

1                                   A bill to be entitled  
2           An act relating to education; amending s.  
3           24.121, F.S.; correcting a cross-reference;  
4           amending s. 212.055, F.S.; eliminating  
5           references to the Florida Frugal Schools  
6           Program; amending s. 216.136, F.S.; eliminating  
7           reference to an obsolete board; providing that  
8           the executive director of the Commission for  
9           Independent Education is a member of the  
10          Workforce Estimating Conference; amending s.  
11          316.615, F.S.; revising provisions relating to  
12          rulemaking with respect to school bus  
13          operation; amending s. 402.305, F.S.; revising  
14          provisions relating to rules with respect to  
15          child care facilities; amending s. 409.1451,  
16          F.S.; correcting a cross-reference; amending s.  
17          445.0123, F.S.; eliminating a reference to  
18          State Board of Independent Colleges and  
19          Universities; prescribing duties of the  
20          Commission for Independent Education with  
21          respect to determining eligibility for certain  
22          students; amending s. 455.2125, F.S.;  
23          eliminating a reference to the State Board of  
24          Independent Colleges and Universities and the  
25          State Board of Nonpublic Career Education;  
26          requiring certain entities to consult with the  
27          Commission for Independent Education; amending  
28          s. 456.028, F.S.; eliminating a reference to  
29          the State Board of Independent Colleges and  
30          Universities and the State Board of Nonpublic  
31          Career Education; requiring certain entities to

1 consult with the Commission for Independent  
2 Education; amending s. 467.009, F.S.;  
3 transferring certain duties from the authority  
4 of the State Board of Nonpublic Career  
5 Education to the Commission for Independent  
6 Education; amending s. 488.01, F.S.;  
7 transferring certain duties from the State  
8 Board of Nonpublic Career Education to the  
9 Commission for Independent Education; amending  
10 s. 489.125, F.S.; eliminating a reference to  
11 the Commissioner of Education; providing  
12 rulemaking authority of the State Board of  
13 Education; amending s. 817.566, F.S.;  
14 correcting a cross-reference; transferring  
15 certain duties from the State Board of  
16 Independent Colleges and Universities to the  
17 Commission for Independent Education; amending  
18 s. 817.567, F.S.; correcting a cross-reference;  
19 transferring certain duties from the State  
20 Board of Independent Colleges and Universities  
21 to the Commission for Independent Education;  
22 amending s. 943.22, F.S.; replacing a reference  
23 to the Accrediting Commission for Independent  
24 Colleges to one for the Accrediting Council for  
25 Independent Colleges and Schools; amending s.  
26 1000.04, F.S.; correcting terminology; amending  
27 s. 1001.26, F.S.; correcting a cross-reference;  
28 amending s. 1001.372, F.S.; correcting an  
29 internal reference; amending s. 1001.42, F.S.;  
30 correcting a cross-reference; amending s.  
31 1001.50, F.S.; eliminating age as a criterion

1 of compensation for district school  
2 superintendents; amending s. 1001.74, F.S.;  
3 correcting a cross-reference; amending s.  
4 1002.01, F.S.; correcting a cross-reference;  
5 amending s. 1002.32, F.S.; redesignating a  
6 developmental research school as a "lab"  
7 school; deleting a cross-reference; amending s.  
8 1002.33, F.S.; requiring compliance with s.  
9 1012.45, F.S., for transportation of charter  
10 school students; amending s. 1002.42, F.S.;  
11 correcting a cross-reference; amending s.  
12 1002.43, F.S.; correcting a cross-reference;  
13 amending s. 1003.63, F.S.; eliminating the  
14 authority of the State Board of Education to  
15 waive law; amending s. 1004.24, F.S.;  
16 eliminating an obsolete reference to postaudits  
17 of financial accounts; providing for financial  
18 audit pursuant to s. 11.45, F.S.; amending s.  
19 1004.26, F.S.; revising provisions relating to  
20 university oversight of student government;  
21 amending s. 1004.445, F.S.; eliminating an  
22 obsolete reference to postaudit of financial  
23 accounts; requiring a financial audit pursuant  
24 to s. 11.45, F.S.; amending s. 1005.04, F.S.;  
25 correcting an error in punctuation; amending s.  
26 1006.14, F.S.; correcting an error in  
27 punctuation; amending s. 1006.21, F.S.;  
28 deleting references to "regulations" and  
29 conforming references to State Board of  
30 Education; amending s. 1007.21, F.S.; deleting  
31 references to guardians; amending s. 1008.37,

1 F.S.; correcting a date; amending s. 1009.29,  
2 F.S.; correcting reference to State Board of  
3 Education; correcting reference to the number  
4 of state universities; amending s. 1009.531,  
5 F.S.; correcting an error in grammar; amending  
6 s. 1009.534, F.S.; revising provisions relating  
7 to rules concerning the Florida Academic  
8 Scholars award; amending s. 1009.535, F.S.;  
9 revising provisions relating to rules  
10 concerning the Florida Medallion Scholars  
11 award; amending s. 1009.539, F.S.;  
12 redesignating the Florida Merit Scholars award  
13 as the Florida Medallion Scholars award;  
14 transferring certain duties of the Articulation  
15 Coordinating Committee to the State Board of  
16 Education; correcting a cross-reference;  
17 amending s. 1009.765, F.S.; revising provisions  
18 relating to rules concerning the Ethics in  
19 Business scholarships; amending s. 1009.77,  
20 F.S.; revising provisions relating to rules  
21 concerning the Florida Work Experience Program;  
22 amending s. 1010.75, F.S.; providing that fees  
23 be remitted for disbursement from the Teacher  
24 Certification Examination Trust Fund; amending  
25 s. 1011.60, F.S.; deleting a cross-reference;  
26 amending s. 1011.62, F.S.; redesignating the  
27 Accrediting Commission of the Association of  
28 Independent Colleges and Schools as the  
29 Accrediting Council for Independent Colleges  
30 and Schools; amending s. 1012.21, F.S.;  
31 correcting a reference to the Department of

1 Education; amending s. 1012.585, F.S.;  
2 correcting the name of a trust fund; correcting  
3 a cross-reference; amending s. 1012.62, F.S.;  
4 correcting a cross-reference; amending s.  
5 1012.74, F.S.; correcting cross-references;  
6 amending s. 1012.79, F.S.; correcting a  
7 cross-reference; amending s. 1012.795, F.S.;  
8 designating the appointed representative of a  
9 district school superintendent to receive  
10 certain records concerning certain offenses;  
11 amending s. 1012.796, F.S.; correcting  
12 cross-references; amending s. 1012.98, F.S.;  
13 requiring consultation with state university  
14 faculty; amending 1013.73, F.S.; correcting a  
15 cross-reference; amending s. 1013.74, F.S.;  
16 eliminating an obsolete cross-reference;  
17 amending s. 1001.74, F.S.; requiring the  
18 Department of Management Services to continue  
19 to administer the pre-tax benefit program for  
20 state university employees; amending s.  
21 110.161, F.S.; including employees of state  
22 universities in definition for purposes of  
23 pretax benefits program; providing an effective  
24 date.

25

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

27

28 Section 1. Paragraph (d) of subsection (5) of section  
29 24.121, Florida Statutes, is amended to read:30 24.121 Allocation of revenues and expenditure of funds  
31 for public education.--

1 (5)

2 (d) No funds shall be released for any purpose from  
3 the Educational Enhancement Trust Fund to any school district  
4 in which one or more schools do not have an approved school  
5 improvement plan pursuant to s. 1001.42(16) or do not comply  
6 with school advisory council membership composition  
7 requirements pursuant to s. 1001.452(1)~~s. 229.58(1)~~.  
8 Effective July 1, 2002, the Commissioner of Education shall  
9 withhold disbursements from the trust fund to any school  
10 district that fails to adopt the performance-based salary  
11 schedule required by s. 1012.22(1).

12 Section 2. Paragraphs (b) and (c) of subsection (6) of  
13 section 212.055, Florida Statutes, are amended to read:

14 212.055 Discretionary sales surtaxes; legislative  
15 intent; authorization and use of proceeds.--It is the  
16 legislative intent that any authorization for imposition of a  
17 discretionary sales surtax shall be published in the Florida  
18 Statutes as a subsection of this section, irrespective of the  
19 duration of the levy. Each enactment shall specify the types  
20 of counties authorized to levy; the rate or rates which may be  
21 imposed; the maximum length of time the surtax may be imposed,  
22 if any; the procedure which must be followed to secure voter  
23 approval, if required; the purpose for which the proceeds may  
24 be expended; and such other requirements as the Legislature  
25 may provide. Taxable transactions and administrative  
26 procedures shall be as provided in s. 212.054.

