meeting its obligations to its policyholders and other
14 contractual obligations. Only qualified public depositories
15 approved by the Chief Financial Officer ~~Insurance Commissioner~~
16 ~~and Treasurer~~ shall be eligible for board consideration. Each
17 investment company shall provide investment plans as specified
18 within the request for proposals. The goals of the board in
19 selecting a product provider company shall be to provide all
20 purchasers with the most secure, well-diversified, and
21 beneficially administered postsecondary education expense plan
22 possible, to allow all qualified firms interested in providing
23 such services equal consideration, and to provide such
24 services to the state at no cost and to the purchasers at the
25 lowest cost possible. Evaluations of proposals submitted
26 pursuant to this paragraph shall include, but not be limited
27 to, the following criteria:

28 1. Fees and other costs charged to purchasers that
29 affect account values or operational costs related to the
30 program.

31

1 2. Past and current investment performance, including
2 investment and interest rate history, guaranteed minimum rates
3 of interest, consistency of investment performance, and any
4 terms and conditions under which moneys are held.

5 3. Past experience and ability to provide timely and
6 accurate service in the areas of records administration,
7 benefit payments, investment management, and complaint
8 resolution.

9 4. Financial history and current financial strength
10 and capital adequacy to provide products, including operating
11 procedures and other methods of protecting program assets.

12 (7) FLORIDA PREPAID COLLEGE BOARD; POWERS.--The board
13 shall have the powers necessary or proper to carry out the
14 provisions of this section, including, but not limited to, the
15 power to:

16 (d) Establish agreements or other transactions with
17 federal, state, and local agencies, including state
18 universities, colleges, and community colleges.

19 (i) Restrict the number of participants in the
20 community college plan, university and college plan, and
21 dormitory residence plan, respectively. However, any person
22 denied participation solely on the basis of such restriction
23 shall be granted priority for participation during the
24 succeeding year.

25 (t) Endorse insurance coverage written exclusively for
26 the purpose of protecting advance payment contracts, and the
27 purchasers and beneficiaries thereof, which may be issued in
28 the form of ~~a group life~~ policies and group disability
29 policies that are ~~policy and which is~~ exempt from the
30 provisions of part V of chapter 627.

31

1 (x) Form strategic alliances with public and private
2 entities to provide benefits to the program and participants
3 in the program.

4 (9) PREPAID COLLEGE PLANS.--At a minimum, the board
5 shall make advance payment contracts available for two
6 independent plans to be known as the community college plan
7 and the university and college plan. The board may also make
8 advance payment contracts available for a dormitory residence
9 plan.

10 (a)1. Through the community college plan, the advance
11 payment contract shall provide prepaid registration fees for a
12 specified number of undergraduate semester credit hours not to
13 exceed the average number of hours required for the conference
14 of an associate degree. The cost of participation in the
15 community college plan shall be based primarily on the average
16 current and projected registration fees among the community
17 colleges ~~within the Florida Community College System~~ and the
18 number of years expected to elapse between the purchase of the
19 plan on behalf of a qualified beneficiary and the exercise of
20 the benefits provided in the plan by such beneficiary.
21 Qualified beneficiaries shall bear the cost of any laboratory
22 fees associated with enrollment in specific courses. Each
23 qualified beneficiary shall be classified as a resident for
24 tuition purposes, pursuant to s. 240.1201, regardless of his
25 or her actual legal residence.

26 2. ~~Effective July 1, 1998,~~The board may provide
27 advance payment contracts for additional fees delineated in s.
28 240.35, not to exceed the average number of hours required for
29 the conference of an associate degree, in conjunction with
30 advance payment contracts for registration fees. The cost of
31 purchasing such fees shall be based primarily on the average

1 current and projected fees among the community colleges ~~within~~
2 ~~the Florida Community College System~~ and the number of years
3 expected to elapse between the purchase of the plan on behalf
4 of the beneficiary and the exercise of benefits provided in
5 the plan by such beneficiary. Community college plan contracts
6 purchased prior to July 1, 1998, shall be limited to the
7 payment of registration fees as defined in subsection (2).

8 (b)1. Through the university and college plan, the
9 advance payment contract shall provide prepaid registration
10 fees for a specified number of undergraduate semester credit
11 hours not to exceed the average number of hours required for
12 the conference of a baccalaureate degree. The cost of
13 participation in the university and college plan shall be
14 based primarily on the current and projected registration fees
15 of state colleges and universities ~~within the State University~~
16 ~~System~~ and the number of years expected to elapse between the
17 purchase of the plan on behalf of a qualified beneficiary and
18 the exercise of the benefits provided in the plan by such
19 beneficiary. Qualified beneficiaries shall bear the cost of
20 any laboratory fees associated with enrollment in specific
21 courses. Each qualified beneficiary shall be classified as a
22 resident for tuition purposes pursuant to s. 240.1201,
23 regardless of his or her actual legal residence.

24 2. ~~Effective July 1, 1998,~~The board may provide
25 advance payment contracts for additional fees delineated in s.
26 240.235(2)(a)~~s. 240.235(1)~~, for a specified number of
27 undergraduate semester credit hours not to exceed the average
28 number of hours required for the conference of a baccalaureate
29 degree, in conjunction with advance payment contracts for
30 registration fees. Such contracts shall provide prepaid
31 coverage for the sum of such fees, to a maximum of 45 percent

1 of the cost of registration fees. The costs of purchasing such
2 fees shall be based primarily on the average current and
3 projected cost of these fees among the state colleges and
4 universities ~~within the State University System~~ and the number
5 of years expected to elapse between the purchase of the plan
6 on behalf of the qualified beneficiary and the exercise of the
7 benefits provided in the plan by such beneficiary. University
8 and college plan contracts purchased prior to July 1, 1998,
9 shall be limited to the payment of registration fees as
10 defined in subsection (2).

11 (c) Through the dormitory residence plan, the advance
12 payment contract may provide prepaid housing fees for a
13 maximum of 10 semesters of full-time undergraduate enrollment
14 in a state university or college. Dormitory residence plans
15 shall be purchased in increments of 2 semesters. The cost of
16 participation in the dormitory residence plan shall be based
17 primarily on the average current and projected housing fees
18 among state colleges and universities ~~within the State~~
19 ~~University System~~ and the number of years expected to elapse
20 between the purchase of the plan on behalf of a qualified
21 beneficiary and the exercise of the benefits provided in the
22 plan by such beneficiary. Qualified beneficiaries shall have
23 the highest priority in the assignment of housing within
24 university residence halls. Qualified beneficiaries shall bear
25 the cost of any additional elective charges such as laundry
26 service or long-distance telephone service. Each state college
27 and university may specify the residence halls or other
28 college or university-held residences eligible for inclusion
29 in the plan. In addition, any state college or university may
30 request immediate termination of a dormitory residence
31 contract based on a violation or multiple violations of rules

1 of the residence hall or other college or university-held
2 residences. In the event that sufficient housing is not
3 available for all qualified beneficiaries, the board shall
4 refund the purchaser or qualified beneficiary an amount equal
5 to the fees charged for dormitory residence during that
6 semester. If a qualified beneficiary fails to be admitted to a
7 state college or university or chooses to attend a community
8 college that operates one or more dormitories or residency
9 opportunities, or has one or more dormitories or residency
10 opportunities operated by the community college direct-support
11 organization, the qualified beneficiary may transfer or cause
12 to have transferred to the community college, or community
13 college direct-support organization, the fees associated with
14 dormitory residence. Dormitory fees transferred to the
15 community college or community college direct-support
16 organization may not exceed the maximum fees charged for state
17 university or college dormitory residence for the purposes of
18 this section, or the fees charged for community college or
19 community college direct-support organization dormitories or
20 residency opportunities, whichever is less.

