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A bill to be entitled 1 2 An act relating to enhanced student opportunities; providing a popular name; amending s. 20.15, F.S.; 3 4 providing for appointment of a Deputy Commissioner of 5 Career Education in the Department of Education; amending 6 s. 446.032, F.S.; providing duties of the department relating to apprenticeship programs and services; 7 repealing s. 446.609, F.S., relating to the Jobs for 8 9 Florida's Graduates program; amending s. 464.019, F.S.; 10 authorizing the Board of Nursing to change faculty-tostudent ratios only under certain circumstances; requiring 11 a study to evaluate rules regarding clinical instruction; 12 providing for assistance to approved nursing programs to 13 expand capacity; amending s. 464.0195, F.S.; requiring the 14 Florida Center for Nursing to develop and maintain an 15 information system; requiring an implementation plan; 16 amending s. 1001.02, F.S.; revising State Board of 17 Education duties with respect to developing a 18 postsecondary enrollment plan; requiring State Board of 19 Education rules that address baccalaureate degree programs 20 at community colleges; amending s. 1001.20, F.S.; creating 21 22 the Office of Career Education in the Department of Education and providing responsibilities of the office; 23 amending s. 1001.64, F.S.; providing that community 24 colleges that grant baccalaureate degrees remain under the 25 authority of the State Board of Education with respect to 26 27 specified responsibilities; providing that the board of trustees is the governing board for purposes of granting 28

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baccalaureate degrees; providing powers of the boards of trustees, including the power to establish tuition and out-of-state fees; providing restrictions; requiring such boards to adopt a policy requiring teachers who teach certain upper-division courses to teach a specified minimum number of hours; amending s. 1002.23, F.S.; requiring guidelines for parents relating to the availability of the online student advising and guidance system and additional educational opportunities; amending s. 1003.492, F.S., relating to industry-certified career education programs; deleting obsolete provisions relating to studies; amending and renumbering s. 1004.85, F.S.; providing additional purposes for creation of educator preparation institutes; creating s. 1004.226, F.S.; defining the term "center of excellence"; providing purposes and objectives of centers of excellence; providing for proposals for establishing or expanding centers of excellence; requiring the State Board of Education to develop a plan recommending the establishment or expansion of centers of excellence; requiring reporting; amending s. 1004.65, F.S.; including community colleges approved to offer baccalaureate degree programs under authority to operate; requiring such community colleges to maintain their primary mission and prohibiting them from terminating associate degree programs; prohibiting a community college from offering graduate programs; amending s. 1004.68, F.S.; authorizing the continued awarding of degrees, diplomas, and certificates

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by community colleges approved to offer baccalaureate degree programs; creating s. 1006.01, F.S.; requiring the department to provide a secondary and postsecondary academic and career education online student advising and quidance system; providing requirements for such system; amending s. 1006.02, F.S.; requiring documentation that students have utilized the online student advising and quidance system; amending s. 1006.025, F.S.; requiring such documentation in quidance reports; amending s. 1007.2615, F.S.; revising provisions relating to certification of American Sign Language teachers; amending s. 1007.271, F.S.; specifying that dual enrollment courses are creditable toward high school graduation; providing for FTE calculation; conforming to law minimum academic credits required for graduation; clarifying requirements for participation of independent postsecondary institutions in a dual enrollment program; providing for fee exemption; amending s. 1007.33, F.S.; revising requirements for a proposal by a community college to deliver a baccalaureate degree program; requiring the State Board of Education to make proposals available for review and comment by other postsecondary educational institutions and authorizing alternative proposals; eliminating requirement for review and comment by the Council for Education Policy Research and Improvement; authorizing the State Board of Education to approve, deny, or require revisions to proposals; requiring periodic evaluation of approved programs; authorizing termination

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of funding for certain approved programs; requiring rulemaking; amending s. 1009.21, F.S.; revising provisions relating to determination of resident status for tuition purposes; providing for such determination for purpose of assessing tuition for instruction in workforce education programs offered by school districts; revising definitions and updating terminology; revising requirements for qualification as a resident; providing duties of institutions of higher education and school districts; providing for reclassification under certain circumstances; classifying as residents certain employees of international organizations; providing eligibility criteria for certain students who are not permanent residents of the United States for exemption from payment of nonresident tuition; limiting enrollment and requiring the department to administer the exemption program; amending s. 1009.23, F.S.; providing guidelines and restrictions for setting community college tuition and out-of-state fees for upper-division courses; requiring the State Board of Education to adopt a resident fee schedule for baccalaureate degree programs offered by community colleges; revising provisions relating to the fee for capital improvements, technology enhancements, or equipping student buildings and the use thereof; providing requirements for the issuance and validation of bonds; revising provisions relating to the allocation for child care centers; amending s. 1009.24, F.S.; providing responsibilities of the Legislature and state university