27 (6) SCHOOL CAPITAL OUTLAY SURTAX.--

28 (b) The resolution shall include a statement that  
29 provides a brief and general description of the school capital  
30 outlay projects to be funded by the surtax. ~~If applicable, the~~  
31 ~~resolution must state that the district school board has been~~

1 ~~recognized by the State Board of Education as having a Florida~~  
 2 ~~Frugal Schools Program.~~The statement shall conform to the  
 3 requirements of s. 101.161 and shall be placed on the ballot  
 4 by the governing body of the county. The following question  
 5 shall be placed on the ballot:

6  
 7           ....FOR THE                           ....CENTS TAX  
 8           ....AGAINST THE                   ....CENTS TAX  
 9

10           (c) The resolution providing for the imposition of the  
 11 surtax shall set forth a plan for use of the surtax proceeds  
 12 for fixed capital expenditures or fixed capital costs  
 13 associated with the construction, reconstruction, or  
 14 improvement of school facilities and campuses which have a  
 15 useful life expectancy of 5 or more years, and any land  
 16 acquisition, land improvement, design, and engineering costs  
 17 related thereto. Additionally, the plan shall include the  
 18 costs of retrofitting and providing for technology  
 19 implementation, including hardware and software, for the  
 20 various sites within the school district. Surtax revenues may  
 21 be used for the purpose of servicing bond indebtedness to  
 22 finance projects authorized by this subsection, and any  
 23 interest accrued thereto may be held in trust to finance such  
 24 projects. Neither the proceeds of the surtax nor any interest  
 25 accrued thereto shall be used for operational expenses. ~~If the~~  
 26 ~~district school board has been recognized by the State Board~~  
 27 ~~of Education as having a Florida Frugal Schools Program, the~~  
 28 ~~district's plan for use of the surtax proceeds must be~~  
 29 ~~consistent with this subsection and with uses assured under~~  
 30 ~~the Florida Frugal Schools Program.~~  
 31

1           Section 3. Paragraph (b) of subsection (9) of section  
2 216.136, Florida Statutes, is amended to read:

3           216.136 Consensus estimating conferences; duties and  
4 principals.--

5           (9) WORKFORCE ESTIMATING CONFERENCE.--

6           (b) Principals.--The Commissioner of Education, the  
7 Executive Office of the Governor, the director of the Office  
8 of Tourism, Trade, and Economic Development, the director of  
9 the Agency for Workforce Innovation, the Chancellor of the  
10 State University System, the Executive Director of the State  
11 Board of Community Colleges, the Executive Director ~~chair~~ of  
12 the Commission for Independent Education ~~State Board of~~  
13 ~~Nonpublic Career Education~~, the chair of Workforce Florida,  
14 Inc., the coordinator of the Office of Economic and  
15 Demographic Research, or their designees, and professional  
16 staff from the Senate and the House of Representatives who  
17 have forecasting and substantive expertise, are the principals  
18 of the Workforce Estimating Conference. In addition to the  
19 designated principals of the conference, nonprincipal  
20 participants of the conference shall include a representative  
21 of the Florida Chamber of Commerce and other interested  
22 parties. The principal representing the Executive Office of  
23 the Governor shall preside over the sessions of the  
24 conference.

25           Section 4. Subsection (3) of section 316.615, Florida  
26 Statutes, is amended to read:

27           316.615 School buses; physical requirements of  
28 drivers.--

29           (3) A person may not operate or cause to be operated a  
30 motor vehicle covered by subsection (1) or subsection (2) when  
31 transporting school children unless the operator has met the



1 physical examination requirements established by law and by  
2 rule of the State Board of Education ~~adopted by the~~  
3 ~~Commissioner of Education~~. The operator of such a motor  
4 vehicle shall pass an annual physical examination and have  
5 posted in the vehicle a certificate to drive the vehicle.

6 Section 5. Paragraph (b) of subsection (1), subsection  
7 (5), and paragraph (b) of subsection (7) of section 402.305,  
8 Florida Statutes, are amended to read:

9 402.305 Licensing standards; child care facilities.--

10 (1) LICENSING STANDARDS.--The department shall  
11 establish licensing standards that each licensed child care  
12 facility must meet regardless of the origin or source of the  
13 fees used to operate the facility or the type of children  
14 served by the facility.

15 (b) All standards established under ss.  
16 402.301-402.319 must be consistent with the rules adopted by  
17 the State Fire Marshal for child care facilities. However, if  
18 the facility is operated in a public school, the department  
19 shall use the public school fire code, as provided in the  
20 rules of the State Board ~~Department~~ of Education, as the  
21 minimum standard for firesafety.

22 (5) PHYSICAL FACILITIES.--Minimum standards shall  
23 include requirements for building conditions, indoor play  
24 space, outdoor play space, napping space, bathroom facilities,  
25 food preparation facilities, outdoor equipment, and indoor  
26 equipment. Because of the nature and duration of drop-in child  
27 care, outdoor play space and outdoor equipment shall not be  
28 required for licensure; however, if such play space and  
29 equipment are provided, then the minimum standards shall apply  
30 to drop-in child care. With respect to minimum standards for  
31 physical facilities of a child care program for school-age

1 children which is operated in a public school facility, the  
2 department shall adopt the State Uniform Building Code for  
3 Public Educational Facilities Construction as the minimum  
4 standards, regardless of the operator of the program. The  
5 Legislature intends that if a child care program for  
6 school-age children is operated in a public school, the  
7 program need not conform to standards for physical facilities  
8 other than the standards adopted by the State Board  
9 ~~Commissioner~~ of Education.

10 (7) SANITATION AND SAFETY.--

11 (b) In the case of a child care program for school-age  
12 children attending before and after school programs on the  
13 public school site, the department shall use the public school  
14 fire code, as adopted ~~promulgated~~ in the rules of the State  
15 Board ~~Department~~ of Education, as the minimum standard for  
16 firesafety. In the case of a child care program for  
17 school-age children attending before-school and after-school  
18 programs on a site operated by a municipality, the department  
19 shall adopt rules for such site and intended use.

20 Section 6. Paragraph (b) of subsection (5) of section  
21 409.1451, Florida Statutes, is amended to read:

22 409.1451 Independent living transition services.--

23 (5) PROGRAM COMPONENT OF SERVICES FOR YOUNG ADULTS  
24 FORMERLY IN FOSTER CARE.--Based on the availability of funds,  
25 the department shall provide or arrange for the following  
26 services to young adults formerly in foster care who meet the  
27 prescribed conditions and are determined eligible by the  
28 department. The categories of services available to assist a  
29 young adult formerly in foster care to achieve independence  
30 are:

31 (b) Road-to-Independence Scholarship Program.--

1           1. The Road-to-Independence Scholarship Program is  
2 intended to help eligible students who are former foster  
3 children in this state to receive the educational and  
4 vocational training needed to achieve independence. The amount  
5 of the award shall equal the earnings that the student would  
6 have been eligible to earn working a 40-hour-a-week federal  
7 minimum wage job, after considering other grants and  
8 scholarships that are in excess of the educational  
9 institutions' fees and costs, and contingent upon available  
10 funds. Students eligible for the Road-to-Independence  
11 Scholarship Program may also be eligible for educational fee  
12 waivers for workforce development postsecondary programs,  
13 community colleges, and universities, pursuant to s.  
14 1009.25(2)(c).

15           2. A young adult 18 to 21 years of age is eligible for  
16 the initial award, and a young adult under 23 years of age is  
17 eligible for renewal awards, if he or she:

18           a. Is a dependent child, pursuant to chapter 39, and  
19 is living in licensed foster care or in subsidized independent  
20 living at the time of his or her 18th birthday;

21           b. Has spent at least 6 months living in foster care  
22 before reaching his or her 18th birthday;

23           c. Is a resident of this state as defined in s.  
24 1009.40; and

25           d. Meets one of the following qualifications:

26           (I) Has earned a standard high school diploma or its  
27 equivalent as described in ~~s. 1003.425~~ or s. 1003.43 or s.  
28 1003.435, and has been admitted for full-time enrollment in an  
29 eligible postsecondary education institution as defined in s.  
30 1009.533;

31

1 (II) Is enrolled full time in an accredited high  
2 school, is within 2 years of graduation, and has maintained a  
3 grade point average of at least 2.0 on a scale of 4.0 for the  
4 two semesters preceding the date of his or her 18th birthday;  
5 or

6 (III) Is enrolled full time in an accredited adult  
7 education program designed to provide the student with a high  
8 school diploma or its equivalent, is making satisfactory  
9 progress in that program as certified by the program, and is  
10 within 2 years of graduation.

11 3.a. The department must advertise the availability of  
12 the program and must ensure that the children and young adults  
13 leaving foster care, foster parents, or family services  
14 counselors are informed of the availability of the program and  
15 the application procedures.

16 b. A young adult must apply for the initial award  
17 during the 6 months immediately preceding his or her 18th  
18 birthday. A young adult who fails to make an initial  
19 application, but who otherwise meets the criteria for an  
20 initial award, may make one application for the initial award  
21 if such application is made before the young adult's 21st  
22 birthday.

23 c. If funding for the program is available, the  
24 department shall issue awards from the scholarship program for  
25 each young adult who meets all the requirements of the  
26 program.

27 d. An award shall be issued at the time the eligible  
28 student reaches 18 years of age.

29 e. If the award recipient transfers from one eligible  
30 institution to another and continues to meet eligibility  
31

1 requirements, the award must be transferred with the  
2 recipient.

3 f. Scholarship funds awarded to any eligible young  
4 adult under this program are in addition to any other services  
5 provided to the young adult by the department through its  
6 independent living transition services.

7 g. The department shall provide information concerning  
8 young adults receiving the Road-to-Independence Scholarship to  
9 the Department of Education for inclusion in the student  
10 financial assistance database, as provided in s. 1009.94.

11 h. Scholarship funds shall be terminated when the  
12 young adult has attained a bachelor of arts or bachelor of  
13 science degree, or equivalent undergraduate degree, or reaches  
14 23 years of age, whichever occurs earlier.

15 i. The department shall evaluate and renew each award  
16 annually during the 90-day period before the young adult's  
17 birthday. In order to be eligible for a renewal award for the  
18 subsequent year, the young adult must:

19 (I) Complete at least 12 semester hours or the  
20 equivalent in the last academic year in which the young adult  
21 earned a scholarship, except for a young adult who meets the  
22 requirements of s. 1009.41.

23 (II) Maintain the cumulative grade point average  
24 required by the scholarship program, except that, if the young  
25 adult's grades are insufficient to renew the scholarship at  
26 any time during the eligibility period, the young adult may  
27 restore eligibility by improving the grade point average to  
28 the required level.