21 (12) DURATION OF BENEFITS; ADVANCE PAYMENT
22 CONTRACT.--An advance payment contract may provide that
23 contracts which have not been terminated or the benefits
24 exercised within a specified period of time shall be
25 considered terminated. Time expended by a qualified
26 beneficiary as an active duty member of any of the armed
27 services of the United States shall be added to the period of
28 time specified pursuant to this subsection. No purchaser or
29 qualified beneficiary whose advance payment contract is
30 terminated pursuant to this subsection shall be entitled to a
31 refund. Notwithstanding chapter 717,the board shall retain

1 any moneys paid by the purchaser for an advance payment
2 contract that has been terminated in accordance with this
3 subsection. Such moneys may be transferred to the Florida
4 Prepaid Tuition Scholarship Program to provide funds for
5 prepaid tuition scholarships for economically disadvantaged
6 youths who remain drug-free and crime-free ~~retained by the~~
7 ~~board are exempt from chapter 717, and such retained moneys~~
8 ~~must be used by the board to further the purposes of this~~
9 ~~section.~~

10 (13) REFUNDS.--

11 (e) No refund shall be authorized through an advance
12 payment contract for any school year partially attended but
13 not completed. For purposes of this section, a school year
14 partially attended but not completed shall mean any one
15 semester whereby the student is still enrolled at the
16 conclusion of the official drop-add period, but withdraws
17 before the end of such semester. If a beneficiary does not
18 complete a community college plan or a university and college
19 plan for reasons other than specified in paragraph (c), the
20 purchaser shall receive a refund of the amount paid into the
21 fund for the remaining unattended years of the advance payment
22 contract pursuant to rules promulgated by the board.

23 (21) ANNUAL REPORT.--The board shall annually prepare
24 or cause to be prepared a report setting forth in appropriate
25 detail an accounting of the fund and a description of the
26 financial condition of the program at the close of each fiscal
27 year. Such report shall be submitted to the President of the
28 Senate, the Speaker of the House of Representatives, and
29 members of the State Board of Education on or before March 31
30 each year. In addition, the board shall make the report
31 available to purchasers of advance payment contracts. The

1 board shall provide to the State Board of Education ~~Board of~~
2 ~~Regents and the State Board of Community Colleges,~~ by March 31
3 each year, complete advance payment contract sales
4 information, including projected postsecondary enrollments of
5 qualified beneficiaries. The accounts of the fund shall be
6 subject to annual audits by the Auditor General or his or her
7 designee.

8 Section 293. Notwithstanding subsection (7) of section
9 3 of chapter 2000-321, Laws of Florida, section 240.552,
10 Florida Statutes, shall not stand repealed January 7, 2003, as
11 scheduled by that law, but that section is reenacted to read:

12 240.552 Florida Prepaid Tuition Scholarship
13 Program.--The Florida Prepaid Tuition Scholarship Program is
14 hereby established with the intent to provide economically
15 disadvantaged youth with prepaid postsecondary tuition
16 scholarships. The direct-support organization established
17 pursuant to s. 240.551 shall administer the program with the
18 assistance and cooperation of the Department of Education to
19 achieve the following objectives:

20 (1) Provide an incentive for economically
21 disadvantaged youth to improve school attendance and academic
22 performance in order to graduate and pursue a postsecondary
23 education.

24 (2) Obtain the commitment and involvement of private
25 sector entities by virtue of funding matches with a ratio of
26 50 percent provided by the private sector and 50 percent
27 provided by the state.

28 (3) Purchase prepaid tuition scholarships for students
29 certified by the Department of Education to the direct-support
30 organization who meet minimum economic and school requirements
31 and remain drug free and crime free.

1 (a) For the purpose of this subsection, "drug free"
2 means not being convicted of, or adjudicated delinquent for,
3 any violation of chapter 893 after being designated a
4 recipient of a Florida prepaid tuition scholarship.

5 (b) For the purpose of this subsection, "crime free"
6 means not being convicted of, or adjudicated delinquent for,
7 any felony or first degree misdemeanor as defined in ss.
8 775.08 and 775.081 after being designated a recipient of a
9 Florida prepaid tuition scholarship.

10 Section 294. Notwithstanding subsection (7) of section
11 3 of chapter 2000-321, Laws of Florida, section 240.553,
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:

15 240.553 Florida College Savings Program.--

16 (1) LEGISLATIVE INTENT.--The Legislature recognizes
17 that affordability and accessibility of higher education are
18 essential to the welfare and well-being of the residents of
19 the state and are a critical state interest. Promoting and
20 enhancing financial access to postsecondary institutions
21 serves a legitimate public purpose. Accordingly, as a
22 supplement and alternative to existing programs that promote
23 timely planning for postsecondary attendance, it is the intent
24 of the Legislature to allow the Florida Prepaid College Board
25 to establish a Florida College Savings Program to allow
26 persons to make contributions to a trust account that is
27 established for the purpose of meeting some or all of the
28 qualified higher education expenses of a designated
29 beneficiary, consistent with federal law authorizing such
30 programs. There is not any guarantee by the state that such
31 contributions, together with the investment return on such

1 contributions, if any, will be adequate to pay for qualified
2 higher education expenses. It is the intent of the Legislature
3 that this program enable participants in the Florida College
4 Savings Program to save for qualified higher education
5 expenses. It is further the intent of the Legislature that
6 this program provide a choice to persons who determine that
7 the overall educational needs of their families are best
8 suited to a savings program or who wish to save to meet
9 postsecondary educational needs beyond the traditional 4-year
10 curriculum. Finally, it is the intent of the Legislature that
11 the program be conducted as a public-private partnership to
12 maximize program efficiency and effectiveness.

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

14 (a) "Benefactor" means any person making a deposit,
15 payment, contribution, gift, or other expenditure to the
16 trust.

17 (b) "Board" means the Florida Prepaid College Board.