29 j. Scholarship funds may be terminated during the  
30 interim between an award and the evaluation for a renewal  
31 award if the department determines that the award recipient is

1 no longer enrolled in an educational institution as defined in  
2 sub-subparagraph 2.d., or is no longer a state resident. The  
3 department shall notify a student who is terminated and inform  
4 the student of his or her right to appeal.

5 k. An award recipient who does not qualify for a  
6 renewal award or who chooses not to renew the award may  
7 subsequently apply for reinstatement. An application for  
8 reinstatement must be made before the young adult reaches 23  
9 years of age, and a student may not apply for reinstatement  
10 more than once. In order to be eligible for reinstatement, the  
11 young adult must meet the eligibility criteria and the  
12 criteria for award renewal for the scholarship program.

13 l. A young adult receiving continued services of the  
14 foster care program under former s. 409.145(3) must transfer  
15 to the scholarship program by July 1, 2003.

16 Section 7. Subsections (4) and (5) of section  
17 445.0123, Florida Statutes, are amended to read:

18 445.0123 Eligible postsecondary education  
19 institutions.--A student is eligible for an award or the  
20 renewal of an award from the Careers for Florida's Future  
21 Incentive Grant Program if the student meets the requirements  
22 for the program as described in ss. 445.012-445.0125 and is  
23 enrolled in a postsecondary education institution that meets  
24 the description of any one of the following:

25 (4) An independent postsecondary education institution  
26 in this state which is licensed by the Commission for  
27 Independent Education ~~State Board of Independent Colleges and~~  
28 ~~Universities~~ and which:

29 (a) Shows evidence of sound financial condition; and  
30  
31

1 (b) Has operated in this state for at least 3 years  
2 without having its approval, accreditation, or license placed  
3 on probation.

4 (5) An independent postsecondary education institution  
5 in this state which is licensed by the Commission for  
6 Independent Education ~~State Board of Nonpublic Career~~  
7 ~~Education~~ and which:

8 (a) Has a program-completion and placement rate of at  
9 least the rate required by current state law, the Florida  
10 Administrative Code, or the Department of Education for an  
11 institution at its level;

12 (b) Shows evidence of sound financial condition; and

13 (c)1. Is accredited at the institutional level by an  
14 accrediting agency recognized by the United States Department  
15 of Education and has operated in this state for at least 3  
16 years during which there has been no complaint for which  
17 probable cause has been found; or

18 2. Has operated in this state for 5 years during which  
19 there has been no complaint for which probable cause has been  
20 found.

21 Section 8. Section 455.2125, Florida Statutes, is  
22 amended to read:

23 455.2125 Consultation with postsecondary education  
24 boards prior to adoption of changes to training  
25 requirements.--Any state agency or board that has jurisdiction  
26 over the regulation of a profession or occupation shall  
27 consult with the Commission for Independent Education ~~State~~  
28 ~~Board of Independent Colleges and Universities, the State~~  
29 ~~Board of Nonpublic Career Education~~, the Board of Regents, and  
30 the State Board of Community Colleges prior to adopting any  
31 changes to training requirements relating to entry into the

1 profession or occupation. This consultation must allow the  
2 educational board to provide advice regarding the impact of  
3 the proposed changes in terms of the length of time necessary  
4 to complete the training program and the fiscal impact of the  
5 changes. The educational board must be consulted only when an  
6 institution offering the training program falls under its  
7 jurisdiction.

8           Section 9. Section 456.028, Florida Statutes, is  
9 amended to read:

10           456.028 Consultation with postsecondary education  
11 boards prior to adoption of changes to training  
12 requirements.--Any state agency or board that has jurisdiction  
13 over the regulation of a profession or occupation shall  
14 consult with the Commission for Independent Education State  
15 ~~Board of Independent Colleges and Universities, the State~~  
16 ~~Board of Nonpublic Career Education~~, the Board of Regents, and  
17 the State Board of Community Colleges prior to adopting any  
18 changes to training requirements relating to entry into the  
19 profession or occupation. This consultation must allow the  
20 educational board to provide advice regarding the impact of  
21 the proposed changes in terms of the length of time necessary  
22 to complete the training program and the fiscal impact of the  
23 changes. The educational board must be consulted only when an  
24 institution offering the training program falls under its  
25 jurisdiction.

26           Section 10. Subsection (8) of section 467.009, Florida  
27 Statutes, is amended to read:

28           467.009 Midwifery programs; education and training  
29 requirements.--

30           (8) Nonpublic educational institutions that conduct  
31 approved midwifery programs shall be accredited by a member of



1 the Commission on Recognition of Postsecondary Accreditation  
2 and shall be licensed by the Commission for Independent  
3 Education ~~State Board of Nonpublic Career Education~~.

4 Section 11. Section 488.01, Florida Statutes, is  
5 amended to read:

6 488.01 License to engage in business of operating a  
7 driver's school required.--The Department of Highway Safety  
8 and Motor Vehicles shall oversee and license all commercial  
9 driver's schools except truck driving schools. All commercial  
10 truck driving schools shall be required to be licensed  
11 pursuant to chapter 1005, and additionally shall be subject to  
12 the provisions of ss. 488.04 and 488.05. No person, group,  
13 organization, institution, business entity, or corporate  
14 entity may engage in the business of operating a driver's  
15 school without first obtaining a license therefor from the  
16 Department of Highway Safety and Motor Vehicles pursuant to  
17 this chapter or from the Commission for Independent Education  
18 ~~State Board of Nonpublic Career Education~~ pursuant to chapter  
19 1005.

20 Section 12. Section 489.125, Florida Statutes, is  
21 amended to read:

22 489.125 Prequalification of certificateholders.--Any  
23 person holding a certificate shall be prequalified to bid by a  
24 district school board pursuant to uniform prequalification of  
25 contractors criteria adopted by rule of the State Board  
26 ~~Commissioner~~ of Education. This section does not supersede any  
27 small, woman-owned or minority-owned business enterprise  
28 preference program adopted by a district school board. A  
29 district school board may not modify or supplement the uniform  
30 prequalification criteria adopted by rule. A person holding a  
31

1 certificate must apply to each board for prequalification  
2 consideration.

3 Section 13. Section 817.566, Florida Statutes, is  
4 amended to read:

5 817.566 Misrepresentation of association with, or  
6 academic standing at, postsecondary educational  
7 institution.--Any person who, with intent to defraud,  
8 misrepresents his or her association with, or academic  
9 standing or other progress at, any postsecondary educational  
10 institution by falsely making, altering, simulating, or  
11 forging a document, degree, certificate, diploma, award,  
12 record, letter, transcript, form, or other paper; or any  
13 person who causes or procures such a misrepresentation; or any  
14 person who utters and publishes or otherwise represents such a  
15 document, degree, certificate, diploma, award, record, letter,  
16 transcript, form, or other paper as true, knowing it to be  
17 false, is guilty of a misdemeanor of the first degree,  
18 punishable as provided in s. 775.082 or s. 775.083.

19 Individuals who present a religious academic degree from any  
20 college, university, seminary, or institution that ~~which~~ is  
21 not licensed by the Commission for Independent Education State  
22 ~~Board of Independent Colleges and Universities~~ or that ~~which~~  
23 is not exempt pursuant to the provisions of s. 1005.06(1)(e)  
24 ~~s. 246.085~~ shall disclose the religious nature of the degree  
25 upon presentation.

26 Section 14. Subsection (1) of section 817.567, Florida  
27 Statutes, is amended to read:

28 817.567 Making false claims of academic degree or  
29 title.--

30 (1) No person in the state may claim, either orally or  
31 in writing, to possess an academic degree, as defined in s.

1 1005.02, or the title associated with said degree, unless the  
2 person has, in fact, been awarded said degree from an  
3 institution that is:

4 (a) Accredited by a regional or professional  
5 accrediting agency recognized by the United States Department  
6 of Education or the Commission on Recognition of Postsecondary  
7 Accreditation;

8 (b) Provided, operated, and supported by a state  
9 government or any of its political subdivisions or by the  
10 Federal Government;

11 (c) A school, institute, college, or university  
12 chartered outside the United States, the academic degree from  
13 which has been validated by an accrediting agency approved by  
14 the United States Department of Education as equivalent to the  
15 baccalaureate or postbaccalaureate degree conferred by a  
16 regionally accredited college or university in the United  
17 States;

18 (d) Licensed by the Commission for Independent  
19 Education State Board of Independent Colleges and Universities  
20 ~~pursuant to ss. 1005.01-1005.38~~ or exempt from licensure  
21 pursuant to s. 1005.06(1)(e)~~s. 246.085~~; or

22 (e) A religious seminary, institute, college, or  
23 university which offers only educational programs that prepare  
24 students for a religious vocation, career, occupation,  
25 profession, or lifework, and the nomenclature of whose  
26 certificates, diplomas, or degrees clearly identifies the  
27 religious character of the educational program.

28 Section 15. Paragraph (a) of subsection (1) of section  
29 943.22, Florida Statutes, is amended to read:

30 943.22 Salary incentive program for full-time  
31 officers.--

1 (1) For the purpose of this section, the term:

2 (a) "Accredited college, university, or community  
3 college" means a college, university, or community college  
4 which has been accredited by the Southern Association of  
5 Colleges and Schools, another regional accrediting agency, or  
6 the Accrediting Council ~~Commission~~ for Independent Colleges  
7 and Schools.

8 Section 16. Subsection (1) of section 1000.04, Florida  
9 Statutes, is amended to read:

10 1000.04 Components for the delivery of public  
11 education within the Florida K-20 education system.--Florida's  
12 K-20 education system provides for the delivery of public  
13 education through publicly supported and controlled K-12  
14 schools, community colleges, state universities and other  
15 postsecondary educational institutions, other educational  
16 institutions, and other educational services as provided or  
17 authorized by the Constitution and laws of the state.

18 (1) PUBLIC K-12 SCHOOLS.--The public K-12 schools  
19 include charter schools and consist of kindergarten classes;  
20 elementary, middle, and high school grades and special  
21 classes; workforce development education; ~~area~~ technical  
22 centers; adult, part-time, career and technical, and evening  
23 schools, courses, or classes, as authorized by law to be  
24 operated under the control of district school boards; and lab  
25 schools operated under the control of state universities.

26 Section 17. Paragraph (a) of subsection (2) of section  
27 1001.26, Florida Statutes, is amended to read:

28 1001.26 Public broadcasting program system.--

29 (2)(a) The Department of Education is responsible for  
30 implementing the provisions of this section pursuant to s.  
31 282.102 ~~part III of chapter 287~~ and may employ personnel,

1 acquire equipment and facilities, and perform all duties  
2 necessary for carrying out the purposes and objectives of this  
3 section.

4 Section 18. Subsection (3) of section 1001.372,  
5 Florida Statutes, is amended to read:

6 1001.372 District school board meetings.--

7 (3) REMOVAL OF PERSONS INTERFERING WITH MEETINGS.--The  
8 presiding officer of any district school board may order the  
9 removal, from a public meeting held by the district school  
10 board, of any person interfering with the expeditious or  
11 orderly process of such meeting, provided such officer has  
12 first issued a warning that continued interference with the  
13 orderly processes of the meeting will result in removal. Any  
14 law enforcement authority or a sergeant-at-arms designated by  
15 the officer shall remove any person ordered removed pursuant  
16 to this subsection ~~section~~.

17 Section 19. Paragraph (m) of subsection (4) of section  
18 1001.42, Florida Statutes, is amended to read:

19 1001.42 Powers and duties of district school  
20 board.--The district school board, acting as a board, shall  
21 exercise all powers and perform all duties listed below:

22 (4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF  
23 SCHOOLS.--Adopt and provide for the execution of plans for the  
24 establishment, organization, and operation of the schools of  
25 the district, including, but not limited to, the following:

26 (m) Alternative education programs for students in  
27 residential care facilities.--Provide, in accordance with the  
28 provisions of s. 1003.58 ~~chapter 1006~~, educational programs  
29 according to rules of the State Board of Education to students  
30 who reside in residential care facilities operated by the  
31 Department of Children and Family Services.

1           Section 20. Paragraph (f) of subsection (3) of section  
2 1001.50, Florida Statutes, is amended to read:

3           1001.50 Superintendents employed under Art. IX of the  
4 State Constitution.--

5           (3) The district school board of each such district  
6 shall pay to the district school superintendent a reasonable  
7 annual salary. In determining the amount of compensation to be  
8 paid, the board shall take into account such factors as:

9           (f) The educational qualifications and professional  
10 experience, ~~and age~~ of the candidate for the position of  
11 district school superintendent.

12           Section 21. Subsection (8) of section 1001.74, Florida  
13 Statutes, is amended to read:

14           1001.74 Powers and duties of university boards of  
15 trustees.--

16           (8) Each board of trustees is authorized to create  
17 divisions of sponsored research pursuant to the provisions of  
18 s. 1004.22 ~~s. 1011.411~~ to serve the function of administration  
19 and promotion of the programs of research.

20           Section 22. Subsection (2) of section 1002.01, Florida  
21 Statutes, is amended to read:

22           1002.01 Definitions.--

23           (2) A "private school" is a nonpublic school defined  
24 as an individual, association, copartnership, or corporation,  
25 or department, division, or section of such organizations,  
26 that designates itself as an educational center that includes  
27 kindergarten or a higher grade or as an elementary, secondary,  
28 business, technical, or trade school below college level or  
29 any organization that provides instructional services that  
30 meet the intent of s. 1003.01(13) ~~s. 1003.01(14)~~ or that gives  
31 preemployment or supplementary training in technology or in

1 fields of trade or industry or that offers academic, literary,  
2 or career and technical training below college level, or any  
3 combination of the above, including an institution that  
4 performs the functions of the above schools through  
5 correspondence or extension, except those licensed under the  
6 provisions of chapter 1005. A private school may be a  
7 parochial, religious, denominational, for-profit, or nonprofit  
8 school. This definition does not include home education  
9 programs conducted in accordance with s. 1002.41.

10 Section 23. Paragraph (a) of subsection (3) and  
11 paragraph (a) of subsection (11) of section 1002.32, Florida  
12 Statutes, are amended to read:

13 1002.32 Developmental research (laboratory) schools.--

14 (3) MISSION.--The mission of a lab school shall be the  
15 provision of a vehicle for the conduct of research,  
16 demonstration, and evaluation regarding management, teaching,  
17 and learning. Programs to achieve the mission of a lab school  
18 shall embody the goals and standards established pursuant to  
19 ss. 1000.03(5) and 1001.23(2) and shall ensure an appropriate  
20 education for its students.

21 (a) Each lab school shall emphasize mathematics,  
22 science, computer science, and foreign languages. The primary  
23 goal of a lab school is to enhance instruction and research in  
24 such specialized subjects by using the resources available on  
25 a state university campus, while also providing an education  
26 in nonspecialized subjects. Each lab school shall provide  
27 sequential elementary and secondary instruction where  
28 appropriate. A lab school may not provide instruction at grade  
29 levels higher than grade 12 without authorization from the  
30 State Board of Education. Each lab ~~developmental research~~

31

1 school shall develop and implement a school improvement plan  
2 pursuant to s. 1003.02(3).

3 (11) EXCEPTIONS TO LAW.--To encourage innovative  
4 practices and facilitate the mission of the lab schools, in  
5 addition to the exceptions to law specified in s. 1001.23(2),  
6 the following exceptions shall be permitted for lab schools:

7 (a) The methods and requirements of the following  
8 statutes shall be held in abeyance: ss. 316.75; 1001.30;  
9 1001.31; 1001.32; 1001.33; 1001.34; 1001.35; 1001.36;  
10 1001.361; 1001.362; 1001.363; 1001.37; 1001.371; 1001.372;  
11 1001.38; 1001.39; 1001.395; 1001.40; 1001.41; 1001.44;  
12 1001.453; 1001.46; 1001.461; 1001.462; 1001.463; 1001.464;  
13 1001.47; 1001.48; 1001.49; 1001.50; 1001.51; 1006.12(1);  
14 1006.21(3), (4); 1006.23; 1010.07(2); 1010.40; 1010.41;  
15 1010.42; 1010.43; 1010.44; 1010.45; 1010.46; 1010.47; 1010.48;  
16 1010.49; 1010.50; 1010.51; 1010.52; 1010.53; 1010.54; 1010.55;  
17 1011.02(1)-(3), (5); 1011.04; 1011.20; 1011.21; 1011.22;  
18 1011.23; 1011.71; 1011.72; 1011.73; and 1011.74; ~~and 1013.77~~.

19 Section 24. Paragraph (c) of subsection (21) of  
20 section 1002.33, Florida Statutes, is amended to read:

21 1002.33 Charter schools.--

22 (21) SERVICES.--

23 (c) Transportation of charter school students shall be  
24 provided by the charter school consistent with the  
25 requirements of subpart I.e. of chapter 1006 and s. 1012.45.

26 The governing body of the charter school may provide  
27 transportation through an agreement or contract with the  
28 district school board, a private provider, or parents. The  
29 charter school and the sponsor shall cooperate in making  
30 arrangements that ensure that transportation is not a barrier

31



1 to equal access for all students residing within a reasonable  
2 distance of the charter school as determined in its charter.

3 Section 25. Subsection (14) of section 1002.42,  
4 Florida Statutes, is amended to read:

5 1002.42 Private schools.--

6 (14) BUS DRIVER TRAINING.--Private school bus drivers  
7 may participate in a district school board's bus driver  
8 training program, if the district school board makes the  
9 program available pursuant to s. 1012.45(4)~~s. 1006.26~~.

10 Section 26. Subsection (1) of section 1002.43, Florida  
11 Statutes, is amended to read:

12 1002.43 Private tutoring programs.--

13 (1) Regular attendance as defined in s. 1003.01(13) ~~s.~~  
14 ~~1003.01(14)~~ may be achieved by attendance in a private  
15 tutoring program if the person tutoring the student meets the  
16 following requirements:

17 (a) Holds a valid Florida certificate to teach the  
18 subjects or grades in which instruction is given.

19 (b) Keeps all records and makes all reports required  
20 by the state and district school board and makes regular  
21 reports on the attendance of students in accordance with the  
22 provisions of s. 1003.23(2).

23 (c) Requires students to be in actual attendance for  
24 the minimum length of time prescribed by s. 1011.60(2).