18 (c) "Designated beneficiary" means:

19 1. Any individual designated in the participation
20 agreement;

21 2. Any individual defined in s. 152(a)(1)-(8) of the
22 Internal Revenue Code; or

23 3. Any individual receiving a scholarship from
24 interests in the program purchased by a state or local
25 government or an organization described in s. 501(c)(3) of the
26 Internal Revenue Code.

27 (d) "Eligible educational institution" means an
28 institution of higher education that qualifies under s. 529 of
29 the Internal Revenue Code as an eligible educational
30 institution.

31

1 (e) "Internal Revenue Code" means the Internal Revenue
2 Code of 1986, as defined in s. 220.03(1).

3 (f) "Participation agreement" means an agreement
4 between the board and a benefactor for participation in a
5 savings plan for a designated beneficiary.

6 (g) "Program" means the Florida College Savings
7 Program.

8 (h) "Qualified higher education expenses" means higher
9 education expenses permitted under s. 529 of the Internal
10 Revenue Code and required for the enrollment or attendance of
11 a designated beneficiary at an eligible educational
12 institution, including undergraduate and graduate schools, and
13 any other higher education expenses that are permitted under
14 s. 529 of the Internal Revenue Code.

15 (3) FLORIDA COLLEGE SAVINGS PROGRAM; CREATION.--

16 (a) The board is authorized to create and establish
17 the Florida College Savings Program to promote and enhance the
18 affordability and accessibility of higher education in the
19 state. Such program shall enable persons to contribute funds
20 that are combined and invested to pay the subsequent qualified
21 higher education expenses of a designated beneficiary. The
22 board shall administer the program and shall perform essential
23 governmental functions, as provided in this section.

24 (b) The amounts on deposit in the program shall remain
25 therein and shall be available solely for carrying out the
26 purposes of this section. Any contract entered into by or any
27 obligation of the board on behalf of and for the benefit of
28 the program does not constitute a debt or obligation of the
29 state but is an obligation of the program. The state has no
30 obligation to any designated beneficiary or any other person
31 as a result of the program. The obligation of the program is

1 limited solely to those amounts deposited in the program. All
2 amounts obligated to be paid from the program are limited to
3 amounts available for such obligation. The amounts on deposit
4 in the program may only be disbursed in accordance with the
5 provisions of this section. Each participation agreement must
6 clearly state that the contract is only a debt or obligation
7 of the program and is not otherwise a debt or obligation of
8 the state.

9 (c) The benefactor retains ownership of all amounts on
10 deposit in his or her account with the program up to the date
11 of distribution on behalf of a designated beneficiary.
12 Earnings derived from investment of the contributions shall be
13 considered to be held in trust in the same manner as
14 contributions, except as applied for purposes of the
15 designated beneficiary and for purposes of maintaining and
16 administering the program as provided in this section. Nothing
17 in this paragraph or in any other provision of this section
18 permits any contributions or corresponding interest in the
19 program to be used as security for a loan by a benefactor or
20 designated beneficiary.

21 (d) All amounts attributable to penalties shall be
22 used for purposes of the program, and other amounts received
23 other than contributions shall be properties of the program.
24 Proceeds from penalties shall remain with the program and may
25 be used for any costs or purposes of the program.

26 (e) The board may not receive deposits in any form
27 other than cash. A benefactor or designated beneficiary may
28 not direct the investment of any contributions or amounts held
29 in the program other than the specific fund options provided
30 by the board, if any.

31

1 (f) Appropriations, moneys acquired from other
2 governmental or private sources, and moneys remitted in
3 accordance with participation agreements, shall be deposited
4 into the Florida Prepaid College Trust Fund in accordance with
5 s. 240.551(4).

6 (g) Deposits and contributions to the program, the
7 property of the board, and the earnings on the college savings
8 accounts are exempt from taxation.

9 (4) PROGRAM ADMINISTRATION.--

10 (a) The Florida College Savings Program shall be
11 administered by the Florida Prepaid College Board as an agency
12 of the state. The Florida Prepaid College Board has all the
13 powers of a body corporate for the purposes delineated in this
14 section.

15 (b) The assets of the program shall be continuously
16 invested and reinvested in a manner consistent with the
17 purposes of the program, expended on expenses incurred by the
18 operation and management of the program, or refunded to the
19 benefactor or designated beneficiary under the conditions
20 provided in the participation agreement. The board is not
21 required to invest directly in obligations of the state or any
22 political subdivision of the state or in any investment or
23 other fund administered by the state.

24 (5) FLORIDA COLLEGE SAVINGS PROGRAM; BOARD
25 DUTIES.--The board shall:

26 (a) Appoint an executive director to serve as the
27 chief administrative and operational officer of the board and
28 to perform other duties assigned to him or her by the board.

29 (b) Receive and hold all payments, deposits, and
30 contributions intended for the program, as well as gifts;
31 bequests; endowments; federal, state, or local grants; any

1 other public or private source of funds; and all earnings,
2 until disbursed to pay qualified higher education expenses or
3 refunds as authorized in this section.

4 (c) Invest the contributions in a manner reasonable
5 and appropriate to achieve the objectives of the program,
6 exercising the discretion and care of a prudent person in
7 similar circumstances with similar objectives. The board shall
8 give due consideration to rate of return, risk, term of
9 maturity, diversification of total portfolio within the
10 program, liquidity, projected disbursements and expenditures,
11 and expected payments, deposits, contributions, and gifts to
12 be received. Moneys in the program are exempt from s.
13 215.20(1), state securities law, and the investment
14 requirements of s. 18.10, but are subject to the investment
15 restrictions contained in s. 215.472.

16 (d) Solicit proposals and contract, pursuant to s.
17 287.057, for a trustee services firm to hold and maintain
18 assets of the board in conjunction with the operations of
19 product providers contracted under this section. Such firm may
20 also provide for the short-term investment of the board's
21 assets. In selecting a trustee services firm, the board shall
22 seek to obtain the highest standards of professional trustee
23 services, to allow all qualified firms interested in providing
24 such services equal consideration, and to provide such
25 services to the state at no cost and to the participants at
26 the lowest cost possible. The trustee services firm shall
27 agree to meet the obligations of the program to designated
28 beneficiaries if money in the fund fails to offset the
29 obligations of the program as a result of imprudent selection
30 or supervision of short-term investments or in the event of
31 the loss of securities by such firm. Evaluations of proposals

1 submitted under this paragraph must include, but need not be
2 limited to, the following criteria:

3 1. Adequacy of trustee services to hold and maintain
4 assets of the board, including current operations and staff
5 organization and commitment of management to the proposal.

6 2. Capability to execute program responsibilities
7 within time and regulatory constraints.

8 3. Past experience in trustee services and current
9 ability to maintain regular and continuous interactions with
10 the board and product provider.

11 4. The minimum benefactor participation assumed within
12 the proposal and any additional requirements of benefactors.