25 Section 27. Paragraph (a) of subsection (7) of section  
26 1003.63, Florida Statutes, is amended to read:

27 1003.63 Deregulated public schools pilot program.--

28 (7) EXEMPTION FROM STATUTES.--

29 (a) A deregulated public school shall operate in  
30 accordance with its proposal and shall be exempt from all  
31 statutes of the Florida K-20 Education Code, except those

1 pertaining to civil rights and student health, safety, and  
2 welfare, or as otherwise required by this section. A  
3 deregulated public school shall not be exempt from the  
4 following statutes: chapter 119, relating to public records,  
5 and s. 286.011, relating to public meetings and records,  
6 public inspection, and penalties. ~~The school district, upon~~  
7 ~~request of a deregulated public school, may apply to the State~~  
8 ~~Board of Education for a waiver of provisions of law~~  
9 ~~applicable to deregulated public schools under this section,~~  
10 ~~except that the provisions of chapter 1010 or chapter 1011~~  
11 ~~shall not be eligible for waiver if the waiver would affect~~  
12 ~~funding allocations or create inequity in public school~~  
13 ~~funding. The State Board of Education may grant the waiver if~~  
14 ~~necessary to implement the school program.~~

15 Section 28. Subsection (5) of section 1004.24, Florida  
16 Statutes, is amended to read:

17 1004.24 State Board of Education authorized to secure  
18 liability insurance.--

19 (5) Each self-insurance program council shall make  
20 provision for an annual financial audit pursuant to s. 11.45  
21 ~~postaudit~~ of its ~~financial~~ accounts to be conducted by an  
22 independent certified public accountant. The annual audit  
23 report must include a management letter and shall be submitted  
24 to the State Board of Education for review. The State Board of  
25 Education shall have the authority to require and receive from  
26 the self-insurance program council or from its independent  
27 auditor any detail or supplemental data relative to the  
28 operation of the self-insurance program.

29 Section 29. Subsection (5) of section 1004.26, Florida  
30 Statutes, is amended to read:

31 1004.26 University student governments.--

1           (5) Each student government is a part of the  
2 university at which it is established. Each university board  
3 of trustees shall approve the internal procedures of student  
4 government organizations pursuant to s. 1001.74(10)(i). Each  
5 state university president shall provide purchasing,  
6 contracting, and budgetary review processes for student  
7 government organizations pursuant to s. 1001.75(15).~~If an~~  
8 ~~internal procedure of the university student government is~~  
9 ~~disapproved by the university president under s. 229.0082(15),~~  
10 ~~a member of the university board of trustees may request a~~  
11 ~~review of the disapproved procedure at the next meeting of the~~  
12 ~~board of trustees.~~

13           Section 30. Paragraph (d) of subsection (3) of section  
14 1004.445, Florida Statutes, is amended to read:

15           1004.445 Florida Alzheimer's Center and Research  
16 Institute.--

17           (3) The State Board of Education shall provide in the  
18 agreement with the not-for-profit corporation for the  
19 following:

20           (d) Preparation of an annual financial audit pursuant  
21 to s. 11.45 ~~postaudit~~ of the not-for-profit corporation's  
22 ~~financial~~ accounts and the ~~financial~~ accounts of any  
23 subsidiaries to be conducted by an independent certified  
24 public accountant. The annual audit report shall include  
25 management letters and shall be submitted to the Auditor  
26 General and the State Board of Education for review. The State  
27 Board of Education, the Auditor General, and the Office of  
28 Program Policy Analysis and Government Accountability shall  
29 have the authority to require and receive from the  
30 not-for-profit corporation and any subsidiaries, or from their  
31 independent auditor, any detail or supplemental data relative

1 to the operation of the not-for-profit corporation or  
2 subsidiary.

3 Section 31. Subsection (1) of section 1005.04, Florida  
4 Statutes, is amended to read:

5 1005.04 Fair consumer practices.--

6 (1) Every institution that is under the jurisdiction  
7 of the commission or is exempt from the jurisdiction or  
8 purview of the commission pursuant to s. 1005.06(1)(c) or (f)  
9 and that either directly or indirectly solicits for enrollment  
10 any student shall:

11 (a) Disclose to each prospective student a statement  
12 of the purpose of such institution, its educational programs  
13 and curricula, a description of its physical facilities, its  
14 status regarding licensure, its fee schedule and policies  
15 regarding retaining student fees if a student withdraws, and a  
16 statement regarding the transferability of credits to and from  
17 other institutions. The institution shall make the required  
18 disclosures in writing at least 1 week prior to enrollment or  
19 collection of any tuition from the prospective student. The  
20 required disclosures may be made in the institution's current  
21 catalog;

22 (b) Use a reliable method to assess, before accepting  
23 a student into a program, the student's ability to complete  
24 successfully the course of study for which he or she has  
25 applied;

26 (c) Inform each student accurately about financial  
27 assistance and obligations for repayment of loans; describe  
28 any employment placement services provided and the limitations  
29 thereof; and refrain from promising or implying guaranteed  
30 placement, market availability, or salary amounts;

31

1 (d) Provide to prospective and enrolled students  
2 accurate information regarding the relationship of its  
3 programs to state licensure requirements for practicing  
4 related occupations and professions in Florida;

5 (e) Ensure that all advertisements are accurate and  
6 not misleading;

7 (f) Publish and follow an equitable prorated refund  
8 policy for all students, and follow both the federal refund  
9 guidelines for students receiving federal financial assistance  
10 and the minimum refund guidelines set by commission rule;

11 (g) Follow the requirements of state and federal laws  
12 that require annual reporting with respect to crime statistics  
13 and physical plant safety and make those reports available to  
14 the public; and

15 (h) Publish and follow procedures for handling student  
16 complaints, disciplinary actions, and appeals.

17 Section 32. Subsection (5) of section 1006.14, Florida  
18 Statutes, is amended to read:

19 1006.14 Secret societies prohibited in public K-12  
20 schools.--

21 (5) It is unlawful for any student enrolled in any  
22 public K-12 school to be a member of, to join or to become a  
23 member of or to pledge himself or herself to become a member  
24 of any secret fraternity, sorority, or group wholly or partly  
25 formed from the membership of students attending public K-12  
26 schools or to take part in the organization or formation of  
27 any such fraternity, sorority, or secret society; provided  
28 that this does not prevent any student from belonging to any  
29 organization fostered and promoted by the school authorities,<sup>†</sup>  
30 or approved and accepted by the school authorities and whose  
31

1 membership is selected on the basis of good character, good  
2 scholarship, leadership ability, and achievement.

3 Section 33. Subsections (1) and (2) of section  
4 1006.21, Florida Statutes, are amended to read:

5 1006.21 Duties of district school superintendent and  
6 district school board regarding transportation.--

7 (1) The district school superintendent shall ascertain  
8 which students should be transported to school or to school  
9 activities, determine the most effective arrangement of  
10 transportation routes to accommodate these students; recommend  
11 such routing to the district school board; recommend plans and  
12 procedures for providing facilities for the economical and  
13 safe transportation of students; recommend such rules ~~and~~  
14 ~~regulations~~ as may be necessary and see that all rules ~~and~~  
15 ~~regulations~~ relating to the transportation of students  
16 approved by the district school board, as well as rules  
17 ~~regulations~~ of the State Board of Education, are properly  
18 carried into effect, as prescribed in this chapter.

19 (2) After considering recommendations of the district  
20 school superintendent, the district school board shall make  
21 provision for the transportation of students to the public  
22 schools or school activities they are required or expected to  
23 attend; authorize transportation routes arranged efficiently  
24 and economically; provide the necessary transportation  
25 facilities, and, when authorized under rules of the State  
26 Board of Education and if more economical to do so, provide  
27 limited subsistence in lieu thereof; and adopt the necessary  
28 rules ~~and regulations~~ to ensure safety, economy, and  
29 efficiency in the operation of all buses, as prescribed in  
30 this chapter.

31

1           Section 34. Subsection (1) and paragraphs (a) and (b)  
2 of subsection (2) of section 1007.21, Florida Statutes, are  
3 amended to read:

4           1007.21 Readiness for postsecondary education and the  
5 workplace.--

6           (1) It is the intent of the Legislature that students  
7 and parents set early achievement and career goals for the  
8 student's post-high school experience. This section sets forth  
9 a model which schools, through their school advisory councils,  
10 may choose to implement to ensure that students are ready for  
11 postsecondary education and the workplace. If such a program  
12 is adopted, students and their parents shall have the option  
13 of participating in this model to plan the student's secondary  
14 level course of study. Parents and students are to become  
15 partners with school personnel in educational choice. Clear  
16 academic course expectations shall be made available to all  
17 students by allowing both student and parent ~~or guardian~~  
18 choice.

19           (2)(a) Students entering the 9th grade and their  
20 parents shall be active participants in choosing an  
21 end-of-high-school student destination based upon both student  
22 and parent ~~or guardian~~ goals. Four or more destinations should  
23 be available with bridges between destinations to enable  
24 students to shift destinations should they choose to change  
25 goals. The destinations shall accommodate the needs of  
26 students served in exceptional education programs to the  
27 extent appropriate for individual students. Exceptional  
28 education students may continue to follow the courses outlined  
29 in the district school board student progression plan.  
30 Participating students and their parents shall choose among  
31 destinations, which must include:

1           1. Four-year college or university, community college  
2 plus university, or military academy.

3           2. Two-year postsecondary degree.

4           3. Postsecondary career and technical certificate.

5           4. Immediate employment or entry-level military.

6           (b) The student progression model toward a chosen  
7 destination shall include:

8           1. A "path" of core courses leading to each of the  
9 destinations provided in paragraph (a).

10          2. A recommended group of electives which shall help  
11 define each path.

12          3. Provisions for a teacher, school administrator,  
13 other school staff member, or community volunteer to be  
14 assigned to a student as an "academic advocate" if parental ~~or~~  
15 ~~guardian~~ involvement is lacking.

16          Section 35. Subsection (2) of section 1008.37, Florida  
17 Statutes, is amended to read:

18          1008.37 Postsecondary feedback of information to high  
19 schools.--

20          (2) The Commissioner of Education shall report, by  
21 high school, to the State Board of Education and the  
22 Legislature, no later than November 30 ~~November 31~~ of each  
23 year, on the number of prior year Florida high school  
24 graduates who enrolled for the first time in public  
25 postsecondary education in this state during the previous  
26 summer, fall, or spring term, indicating the number of  
27 students whose scores on the common placement test indicated  
28 the need for remediation through college-preparatory or  
29 vocational-preparatory instruction pursuant to s. 1004.91 or  
30 s. 1008.30.