13 5. Adequacy of technical assistance and services
14 proposed for staff.

15 6. Adequacy of a management system for evaluating and
16 improving overall trustee services to the program.

17 7. Adequacy of facilities, equipment, and electronic
18 data processing services.

19 8. Detailed projections of administrative costs,
20 including the amount and type of insurance coverage, and
21 detailed projections of total costs.

22 (e) Solicit proposals and contract, pursuant to s.
23 287.057, for one or more investment consultants to advise the
24 board regarding investment management and performance. In
25 selecting investment consultants, the board shall seek to
26 obtain the highest standards of investment consulting, to
27 allow all qualified firms interested in providing such
28 services equal consideration, and to provide such services to
29 the state at no cost and to the participants at the lowest
30 cost possible. The investment consultants shall agree to meet
31 the obligations of the programs to designated beneficiaries if

1 money in the fund fails to offset the obligations of the
2 program as a result of imprudent supervision of the board's
3 investments. Evaluations of proposals submitted under this
4 paragraph must include, but need not be limited to, the
5 following criteria:

- 6 1. Capability to execute program responsibilities
7 within time and regulatory constraints.
- 8 2. Past experience in investment consulting and
9 current ability to maintain regular and continuous
10 interactions with the board and product providers.
- 11 3. Adequacy of technical assistance and services
12 proposed for staff.
- 13 4. Detailed projections of administrative costs.

14 (f) Solicit proposals and contract, pursuant to s.
15 287.057, for product providers to develop investment
16 portfolios on behalf of the board to achieve the purposes of
17 this section. Product providers shall be limited to authorized
18 insurers as defined in s. 624.09, banks as defined in s.
19 658.12, associations as defined in s. 665.012, authorized
20 Securities and Exchange Commission investment advisers, and
21 investment companies as defined in the Investment Company Act
22 of 1940. All product providers must have their principal place
23 of business and corporate charter located and registered in
24 the United States. Each product provider must agree to meet
25 the obligations of the program to designated beneficiaries if
26 moneys in the fund fail to offset the obligations of the
27 program as a result of imprudent investing by such provider.
28 Each authorized insurer must evidence superior performance
29 overall on an acceptable level of surety in meeting its
30 obligations to its policyholders and other contractual
31 obligations. Only qualified public depositories approved by

1 the State Insurance Commissioner and Treasurer are eligible
2 for consideration. Each investment company must provide
3 investment plans as specified within the request for
4 proposals. In selecting a product provider, the board shall
5 seek to provide all participants with the most secure,
6 well-diversified, and beneficially administered college
7 savings plan possible, to allow all qualified firms interested
8 in providing such services equal consideration, and to provide
9 such services to participants at the lowest cost possible.
10 Evaluations of proposals submitted under this paragraph must
11 include, but need not be limited to, the following criteria:
12 1. Fees and other costs charged to participants which
13 affect account values or operational costs related to the
14 program.
15 2. Past and current investment performance, including
16 investment and interest rate history, guaranteed minimum rates
17 of interest, consistency of investment performance, and any
18 terms and conditions under which moneys are held.
19 3. Past experience and ability to provide timely and
20 accurate service in the areas of benefit payments, investment
21 management, and complaint resolution.
22 4. Financial history and current financial strength
23 and capital adequacy to provide products, including operating
24 procedures and other methods of protecting program assets.
25 (g) Establish an investment plan for the purposes of
26 this section with the approval of the State Board of
27 Administration. The investment plan must specify the
28 investment policies to be used by the board in its
29 administration of the program. The board may place assets of
30 the program in savings accounts or purchase fixed or variable
31 life insurance or annuity contracts, securities, evidence of

1 indebtedness, or other investment products pursuant to the
2 investment plan and in the proportions that are designated or
3 approved under the investment plan. The insurance, annuity,
4 savings, or investment products must be underwritten and
5 offered in compliance with the applicable federal and state
6 laws and rules by persons who are duly authorized by
7 applicable federal and state authorities. Within the
8 investment plan, the board may authorize investment vehicles,
9 or products incident thereto, as are available or offered by
10 qualified companies or persons. A benefactor may not direct
11 the investment of his or her contribution to the program and a
12 designated beneficiary may not direct the contribution made on
13 his or her behalf to the program. Board members and employees
14 of the board are not prohibited from participating in the
15 program by virtue of their fiduciary responsibilities as
16 members of the board or official duties as employees of the
17 board.

18 (h) Administer the program in a manner that is
19 sufficiently actuarially sound to defray the obligations of
20 the trust. The board shall annually evaluate or cause to be
21 evaluated the actuarial soundness of the trust.

22 (i) Establish adequate safeguards to prevent
23 contributions on behalf of a designated beneficiary in excess
24 of those necessary to provide for the qualified higher
25 education expenses of the beneficiary.

26 (j) Maintain separate accounts for each designated
27 beneficiary and establish other accounts within the program as
28 necessary to appropriately account for all funds held in the
29 program.

30 (6) FLORIDA COLLEGE SAVINGS PROGRAM; BOARD
31 POWERS.--The board shall have the powers necessary or proper

1 to carry out the provisions of this section, including, but
2 not limited to, the power to:

3 (a) Adopt an official seal and rules.
4 (b) Sue and be sued.
5 (c) Make and execute contracts and other necessary
6 instruments.
7 (d) Establish agreements or other transactions with
8 federal, state, and local agencies, including state
9 universities, colleges, and community colleges.
10 (e) Invest funds not required for immediate
11 disbursement.
12 (f) Appear in its own behalf before boards,
13 commissions, or other governmental agencies.
14 (g) Hold, buy, and sell any instruments, obligations,
15 securities, and property determined appropriate by the board.
16 (h) Require a reasonable length of state residence for
17 qualified beneficiaries.
18 (i) Segregate contributions and payments to the fund
19 into various accounts and funds.
20 (j) Contract for necessary goods and services; employ
21 necessary personnel; and engage the services of private
22 consultants, actuaries, managers, legal counsel, and auditors
23 for administrative or technical assistance.
24 (k) Solicit and accept gifts, grants, loans, and other
25 aids from any source or participate in any other way in any
26 government program to carry out the purposes of this section.
27 (l) Require and collect administrative fees and
28 charges in connection with any transaction and impose
29 reasonable penalties, including default, for delinquent
30 payments or for entering into a participation agreement on a
31 fraudulent basis.

1 (m) Procure insurance against any loss in connection
2 with the property, assets, and activities of the program or
3 the board.

4 (n) Impose reasonable time limits on use of the
5 benefits provided by the program; however, any such limitation
6 must be specified within the participation agreement.

7 (o) Delineate the terms and conditions under which
8 contributions may be withdrawn from the fund and impose
9 reasonable fees and charges for such withdrawal. Such terms
10 and conditions must be specified within the participation
11 agreement.

12 (p) Provide for the receipt of contributions in lump
13 sums or installments.

14 (q) Require that benefactors verify, under oath, any
15 requests for conversions, substitutions, transfers,
16 cancellations, refunds, or other changes to a participation
17 agreement. Verification must be accomplished as authorized and
18 provided for in s. 92.525(1)(a).

19 (r) Delegate responsibility for administering the
20 investment plan required in paragraph (5)(g) to a person the
21 board determines to be qualified. Such person shall be
22 compensated by the board. Directly or through such person, the
23 board may contract with a private corporation or institution
24 to provide the services that are a part of the investment plan
25 or that are deemed necessary or proper by the board or such
26 person, including, but not limited to, providing for
27 consolidated billing; individual and collective recordkeeping
28 and accountings; and the purchase, control, and safekeeping of
29 assets.

30 (s) Endorse insurance coverage written exclusively for
31 program participants which may be issued in the form of

1 policies and group disability policies ~~a group life policy~~ and
2 which is exempt from part V of chapter 627.

3 (t) Solicit proposals and contract, pursuant to s.
4 287.057, for the services of a records administrator. The
5 goals of the board in selecting a records administrator shall
6 be to provide all participants with the most secure,
7 well-diversified, and beneficially administered postsecondary
8 education expense plan possible, to allow all qualified firms
9 interested in providing such services equal consideration, and
10 to provide such services to the state at no cost and to
11 participants at the lowest cost possible. Evaluations of
12 proposals submitted under this paragraph must include, but
13 need not be limited to, the following criteria:

14 1. Fees and other costs charged to purchasers which
15 affect account values or operational costs related to the
16 program.

17 2. Past experience in records administration and
18 current ability to provide timely and accurate service in the
19 areas of records administration, audit and reconciliation,
20 plan communication, participant service, and complaint
21 resolution.

22 3. Sufficient staff and computer capability for the
23 scope and level of service expected by the board.

24 4. Financial history and current financial strength
25 and capital adequacy to provide administrative services
26 required by the board.

27 (u) Solicit proposals and contract, pursuant to s.
28 287.057, for the marketing of the Florida College Savings
29 Program. Any materials produced for the purpose of marketing
30 the program must be submitted to the board for review. Such
31 materials may not be made available to the public before the

1 materials are approved by the board. An educational
2 institution may distribute marketing materials produced for
3 the program; however, all such materials must be approved by
4 the board prior to distribution. Neither the state nor the
5 board is liable for misrepresentation by a marketing agent.

6 (v) Establish other policies, procedures, and criteria
7 to implement and administer the provisions of this section.

8 (w) Form strategic alliances with public and private
9 entities to provide benefits to the program and participants
10 of the program.

11 (7) "QUALIFIED STATE TUITION PROGRAM"

12 STATUS.--Notwithstanding any other provision of this section,
13 the board may adopt rules necessary to enable the program to
14 obtain and retain status as a "qualified state tuition
15 program" for federal tax purposes under the Internal Revenue
16 Code of 1986, as defined in s. 220.03(1). The board shall
17 inform participants of changes to the tax or securities status
18 of participation agreements.

19 (8) PARTICIPATION AGREEMENTS.--

20 (a) A participation agreement may be freely amended
21 throughout its term in order to enable the benefactor to
22 increase or decrease the level of participation, change
23 designated beneficiaries, and carry out similar matters
24 permitted by this section and the Internal Revenue Code. A
25 participation agreement may provide for periodic deposits by
26 the benefactor.

27 (b) Deposits to the program by benefactors may only be
28 in cash. Benefactors may contribute in a lump sum, in
29 installments, or through electronic funds transfer or employer
30 payroll deductions.

31

1 (c) The board may establish plans to permit
2 benefactors to prepay the qualified higher education expenses
3 associated with enrollment in state public and private
4 colleges or universities and may establish a procedure to
5 permit account contributions in excess of such projected
6 expenses. The board shall prescribe by rule the methodology
7 and information sources that shall be used to determine the
8 projected costs of qualified higher education expenses for
9 designated beneficiaries of prescribed ages. Decisions by the
10 board regarding the need for excess account contributions are
11 subject to chapter 120.

12 (d) The board shall establish consistent provisions
13 for each participation agreement, including, but not limited
14 to:

15 1. The name, date of birth, and social security number
16 of the designated beneficiary. For newborns, the social
17 security number must be provided within 6 months after the
18 date the participation agreement is submitted.

19 2. The amount of the contribution or contributions and
20 number of contributions required from a benefactor on behalf
21 of a designated beneficiary.

22 3. The terms and conditions under which benefactors
23 shall remit contributions, including, but not limited to, the
24 date or dates upon which each contribution is due.

25 4. Provisions for late contribution charges and for
26 default.

27 5. Provisions for penalty fees for withdrawals from
28 the program.

29 6. The name of the person who may terminate
30 participation in the program. The participation agreement must
31 specify whether the account may be terminated by the

1 benefactor, the designated beneficiary, a specific designated
2 person, or any combination of these persons.

3 7. The terms and conditions under which an account may
4 be terminated, modified, or converted, the name of the person
5 entitled to any refund due as a result of termination of the
6 account pursuant to such terms and conditions, and the amount
7 of refund, if any, due to the person so named.

8 8. Penalties for distributions not used or made in
9 accordance with s. 529 of the Internal Revenue Code.

10 9. Any charges or fees in connection with the
11 administration of the trust.

12 10. Other terms and conditions deemed by the board to
13 be necessary or proper.

14 (e) Each participation agreement must clearly state
15 that participation in the program does not guarantee that
16 sufficient funds will be available to cover all qualified
17 higher education expenses for any designated beneficiary.

18 (f) Each participation agreement must clearly state
19 that participation in the program does not guarantee admission
20 to or continued enrollment at an eligible educational
21 institution.

22 (9) DURATION OF PARTICIPATION AGREEMENT.--The board
23 shall specify a period of time after which each participation
24 agreement shall be considered to be terminated. Upon
25 termination of an agreement, the balance of the account, after
26 notice to the benefactor, shall be declared unclaimed and
27 abandoned property and subject to disposition as such under
28 chapter 717. Time expended by a designated beneficiary as an
29 active duty member of any of the armed services of the United
30 States shall be added to the period specified pursuant to this
31 subsection.

1 (10) DISTRIBUTIONS FOR QUALIFIED HIGHER EDUCATION
2 EXPENSES.--

3 (a) The board shall establish requirements and
4 procedures for beneficiaries to realize the benefits of
5 participation agreements. In establishing such requirements
6 and procedures, the board shall make distributions in as
7 efficient and expeditious manner as is prudent and possible.

8 (b) Each distribution of benefits from a participation
9 agreement shall consist of a pro rata distribution of
10 contributions and investment earnings or investment losses and
11 shall be consistent with the regulations of the United States
12 Treasury Department or Internal Revenue Service.