31



1           Section 36. Subsection (1) of section 1009.29, Florida  
2 Statutes, is amended to read:

3           1009.29 Increased fees for funding financial aid  
4 program.--

5           (1) Student tuition and registration fees at each  
6 state university and community college shall include up to  
7 \$4.68 per quarter, or \$7.02 per semester, per full-time  
8 student, or the per-student credit hour equivalents of such  
9 amounts. The fees provided for by this section shall be  
10 adjusted from time to time, as necessary, to comply with the  
11 debt service coverage requirements of the student loan revenue  
12 bonds issued pursuant to s. 1009.79. If the Division of Bond  
13 Finance of the State Board of Administration ~~Education~~ and the  
14 Commissioner of Education determine that such fees are no  
15 longer required as security for revenue bonds issued pursuant  
16 to ss. 1009.78-1009.88, moneys previously collected pursuant  
17 to this section which are held in escrow, after administrative  
18 expenses have been met and up to \$150,000 has been used to  
19 establish a financial aid data processing system for the state  
20 universities incorporating the necessary features to meet the  
21 needs of all 11 ~~nine~~ universities for application through  
22 disbursement processing, shall be reallocated to the  
23 generating institutions to be used for student financial aid  
24 programs, including, but not limited to, scholarships and  
25 grants for educational purposes. Upon such determination, such  
26 fees shall no longer be assessed and collected.

27           Section 37. Paragraph (e) of subsection (1) of section  
28 1009.531, Florida Statutes, is amended to read:

29           1009.531 Florida Bright Futures Scholarship Program;  
30 student eligibility requirements for initial awards.--

31

1           (1) To be eligible for an initial award from any of  
2 the three types of scholarships under the Florida Bright  
3 Futures Scholarship Program, a student must:

4           (e) Not have been found guilty of, or pled ~~plead~~ nolo  
5 contendere to, a felony charge, unless the student has been  
6 granted clemency by the Governor and Cabinet sitting as the  
7 Executive Office of Clemency.

8           Section 38. Subsection (1) of section 1009.534,  
9 Florida Statutes, is amended to read:

10           1009.534 Florida Academic Scholars award.--

11           (1) A student is eligible for a Florida Academic  
12 Scholars award if the student meets the general eligibility  
13 requirements for the Florida Bright Futures Scholarship  
14 Program and the student:

15           (a) Has achieved a 3.5 weighted grade point average as  
16 calculated pursuant to s. 1009.531, or its equivalent, in high  
17 school courses that are designated by the State Board of  
18 Education as college-preparatory academic courses; and has  
19 attained at least the score identified by rules of the State  
20 Board of Education on the combined verbal and quantitative  
21 parts of the Scholastic Aptitude Test, the Scholastic  
22 Assessment Test, or the recentered Scholastic Assessment Test  
23 of the College Entrance Examination, or an equivalent score on  
24 the ACT Assessment Program; or

25           (b) Has attended a home education program according to  
26 s. 1002.41 during grades 11 and 12 or has completed the  
27 International Baccalaureate curriculum but failed to earn the  
28 International Baccalaureate Diploma, and has attained at least  
29 the score identified by rules of the State Board ~~Department~~ of  
30 Education on the combined verbal and quantitative parts of the  
31 Scholastic Aptitude Test, the Scholastic Assessment Test, or

1 the recentered Scholastic Assessment Test of the College  
2 Entrance Examination, or an equivalent score on the ACT  
3 Assessment Program; or

4 (c) Has been awarded an International Baccalaureate  
5 Diploma from the International Baccalaureate Office; or

6 (d) Has been recognized by the merit or achievement  
7 programs of the National Merit Scholarship Corporation as a  
8 scholar or finalist; or

9 (e) Has been recognized by the National Hispanic  
10 Recognition Program as a scholar recipient.

11

12 A student must complete a program of community service work,  
13 as approved by the district school board or the administrators  
14 of a nonpublic school, which shall include a minimum of 75  
15 hours of service work and require the student to identify a  
16 social problem that interests him or her, develop a plan for  
17 his or her personal involvement in addressing the problem,  
18 and, through papers or other presentations, evaluate and  
19 reflect upon his or her experience.

20 Section 39. Subsection (1) of section 1009.535,  
21 Florida Statutes, is amended to read:

22 1009.535 Florida Medallion Scholars award.--

23 (1) A student is eligible for a Florida Medallion  
24 Scholars award if the student meets the general eligibility  
25 requirements for the Florida Bright Futures Scholarship  
26 Program and the student:

27 (a) Has achieved a weighted grade point average of 3.0  
28 as calculated pursuant to s. 1009.531, or the equivalent, in  
29 high school courses that are designated by the State Board of  
30 Education as college-preparatory academic courses; and has  
31 attained at least the score identified by rules of the State

1 Board of Education on the combined verbal and quantitative  
2 parts of the Scholastic Aptitude Test, the Scholastic  
3 Assessment Test, or the recentered Scholastic Assessment Test  
4 of the College Entrance Examination, or an equivalent score on  
5 the ACT Assessment Program; or

6 (b) Has attended a home education program according to  
7 s. 1002.41 during grades 11 and 12 or has completed the  
8 International Baccalaureate curriculum but failed to earn the  
9 International Baccalaureate Diploma, and has attained at least  
10 the score identified by rules of the State Board ~~Department~~ of  
11 Education on the combined verbal and quantitative parts of the  
12 Scholastic Aptitude Test, the Scholastic Assessment Test, or  
13 the recentered Scholastic Assessment Test of the College  
14 Entrance Examination, or an equivalent score on the ACT  
15 Assessment Program; or

16 (c) Has been recognized by the merit or achievement  
17 program of the National Merit Scholarship Corporation as a  
18 scholar or finalist but has not completed a program of  
19 community service as provided in s. 1009.534; or

20 (d) Has been recognized by the National Hispanic  
21 Recognition Program as a scholar, but has not completed a  
22 program of community service as provided in s. 1009.534.

23 Section 40. Paragraph (b) of subsection (3) and  
24 subsection (5) of section 1009.539, Florida Statutes, are  
25 amended to read:

26 1009.539 Florida Bright Futures Scholarship Testing  
27 Program.--

28 (3)

29 (b) Notwithstanding the provisions of paragraph (a),  
30 and for the 2002-2003 fiscal year only, initial award  
31 recipients for the 2002-2003 academic year who are eligible

1 for a Florida Academic Scholars award or a Florida Medallion  
2 ~~Merit~~ Scholars award and who are admitted to and enroll in a  
3 community college or state university shall, prior to  
4 registering for courses that may be earned through a CLEP  
5 examination and no later than the end of the 2002-2003  
6 academic year, complete at least five examinations from those  
7 specified in subsection (1) in the following areas: English;  
8 humanities; mathematics; natural sciences; and social  
9 sciences. Successful completion of dual enrollment courses,  
10 Advanced Placement examinations, and International  
11 Baccalaureate examinations taken prior to high school  
12 graduation satisfy this requirement. The State Board of  
13 ~~Education Articulation Coordinating Committee~~ shall identify  
14 the examinations that satisfy each component of this  
15 requirement. This paragraph expires July 1, 2003.

16 (5) The credit awarded pursuant to this section shall  
17 apply toward the 120 hours of college credit required pursuant  
18 to s. 1007.25(8)~~s. 1007.25(7)~~.

19 Section 41. Section 1009.765, Florida Statutes, is  
20 amended to read:

21 1009.765 Ethics in Business scholarships for community  
22 colleges and independent postsecondary educational  
23 institutions.--When the Department of Insurance receives a \$6  
24 million settlement as specified in the Consent Order of the  
25 Treasurer and Insurance Commissioner, case number 18900-96-c,  
26 that portion of the \$6 million not used to satisfy the  
27 requirements of section 18 of the Consent Order must be  
28 transferred from the Insurance Commissioner's Regulatory Trust  
29 Fund to the State Student Financial Assistance Trust Fund is  
30 appropriated from the State Student Financial Assistance Trust  
31 Fund to provide Ethics in Business scholarships to students

1 enrolled in public community colleges and independent  
2 postsecondary educational institutions eligible to participate  
3 in the William L. Boyd, IV, Florida Resident Access Grant  
4 Program under s. 1009.89. The funds shall be allocated to  
5 institutions for scholarships in the following ratio:  
6 Two-thirds for community colleges and one-third for eligible  
7 independent institutions. The Department of Education shall  
8 administer the scholarship program for students attending  
9 community colleges and independent institutions. These funds  
10 must be allocated to institutions that provide an equal amount  
11 of matching funds generated by private donors for the purpose  
12 of providing Ethics in Business scholarships. Public funds may  
13 not be used to provide the match, nor may funds collected for  
14 other purposes. Notwithstanding any other provision of law,  
15 the State Board of Administration shall have the authority to  
16 invest the funds appropriated under this section. The State  
17 Board ~~Department~~ of Education may adopt rules for  
18 administration of the program.

19 Section 42. Subsection (7) of section 1009.77, Florida  
20 Statutes, is amended to read:

21 1009.77 Florida Work Experience Program.--

22 (7) The State Board ~~Department~~ of Education shall  
23 prescribe such rules for the program as are necessary for its  
24 administration, for the determination of eligibility and  
25 selection of institutions to receive funds for students, to  
26 ensure the proper expenditure of funds, and to provide an  
27 equitable distribution of funds between students at public and  
28 independent colleges and universities.

29 Section 43. Section 1010.75, Florida Statutes, is  
30 amended to read:

31

1           1010.75 Teacher Certification Examination Trust  
2 Fund.--The proceeds for the certification examination fee  
3 levied pursuant to s. 1012.59 shall be remitted by the  
4 Department of Education to the Treasurer for deposit into and  
5 disbursed from ~~for~~ the "Teacher Certification Examination  
6 Trust Fund" as re-created by chapter 99-28, Laws of Florida.