13 (c) All distributions made during a taxable year shall
14 be treated as one distribution.

15 (d) Distributions from accounts that lack a valid
16 social security number are subject to penalties and
17 withholding taxes at the time of distribution.

18 (11) REFUNDS.--

19 (a) A benefactor may request a refund of the principal
20 amount of his or her contributions, plus actual investment
21 earnings or minus actual investment losses on the
22 contributions, less any applicable penalty, and less any
23 amounts used to provide benefits to the designated
24 beneficiary.

25 (b) Notwithstanding paragraph (a), a penalty may not
26 be levied if a benefactor requests a refund from the program
27 due to:

- 28 1. Death of the beneficiary.
29 2. Total disability of the beneficiary.
30 3. Scholarship, allowance, or payment received by the
31 beneficiary to the extent that the amount of the refund does

1 not exceed the amount of the scholarship, allowance, or
2 payment in accordance with federal law.

3 (c) If a benefactor requests a refund of funds
4 contributed to the program for any cause other than those
5 listed in paragraph (b), there shall be imposed a penalty of
6 10 percent of the earnings of the account and any applicable
7 taxes, or the penalty prescribed in the Internal Revenue Code
8 or by rule of the Internal Revenue Service. Earnings shall be
9 calculated as the total value of the participation agreement,
10 less the aggregate contributions, or in the manner prescribed
11 in the Internal Revenue Code or by rule of the Internal
12 Revenue Service.

13 (12) MATERIAL MISREPRESENTATION; PENALTY.--If the
14 benefactor or the designated beneficiary makes any material
15 misrepresentation in the application for a participation
16 agreement or in any communication with the board regarding the
17 program, especially regarding the withdrawal or distribution
18 of funds therefrom, the account may be involuntarily
19 liquidated by the board. If the account is so liquidated, the
20 benefactor is entitled to a refund, subject to a 10-percent
21 penalty or the amount required by the Internal Revenue Code.

22 (13) ASSETS OF THE FUND; EXPENDITURE PRIORITY.--The
23 assets of the fund shall be maintained, invested, and expended
24 solely for the purposes of this section and may not be loaned,
25 transferred, or otherwise used by the state for any purpose
26 other than the purposes of this section. This subsection does
27 not prohibit the board from investing in, by purchase or
28 otherwise, bonds, notes, or other obligations of the state or
29 an agency or instrumentality of the state. Unless otherwise
30 specified by the board, assets of the fund shall be expended
31 in the following order of priority:

1 (a) To make payments on behalf of designated
2 beneficiaries.

3 (b) To make refunds upon termination of participation
4 in the program.

5 (c) To pay the costs of program administration and
6 operations.

7 (14) EXEMPTION FROM CLAIMS OF CREDITORS.--Moneys paid
8 into or out of the program by or on behalf of a benefactor or
9 designated beneficiary of a participation agreement whose
10 account has not been terminated, are exempt, as provided by s.
11 222.22, from all claims of creditors of the benefactor or the
12 designated beneficiary.

13 (15) PAYROLL DEDUCTION AUTHORITY.--The state or any
14 state agency, county, municipality, or other political
15 subdivision may, by contract or collective bargaining
16 agreement, agree with any employee to remit payments toward
17 participation agreements through payroll deductions made by
18 the appropriate officer or officers of the state, state
19 agency, county, municipality, or political subdivision. Such
20 payments shall be held and administered in accordance with
21 this section.

22 (16) DISCLAIMER.--This section or any participation
23 agreement does not constitute, and may not be deemed to
24 constitute, an agreement, pledge, promise, or guarantee of
25 admission or continued enrollment of any designated
26 beneficiary or any other person to or in any eligible
27 educational institution.

28 (17) PROGRAM TERMINATION.--The program shall continue
29 in existence until its existence is terminated by law. Upon
30 termination of the program, all deposits shall be returned to
31 benefactors, to the extent possible, and any unclaimed assets

1 in the program shall revert to the state in accordance with
2 general law regarding unclaimed property. If the state
3 determines that the program is financially infeasible, the
4 state may discontinue the program.

5 (18) STATE PLEDGE.--The state pledges to benefactors
6 and designated beneficiaries of the program that the state
7 will not limit or alter the rights under this section which
8 are vested in the program until such obligations are met and
9 discharged. However, this subsection does not preclude such
10 limitation if adequate provision is made by law for the
11 protection of the benefactors and designated beneficiaries
12 pursuant to the obligations of the board, and, if the state or
13 the board determines that the program is not financially
14 feasible, the state or the board may discontinue the program.
15 If the program is discontinued, the board shall refund to
16 benefactors their contributions to the program, plus any
17 investment earnings or minus any investment losses. The board,
18 on behalf of the state, may include this pledge and
19 undertaking by the state in participation agreements.

20 (19) ANNUAL REPORT.--On or before March 31 each year,
21 the board shall prepare, or cause to be prepared, a report
22 setting forth in appropriate detail an accounting of the
23 program and a description of the financial condition of the
24 program at the close of the fiscal year. The board shall
25 submit a copy of the report to the Governor, the President of
26 the Senate, the Speaker of the House of Representatives, and
27 the minority leaders of the House and Senate and shall make
28 the report available to each benefactor and designated
29 beneficiary. The accounts of the fund are subject to annual
30 audits by the Auditor General or his or her designee.

31

1 (20) PROGRAM IMPLEMENTATION

2 RESTRICTIONS.--Implementation of the program may not begin
3 until the board has received the following:

4 (a) A written opinion from counsel specializing in
5 federal tax matters indicating that the program constitutes a
6 qualified state tuition program under s. 529 of the Internal
7 Revenue Code;

8 (b) A written opinion from a qualified member of the
9 United States Patent Bar indicating that the implementation of
10 the program or the operation of the program will not knowingly
11 infringe upon any patent or copyright specifically related to
12 the financing of higher education expenses;

13 (c) A written opinion of qualified counsel
14 specializing in federal securities law that the program and
15 the offering of participation in the program does not violate
16 federal securities law; and

17 (d) A written opinion from the board's litigation
18 counsel indicating that the implementation or operation of the
19 program will not adversely impact any pending litigation
20 against the board.

21 Section 295. Sections 240.6045, 240.605, 240.6054, and
22 240.606, Florida Statutes, are repealed.

23 Section 296. Notwithstanding subsection (7) of section
24 3 of chapter 2000-321, Laws of Florida, section 240.607,
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:

28 240.607 Articulation agreements.--The community
29 college boards of trustees ~~Division of Community Colleges~~ may
30 develop and sign, either collectively or individually,
31 articulation agreements with any independent nonprofit college

1 or university ~~that~~ ~~which~~ is accredited by the Commission on
2 Colleges of the Southern Association of Colleges and Schools.

3 Section 297. Sections 240.6071, 240.6072, 240.6073,
4 240.6074, and 240.6075, Florida Statutes, and section 240.609,
5 as amended by section 84 of chapter 2001-266, Laws of Florida,
6 are repealed.

7 Section 298. Notwithstanding subsection (7) of section
8 3 of chapter 2000-321, Laws of Florida, section 240.61,
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:

12 240.61 College reach-out program.--

13 (1) There is established a college reach-out program
14 to increase the number of low-income educationally
15 disadvantaged students in grades 6-12 who, upon high school
16 graduation, are admitted to and successfully complete
17 postsecondary education. Participants should be students who
18 otherwise would be unlikely to seek admission to a community
19 college, state college, state university, or independent
20 postsecondary institution without special support and
21 recruitment efforts. The State Board of Education shall adopt
22 rules which provide for the following:

23 (a) Definition of "low-income educationally
24 disadvantaged student."

25 (b) Specific criteria and guidelines for selection of
26 college reach-out participants.

27 (2) In developing the definition for "low-income
28 educationally disadvantaged student," the State Board of
29 Education shall include such factors as: the family's taxable
30 income; family receipt of temporary cash assistance in the
31 preceding year; family receipt of public assistance in the

1 preceding year; the student's cumulative grade point average;
2 the student's promotion and attendance patterns; the student's
3 performance on state standardized tests; the student's
4 enrollment in mathematics and science courses; and the
5 student's participation in a dropout prevention program.

6 (3) To participate in the college reach-out program, a
7 community college, a technical center, a public college or
8 university, or an independent postsecondary institution may
9 submit a proposal to the Department of Education. The State
10 Board of Education shall consider the proposals and determine
11 which proposals to implement as programs that will strengthen
12 the educational motivation and preparation of low-income
13 educationally disadvantaged students.

14 (4) Community colleges, technical centers, colleges,
15 universities, and independent postsecondary institutions that
16 participate in the program must provide procedures for
17 continuous contact with students from the point at which they
18 are selected for participation until they enroll in a
19 postsecondary education institution. These procedures must
20 assist students in selecting courses required for graduation
21 from high school and admission to a postsecondary institution
22 and ensure that students continue to participate in program
23 activities. Institutions that participate must provide
24 on-campus academic and advisory activities during summer
25 vacation and provide opportunities for interacting with
26 college, community college, technical center, and university
27 students as mentors, tutors, or role models. Proposals
28 submitted by colleges or universities and consortia involving
29 colleges and universities must provide students with an
30 opportunity to live on campus.

31

1 (5) In selecting proposals for approval, the State
2 Board of Education shall give preference to:

3 (a) Proposals submitted jointly by two or more
4 eligible postsecondary institutions;

5 (b) A program that will use institutional, federal, or
6 private resources to supplement state appropriations;

7 (c) An applicant that has demonstrated success in
8 conducting similar programs;

9 (d) A program that includes innovative approaches,
10 provides a great variety of activities, and includes a large
11 percentage of low-income educationally disadvantaged minority
12 students in the college reach-out program;

13 (e) An applicant that demonstrates commitment to the
14 program by proposing to match the grant funds at least
15 one-to-one in cash or services, with cash being the preferred
16 match; and

17 (f) An applicant that demonstrates an interest in
18 cultural diversity and that addresses the unmet regional needs
19 of varying communities. ~~†~~ and

20 ~~(g) A program that identifies participants for the
21 college reach-out program from among students who are not
22 already enrolled in similar programs that assist low-income
23 educationally disadvantaged students.~~

24 (6) A participating college, community college,
25 technical center, or university is encouraged to use its
26 resources to meet program objectives. A participating
27 community college, technical center, college, university, or
28 independent postsecondary institution must establish an
29 advisory committee composed of high school and junior high
30 school personnel, as well as community leaders, to provide
31 advice and assistance in implementing its program.

1 (7) A proposal must contain the following information:

2 (a) A statement of purpose which includes a
3 description of the need for, and the results expected from,
4 the proposed program;

5 (b) An identification of the service area which names
6 the schools to be served, provides community and school
7 demographics, and sets forth the postsecondary enrollment
8 rates of high school graduates within the area;

9 (c) An identification of existing programs for
10 enhancing the academic performance of minority and low-income
11 educationally disadvantaged students for enrollment in
12 postsecondary education;

13 (d) A description of the proposed program which
14 describes criteria to be used to identify schools for
15 participation in the program. At least 60 percent of the
16 students recruited in any one year must be in grades 6-9;

17 (e) A description of the program activities which must
18 support the following goals:

19 1. Motivate students to pursue a postsecondary
20 education;

21 2. Enhance ~~Develop~~ students' ~~basic~~ learning skills and
22 performance;

23 3. Strengthen students' and parents' understanding of
24 the benefits of postsecondary education;

25 4. Foster academic, personal, and career development
26 through supplemental instruction; and

27 (f) An evaluation component that provides for the
28 collection, maintenance, retrieval, and analysis of the data
29 required by this paragraph. The data must be used to assess
30 the extent to which programs have accomplished specific
31 objectives and achieved the goals of the college reach-out

1 program. The ~~Postsecondary Education Planning Commission, in~~
2 ~~consultation with the~~ Department of Education, shall develop
3 specifications and procedures for the collection and
4 transmission of the data. The annual project evaluation
5 component must contain:

- 6 1. The student identification number and social
7 security number, if available; the name of the public school
8 attended; gender; ethnicity; grade level; and grade point
9 average of each participant at the time of entry into the
10 program;
- 11 2. The grade point average, grade, and promotion
12 status of each of the participants in the program at the end
13 of the academic year and any suspension or expulsion of a
14 participant, if applicable;
- 15 3. The number and percentage of high school
16 participants who satisfactorily complete 2 sequential years of
17 a foreign language and Level 2 and 3 mathematics and science
18 courses;
- 19 4. The number and percentage of participants eligible
20 for high school graduation who receive a standard high school
21 diploma or a high school equivalency diploma, pursuant to s.
22 229.814;
- 23 5. The number and percentage of 12th grade
24 participants who are accepted for enrollment and who enroll in
25 a postsecondary institution;
- 26 6. The number of participants who receive
27 scholarships, grant aid, and work-study awards;
- 28 7. The number and percentage of participants who
29 enroll in a ~~public~~ postsecondary institution and who fail to
30 achieve a passing score, as defined in State Board of
31

1 Education rule, on college placement tests pursuant to s.
2 240.117;

3 8. The number and percentage of participants who
4 enroll in a postsecondary institution and have a minimum
5 cumulative 2.0 grade point average on a 4.0 scale by the end
6 of the second semester; and

7 9. The number of disabled students participating in
8 the project and the nature of their disabilities.