7           Section 44. Subsection (2) of section 1011.60, Florida  
8 Statutes, is amended to read:

9           1011.60 Minimum requirements of the Florida Education  
10 Finance Program.--Each district which participates in the  
11 state appropriations for the Florida Education Finance Program  
12 shall provide evidence of its effort to maintain an adequate  
13 school program throughout the district and shall meet at least  
14 the following requirements:

15           (2) MINIMUM TERM.--Operate all schools for a term of  
16 at least 180 actual teaching days ~~as prescribed in s.~~  
17 ~~1003.01(14)~~ or the equivalent on an hourly basis as specified  
18 by rules of the State Board of Education each school year. The  
19 State Board of Education may prescribe procedures for  
20 altering, and, upon written application, may alter, this  
21 requirement during a national, state, or local emergency as it  
22 may apply to an individual school or schools in any district  
23 or districts if, in the opinion of the board, it is not  
24 feasible to make up lost days, and the apportionment may, at  
25 the discretion of the Commissioner of Education and if the  
26 board determines that the reduction of school days is caused  
27 by the existence of a bona fide emergency, be reduced for such  
28 district or districts in proportion to the decrease in the  
29 length of term in any such school or schools. A strike, as  
30 defined in s. 447.203(6), by employees of the school district  
31 may not be considered an emergency.

1           Section 45. Paragraph (i) of subsection (1) of section  
2 1011.62, Florida Statutes, is amended to read:

3           1011.62 Funds for operation of schools.--If the annual  
4 allocation from the Florida Education Finance Program to each  
5 district for operation of schools is not determined in the  
6 annual appropriations act or the substantive bill implementing  
7 the annual appropriations act, it shall be determined as  
8 follows:

9           (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
10 OPERATION.--The following procedure shall be followed in  
11 determining the annual allocation to each district for  
12 operation:

13           (i) Calculation of full-time equivalent membership  
14 with respect to instruction from community colleges or state  
15 universities.--Students enrolled in community college or  
16 university dual enrollment instruction pursuant to s. 1007.271  
17 may be included in calculations of full-time equivalent  
18 student memberships for basic programs for grades 9 through 12  
19 by a district school board. Such students may also be  
20 calculated as the proportional shares of full-time equivalent  
21 enrollments they generate for the community college or  
22 university conducting the dual enrollment instruction. Early  
23 admission students shall be considered dual enrollments for  
24 funding purposes. Students may be enrolled in dual enrollment  
25 instruction provided by an eligible independent college or  
26 university and may be included in calculations of full-time  
27 equivalent student memberships for basic programs for grades 9  
28 through 12 by a district school board. However, those  
29 provisions of law which exempt dual enrolled and early  
30 admission students from payment of instructional materials and  
31 tuition and fees, including laboratory fees, shall not apply



1 to students who select the option of enrolling in an eligible  
2 independent institution. An independent college or university  
3 which is located and chartered in Florida, is not for profit,  
4 is accredited by the Commission on Colleges of the Southern  
5 Association of Colleges and Schools or the Accrediting Council  
6 for ~~Commission of the Association of~~ Independent Colleges and  
7 Schools, and which confers degrees as defined in s. 1005.02  
8 shall be eligible for inclusion in the dual enrollment or  
9 early admission program. Students enrolled in dual enrollment  
10 instruction shall be exempt from the payment of tuition and  
11 fees, including laboratory fees. No student enrolled in  
12 college credit mathematics or English dual enrollment  
13 instruction shall be funded as a dual enrollment unless the  
14 student has successfully completed the relevant section of the  
15 entry-level examination required pursuant to s. 1008.30.

16 Section 46. Subsections (1) and (3) of section  
17 1012.21, Florida Statutes, are amended to read:

18 1012.21 Department of Education duties; K-12  
19 personnel.--

20 (1) PERIODIC CRIMINAL HISTORY RECORD CHECKS.--In  
21 cooperation with the Florida Department of Law Enforcement,  
22 the department ~~of Education~~ may periodically perform criminal  
23 history record checks on individuals who hold a certificate  
24 pursuant to s. 1012.56 or s. 1012.57.

25 (3) SUSPENSION OR DENIAL OF TEACHING CERTIFICATE DUE  
26 TO CHILD SUPPORT DELINQUENCY.--The department ~~of Education~~  
27 shall allow applicants for new or renewal certificates and  
28 renewal certificateholders to be screened by the Title IV-D  
29 child support agency pursuant to s. 409.2598 to assure  
30 compliance with an obligation for support, as defined in s.  
31 409.2554. The purpose of this section is to promote the

1 public policy of this state as established in s. 409.2551.  
2 The department shall, when directed by the court, deny the  
3 application of any applicant found to have a delinquent  
4 support obligation. The department shall issue or reinstate  
5 the certificate without additional charge to the  
6 certificateholder when notified by the court that the  
7 certificateholder has complied with the terms of the court  
8 order. The department shall not be held liable for any  
9 certificate denial or suspension resulting from the discharge  
10 of its duties under this section.

11 Section 47. Paragraph (a) of subsection (1) and  
12 paragraph (a) of subsection (3) of section 1012.585, Florida  
13 Statutes, are amended to read:

14 1012.585 Process for renewal of professional  
15 certificates.--

16 (1)(a) District school boards in this state shall  
17 renew state-issued professional certificates as follows:

18 1. Each district school board shall renew state-issued  
19 professional certificates for individuals who hold a  
20 professional certificate by this state and are employed by  
21 that district pursuant to criteria established in subsections  
22 (2), (3), and (4) and rules of the State Board of Education.

23 2. The employing school district may charge the  
24 individual an application fee not to exceed the amount charged  
25 by the Department of Education for such services, including  
26 associated late renewal fees. Each district school board  
27 shall transmit monthly to the department a fee in an amount  
28 established by the State Board of Education for each renewed  
29 certificate. The fee shall not exceed the actual cost for  
30 maintenance and operation of the statewide certification  
31 database and for the actual costs incurred in printing and

1 mailing such renewed certificates. As defined in current rules  
2 of the state board, the department shall contribute a portion  
3 of such fee for purposes of funding the Educator Recovery  
4 Network established in s. 1012.798. The department shall  
5 deposit all funds into the Educational Certification and  
6 Service Trust Fund for use as specified in s. 1012.59.

7 (3) For the renewal of a professional certificate, the  
8 following requirements must be met:

9 (a) The applicant must earn a minimum of 6 college  
10 credits or 120 inservice points or a combination thereof. For  
11 each area of specialization to be retained on a certificate,  
12 the applicant must earn at least 3 of the required credit  
13 hours or equivalent inservice points in the specialization  
14 area. Education in "clinical educator" training pursuant to s.  
15 1004.04(5)(b) and credits or points that provide training in  
16 the area of exceptional student education, normal child  
17 development, and the disorders of development may be applied  
18 toward any specialization area. Credits or points that provide  
19 training in the areas of drug abuse, child abuse and neglect,  
20 strategies in teaching students having limited proficiency in  
21 English, or dropout prevention, or training in areas  
22 identified in the educational goals and performance standards  
23 adopted pursuant to ss. 1000.03(5) and 1008.345 ~~1001.23~~ may be  
24 applied toward any specialization area. Credits or points  
25 earned through approved summer institutes may be applied  
26 toward the fulfillment of these requirements. Inservice points  
27 may also be earned by participation in professional growth  
28 components approved by the State Board of Education and  
29 specified pursuant to s. 1012.98 in the district's approved  
30 master plan for inservice educational training, including, but  
31 not limited to, serving as a trainer in an approved teacher

1 training activity, serving on an instructional materials  
2 committee or a state board or commission that deals with  
3 educational issues, or serving on an advisory council created  
4 pursuant to s. 1001.452.

5 Section 48. Section 1012.62, Florida Statutes, is  
6 amended to read:

7 1012.62 Transfer of sick leave and annual leave.--In  
8 implementing the provisions of ss. 402.22(1)(d) and  
9 1001.42(4)(m)~~1001.42(4)(n)~~, educational personnel in  
10 Department of Children and Family Services residential care  
11 facilities who are employed by a district school board may  
12 request, and the district school board shall accept, a  
13 lump-sum transfer of accumulated sick leave for such personnel  
14 to the maximum allowed by policies of the district school  
15 board, notwithstanding the provisions of s. 110.122.  
16 Educational personnel in Department of Children and Family  
17 Services residential care facilities who are employed by a  
18 district school board under the provisions of s. 402.22(1)(d)  
19 may request, and the district school board shall accept, a  
20 lump-sum transfer of accumulated annual leave for each person  
21 employed by the district school board in a position in the  
22 district eligible to accrue vacation leave under policies of  
23 the district school board.

24 Section 49. Paragraphs (b) and (c) of subsection (2)  
25 of section 1012.74, Florida Statutes, are amended to read:

26 1012.74 Florida educators professional liability  
27 insurance protection.--

28 (2)

29 (b) Educator professional liability coverage shall be  
30 extended at cost to all instructional personnel, as defined by  
31 s. 1012.01(2)~~s. 1012.01(3)~~, who are part-time personnel, as

1 defined by the district school board policy, and choose to  
2 participate in the state-provided program.

3 (c) Educator professional liability coverage shall be  
4 extended at cost to all administrative personnel, as defined  
5 by s. 1012.01(3)~~s. 1012.01(2)~~, who choose to participate in  
6 the state-provided program.