9 (8) Proposals must be funded competitively in
10 accordance with the following methodology:

11 (a) ~~Eighty percent of~~ The appropriations must be
12 distributed to projects on the basis of minimum standards that
13 include:

14 1. A summer residency program of at least 1 week in
15 duration; and

16 2. A minimum number of hours of academic instructional
17 and developmental activities, career counseling, and personal
18 counseling.

19 (b) Subject to legislative appropriations,
20 continuation projects that satisfy the minimum requirements
21 should have their funds increased each year by the same
22 percentage as the rate of inflation. Projects funded for 3
23 consecutive years should have a cumulative institutional cash
24 match of not less than 50 percent of the total cost of the
25 project over the 3-year period. Any college reach-out program
26 project operating for 3 years which does not provide the
27 minimum 50-percent institutional cash match must not be
28 considered for continued funding.

29 ~~(c) The remaining 20 percent of the appropriations~~
30 ~~should be distributed to projects for their initiatives and~~
31 ~~performances. Projects that exceed the minimum standards~~

1 ~~should be awarded financial incentives when they demonstrate~~
2 ~~one or a combination of the following:~~

- 3 1. ~~Improvement in the success rate in preventing~~
4 ~~dropouts from the college reach-out program project;~~
5 2. ~~An increase in the number of participants who are~~
6 ~~admitted to colleges and universities;~~
7 3. ~~At least 50 percent of the parents participate in~~
8 ~~project activities;~~
9 4. ~~Provision of innovative services;~~
10 5. ~~Provision of summer residency for more than 1 week;~~

11 and

12 6. ~~Provision of transportation for students and~~
13 ~~parents.~~

14 (9) An advisory council shall review the proposals and
15 recommend to the State Board of Education an order of priority
16 for funding the proposals. The advisory council shall consist
17 of 12 ~~10~~ members appointed by the Commissioner of Education,
18 except as provided in this subsection:

19 (a) The two equal opportunity coordinators selected
20 from state postsecondary institutions ~~for the Community~~
21 ~~College System and the State University System;~~

22 (b) Two representatives of private or community-based
23 associations that have similar programs, appointed by the
24 President of the Senate and the Speaker of the House of
25 Representatives, respectively;

26 (c) One representative from a state college or
27 university of the State University System, ~~appointed by the~~
28 ~~Chair of the Board of Regents;~~

29 (d) One representative from a community college of the
30 ~~Community College System,~~ ~~appointed by the Chair of the State~~
31 ~~Board of Community Colleges;~~

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. Effective July 1, 2002, subsection (2) of
18 section 766.112, Florida Statutes, is amended to read:

19 766.112 Comparative fault.--

20 (2) In an action for damages for personal injury or
21 wrongful death arising out of medical malpractice, whether in
22 contract or tort, when an apportionment of damages pursuant to
23 s. 768.81 is attributed to a the board of trustees of a state
24 university Regents, the court shall enter judgment against the
25 board of trustees Regents on the basis of the board's such
26 party's percentage of fault and not on the basis of the
27 doctrine of joint and several liability. The sole remedy
28 available to a claimant to collect a settlement or judgment
29 against a board of trustees damages, subject to the provisions
30 of this subsection, ~~against the Board of Regents~~ shall be
31 pursuant to s. 768.28.

1 Section 333. Effective July 1, 2002, subsections (1)
2 and (2) of section 768.28, Florida Statutes, are amended to
3 read:

4 768.28 Waiver of sovereign immunity in tort actions;
5 recovery limits; limitation on attorney fees; statute of
6 limitations; exclusions; indemnification; risk management
7 programs.--

8 (1) In accordance with s. 13, Art. X of the State
9 Constitution, the state, for itself and for its agencies or
10 subdivisions, hereby waives sovereign immunity for liability
11 for torts, but only to the extent specified in this act.
12 Actions at law against the state or any of its agencies or
13 subdivisions to recover damages in tort for money damages
14 against the state or its agencies or subdivisions for injury
15 or loss of property, personal injury, or death caused by the
16 negligent or wrongful act or omission of any employee of the
17 agency or subdivision while acting within the scope of the
18 employee's office or employment under circumstances in which
19 the state or such agency or subdivision, if a private person,
20 would be liable to the claimant, in accordance with the
21 general laws of this state, may be prosecuted subject to the
22 limitations specified in this act. Other than an action
23 against a state university board of trustees, which must be
24 brought in the county in which that university's main campus
25 is located or in which it maintains a substantial presence for
26 the transaction of its customary business,any such action may
27 be brought in the county where the property in litigation is
28 located or, if the affected agency or subdivision has an
29 office in such county for the transaction of its customary
30 business, where the cause of action accrued.

31

1 (2) As used in this act, "state agencies or
2 subdivisions" include the executive departments, the
3 Legislature, the judicial branch (including public defenders),
4 and the independent establishments of the state, including
5 state university boards of trustees; counties and
6 municipalities; and corporations primarily acting as
7 instrumentalities or agencies of the state, counties, or
8 municipalities, including the Spaceport Florida Authority.

9 Section 334. Subsection (5) of section 626.852,
10 Florida Statutes, is amended to read:

11 626.852 Scope of this part.--

12 (5) This part does not apply to any employee or agent
13 of a state university ~~the board of trustees Regents~~ providing
14 services in support of any self-insurance program created
15 under s. 240.213 ~~adopted by such Board of Regents.~~

16 Section 335. Subsection (5) of section 627.912,
17 Florida Statutes, is amended to read:

18 627.912 Professional liability claims and actions;
19 reports by insurers.--

20 (5) Any self-insurance program established under s.
21 240.213 shall report in duplicate to the Department of
22 Insurance any claim or action for damages for personal
23 injuries claimed to have been caused by error, omission, or
24 negligence in the performance of professional services
25 provided by a state university ~~the board of trustees Regents~~
26 through an employee or agent of the board of trustees Regents,
27 including practitioners of medicine licensed under chapter
28 458, practitioners of osteopathic medicine licensed under
29 chapter 459, podiatric physicians licensed under chapter 461,
30 and dentists licensed under chapter 466, or based on a claimed
31 performance of professional services without consent if the

1 claim resulted in a final judgment in any amount, or a
2 settlement in any amount. The reports required by this
3 subsection shall contain the information required by
4 subsection (3) and the name, address, and specialty of the
5 employee or agent of a the board of trustees ~~Regents~~ whose
6 performance or professional services is alleged in the claim
7 or action to have caused personal injury.

8 Section 336. The amendments to sections 766.112(2) and
9 768.28(1) and (2) shall apply to actions filed on or after
10 July 1, 2002.

11 Section 337. Except as otherwise expressly provided in
12 this act, and except for this section and sections 332, 333,
13 334, and 335, which shall take effect July 1, 2002, this act
14 shall take effect January 7, 2003.

15
16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 CS/SB 1564

19 Revises community college student fees.

20 Makes technical corrections.

21 Provides venue in civil actions against university boards of
22 trustees.

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