7 Section 50. Paragraph (b) of subsection (7) of section  
8 1012.79, Florida Statutes, is amended to read:

9 1012.79 Education Practices Commission;  
10 organization.--

11 (7) The duties and responsibilities of the commission  
12 are to:

13 (b) Revoke or suspend a certificate or take other  
14 appropriate action as provided in ss. 1012.795 ~~ss. 1012.56~~ and  
15 1012.796.

16 Section 51. Subsection (2) of section 1012.795,  
17 Florida Statutes, is amended to read:

18 1012.795 Education Practices Commission; authority to  
19 discipline.--

20 (2) The plea of guilty in any court, the decision of  
21 guilty by any court, the forfeiture by the teaching  
22 certificateholder of a bond in any court of law, or the  
23 written acknowledgment, duly witnessed, of offenses listed in  
24 subsection (1) to the district school superintendent or a duly  
25 appointed representative of such superintendent or to the  
26 district school board shall be prima facie proof of grounds  
27 for revocation of the certificate as listed in subsection (1)  
28 in the absence of proof by the certificateholder that the plea  
29 of guilty, forfeiture of bond, or admission of guilt was  
30 caused by threats, coercion, or fraudulent means.

31

1           Section 52. Paragraph (c) of subsection (1) and  
2 subsection (4) of section 1012.796, Florida Statutes, are  
3 amended to read:

4           1012.796 Complaints against teachers and  
5 administrators; procedure; penalties.--

6           (1)

7           (c) Each school district shall file in writing with  
8 the department all legally sufficient complaints within 30  
9 days after the date on which subject matter of the complaint  
10 comes to the attention of the school district. The school  
11 district shall include all information relating to the  
12 complaint which is known to the school district at the time of  
13 filing. Each district school board shall develop policies and  
14 procedures to comply with this reporting requirement. The  
15 district school board policies and procedures shall include  
16 appropriate penalties for all personnel of the district school  
17 board for nonreporting and procedures for promptly informing  
18 the district school superintendent of each legally sufficient  
19 complaint. The district school superintendent is charged with  
20 knowledge of these policies and procedures. If the district  
21 school superintendent has knowledge of a legally sufficient  
22 complaint and does not report the complaint, or fails to  
23 enforce the policies and procedures of the district school  
24 board, and fails to comply with the requirements of this  
25 subsection, in addition to other actions against  
26 certificateholders authorized by law, the district school  
27 superintendent shall be subject to penalties as specified in  
28 s. 1001.51(12)~~s. 1001.51(13)~~. This paragraph does not limit  
29 or restrict the power and duty of the department to  
30 investigate complaints as provided in paragraphs (a) and (b),  
31

1 regardless of the school district's untimely filing, or  
2 failure to file, complaints and followup reports.

3 (4) The complaint and all information obtained  
4 pursuant to the investigation by the department shall be  
5 confidential and exempt from the provisions of s. 119.07(1)  
6 until the conclusion of the preliminary investigation of the  
7 complaint, until such time as the preliminary investigation  
8 ceases to be active, or until such time as otherwise provided  
9 by s. 1012.798 ~~s. 1012.798(6)~~. However, the complaint and all  
10 material assembled during the investigation may be inspected  
11 and copied by the certificateholder under investigation, or  
12 the certificateholder's designee, after the investigation is  
13 concluded, but prior to the determination of probable cause by  
14 the commissioner. If the preliminary investigation is  
15 concluded with the finding that there is no probable cause to  
16 proceed, the complaint and information shall be open  
17 thereafter to inspection pursuant to s. 119.07(1). If the  
18 preliminary investigation is concluded with the finding that  
19 there is probable cause to proceed and a complaint is filed  
20 pursuant to subsection (6), the complaint and information  
21 shall be open thereafter to inspection pursuant to s.  
22 119.07(1). If the preliminary investigation ceases to be  
23 active, the complaint and all such material shall be open  
24 thereafter to inspection pursuant to s. 119.07(1), except as  
25 otherwise provided pursuant to s. 1012.798 ~~s. 1012.798(6)~~. For  
26 the purpose of this subsection, a preliminary investigation  
27 shall be considered active as long as it is continuing with a  
28 reasonable, good faith anticipation that an administrative  
29 finding will be made in the foreseeable future.

30 Section 53. Paragraph (b) of subsection (4) of section  
31 1012.98, Florida Statutes, is amended to read:

1           1012.98 School Community Professional Development

2 Act.--

3           (4) The Department of Education, school districts,  
4 schools, community colleges, and state universities share the  
5 responsibilities described in this section. These  
6 responsibilities include the following:

7           (b) Each school district shall develop a professional  
8 development system. The system shall be developed in  
9 consultation with teachers and representatives of community  
10 college and state university faculty, community agencies, and  
11 other interested citizen groups to establish policy and  
12 procedures to guide the operation of the district professional  
13 development program. The professional development system  
14 must:

15           1. Be approved by the department. All substantial  
16 revisions to the system shall be submitted to the department  
17 for review for continued approval.

18           2. Require the use of student achievement data; school  
19 discipline data; school environment surveys; assessments of  
20 parental satisfaction; performance appraisal data of teachers,  
21 managers, and administrative personnel; and other performance  
22 indicators to identify school and student needs that can be  
23 met by improved professional performance.

24           3. Provide inservice activities coupled with followup  
25 support that are appropriate to accomplish district-level and  
26 school-level improvement goals and standards. The inservice  
27 activities for instructional personnel shall primarily focus  
28 on subject content and teaching methods, including technology,  
29 as related to the Sunshine State Standards, assessment and  
30 data analysis, classroom management, and school safety.

31



1           4. Include a master plan for inservice activities,  
2 pursuant to rules of the State Board of Education, for all  
3 district employees from all fund sources. The master plan  
4 shall be updated annually by September 1 using criteria for  
5 continued approval as specified by rules of the State Board of  
6 Education. Written verification that the inservice plan meets  
7 all requirements of this section must be submitted annually to  
8 the commissioner by October 1.

9           5. Require each school principal to establish and  
10 maintain an individual professional development plan for each  
11 instructional employee assigned to the school. The individual  
12 professional development plan must:

13           a. Be related to specific performance data for the  
14 students to whom the teacher is assigned.

15           b. Define the inservice objectives and specific  
16 measurable improvements expected in student performance as a  
17 result of the inservice activity.

18           c. Include an evaluation component that determines the  
19 effectiveness of the professional development plan.

20           6. Include inservice activities for school  
21 administrative personnel that address updated skills necessary  
22 for effective school management and instructional leadership.

23           7. Provide for systematic consultation with regional  
24 and state personnel designated to provide technical assistance  
25 and evaluation of local professional development programs.

26           8. Provide for delivery of professional development by  
27 distance learning and other technology-based delivery systems  
28 to reach more educators at lower costs.

29           9. Provide for the continuous evaluation of the  
30 quality and effectiveness of professional development programs  
31 in order to eliminate ineffective programs and strategies and

1 to expand effective ones. Evaluations must consider the impact  
2 of such activities on the performance of participating  
3 educators and their students' achievement and behavior.

4 Section 54. Subsection (6) of section 1013.73, Florida  
5 Statutes, is amended to read:

6 1013.73 Effort index grants for school district  
7 facilities.--

8 (6) A school district may receive a distribution for  
9 use pursuant to paragraph (3)(a) only if the district school  
10 board certifies to the Commissioner of Education that the  
11 district has no unmet need for permanent classroom facilities  
12 in its 5-year capital outlay work plan. If the work plan  
13 contains such unmet needs, the district must use its  
14 distribution for the payment of bonds under paragraph (3)(b)  
15 ~~(2)(b)~~. If the district does not require its full bonded  
16 distribution to eliminate such unmet needs, it may bond only  
17 that portion of its allocation necessary to meet the needs.

18 Section 55. Subsection (1) of section 1013.74, Florida  
19 Statutes, is amended to read:

20 1013.74 University authorization for fixed capital  
21 outlay projects.--

22 (1) Notwithstanding the provisions of chapter 216,  
23 including s. 216.351, a university may accomplish fixed  
24 capital outlay projects consistent with the provisions of this  
25 section. Projects authorized by this section shall not require  
26 educational plant survey approval as prescribed in this  
27 chapter ~~235~~.

28 Section 56. Subsection (19) of section 1001.74,  
29 Florida Statutes, is amended to read:

30 1001.74 Powers and duties of university boards of  
31 trustees.--

1           (19) Each board of trustees shall establish the  
2 personnel program for all employees of the university,  
3 including the president, pursuant to the provisions of chapter  
4 1012 and, in accordance with rules and guidelines of the State  
5 Board of Education, including: compensation and other  
6 conditions of employment, recruitment and selection,  
7 nonreappointment, standards for performance and conduct,  
8 evaluation, benefits and hours of work, leave policies,  
9 recognition and awards, inventions and works, travel, learning  
10 opportunities, exchange programs, academic freedom and  
11 responsibility, promotion, assignment, demotion, transfer,  
12 tenure and permanent status, ethical obligations and conflicts  
13 of interest, restrictive covenants, disciplinary actions,  
14 complaints, appeals and grievance procedures, and separation  
15 and termination from employment. The Department of Management  
16 Services shall retain authority over state university  
17 employees for programs established in ss. 110.123, 110.161,  
18 110.1232, 110.1234, and 110.1238 and in chapters 121, 122, and  
19 238.

20           Section 57. Subsection (2) of section 110.161, Florida  
21 Statutes, is amended to read:

22           110.161 State employees; pretax benefits program.--

23           (2) As used in this section, "employee" means any  
24 individual filling an authorized and established position in  
25 the executive, legislative, or judicial branch of the state,  
26 including the employees of the State Board of Administration  
27 and the state universities.

28           Section 58. This act shall take effect upon becoming a  
29 law.

30  
31