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boards of trustees to establish tuition and fees; providing restrictions; creating s. 1009.286, F.S.; requiring students to pay 75 percent over the in-state tuition rate for certain excess credit hours; restricting certain credit hours for purpose of calculation; providing for notice of requirements; amending s. 1009.40, F.S.; providing general requirements for student eligibility for tuition assistance grants; providing that certain students are ineligible to receive more than one state-funded tuition assistance grant; amending s. 1009.66, F.S.; renaming the Nursing Student Loan Forgiveness Program and transferring administration of the program to the Department of Education; revising criteria for receiving funds under the program and for repayment of loans; requiring that certain nurses employed as faculty in an approved nursing program be given priority in receiving funds under the program; renaming the Nursing Student Loan Forgiveness Trust Fund and transferring administration of the trust fund to the Department of Education; authorizing the adoption of rules; amending s. 1009.67, F.S.; renaming the Nursing Scholarship Program and transferring administration of the program to the Department of Education; revising criteria for receiving funds under the program; revising repayment provisions; requiring the adoption of rules; creating s. 1009.895, F.S.; creating the Florida Independent Collegiate Assistance Grant Program; providing for program administration; authorizing tuition assistance grants to certain postsecondary

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education students enrolling in undergraduate degree programs for specified occupations; providing institution eligibility requirements; amending s. 1009.971, F.S.; providing that the Florida Prepaid College Board shall have the power to provide for the transfer of ownership of an advance payment contract under the Florida Prepaid College Program or a participation agreement under the Florida College Savings Program upon inheritance, devise, or bequest; providing procedures and requirements with respect to such transfer of ownership; providing for specification of application contents by rule; providing applicability; amending ss. 1009.972, 1009.98, and 1009.981, F.S.; authorizing the transfer of funds retained from terminated advance payment contracts, canceled contracts, and terminated participation agreements to the direct-support organization established under pt. IV of ch. 1009, F.S., for use by the Florida Prepaid Tuition Scholarship Program and for children of specified members of the armed forces of the United States who die while participating in the combat theater of operations for Operation Iraqi Freedom or Operation Enduring Freedom; deleting the requirement that an independent college or university be a not-for-profit institution to be eligible for transfer of benefits; providing a restriction on transfer of benefits; amending s. 1011.62, F.S.; providing for FTE calculation for dual enrollment instruction; amending s. 1011.83, F.S.; providing for funding of approved baccalaureate programs at community colleges;

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providing for use of funds and reporting requirements; creating pt. VI of ch. 1011, F.S.; establishing the SUCCEED, FLORIDA! Crucial Professionals Program; providing for the appropriation of funds to the Department of Education to be distributed on a competitive basis to postsecondary educational institutions to offer programs that meet critical workforce needs; providing for a request for proposals and requirements of such proposals; requiring establishment annually by the Legislature of a priority list; providing for funding of proposals; providing requirements for grant recipients and renewal grants; establishing the SUCCEED, FLORIDA! Crucial Professionals Nursing Education Grant Program, a contract grant program for increasing the capacity of approved nursing programs; requiring the Department of Education to establish guidelines and procedures; specifying requirements for grant proposals; establishing priorities for receipt of grants; providing for review, approval, and funding of proposals; requiring the State Board of Education to submit a report on implementation status; establishing the SUCCEED, FLORIDA! Career Paths Program to provide career and professional academy startup grants; providing qualification criteria; establishing the SUCCEED, FLORIDA! Great Jobs Program; providing for the appropriation of funds to the Department of Education to be distributed on a competitive basis to postsecondary educational institutions to produce graduates to enter certain occupations in the state; providing for a request

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for proposals and requirements of such proposals; requiring establishment annually by the Legislature of a priority list; providing for funding of proposals; providing requirements for grant recipients; amending s. 1012.82, F.S.; revising provisions relating to minimum contact hours for community college faculty who teach upper-division courses; amending s. 1013.60, F.S.; allowing community college boards of trustees to request funding for all authorized programs and specifying requirements; requiring that enrollment in baccalaureate degree programs be computed into the survey of need for facilities; creating ch. 1014, F.S., relating to career education; defining the term "career education"; providing elements of the rigorous career education system; providing quiding principles for career education; establishing the position of Deputy Commissioner of Career Education to direct the Office of Career Education in the Department of Education and specifying qualifications for the deputy commissioner; specifying responsibilities and duties; providing legislative expectations and funding criteria for the career education system; defining the term "career and professional academy"; providing elements and duties of a career and professional academy and for certification thereof; requiring adoption of rules; amending s. 215.20, F.S.; conforming provisions relating to a trust fund; creating a program to offer discounted computers and Internet access to public school students in grades 5 through 12; requiring the department to negotiate

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terms with computer manufacturers, nonprofit corporations that obtain reconditioned computer hardware, and broadband Internet access providers; requiring the adoption of rules; requiring the Digital Divide Council to implement a pilot project to assist low-income students with purchasing discounted computers and Internet access services; providing for funding and authorizing the council to accept grants to implement the pilot project; requiring the Office of Program Policy Analysis and Government Accountability to study implementation of career and professional academies and make recommendations; requiring a study and report by the Office of Program Policy Analysis and Government Accountability relating to student progression in state universities; requiring the department to identify specified examinations for earning postsecondary credit for mastery of nursing course material; requiring a status report; authorizing the position of Deputy Commissioner of Career Education and providing an appropriation; requiring the transfer of positions and funds for the creation of the Office of Career Education; providing for a type two transfer with respect to nursing loan programs; requiring the convening of a workgroup to make recommendations regarding bachelor of applied science degree programs; requiring a report; approving a transfer of an endowment from the Appleton Cultural Center, Inc., to the Central Florida Community College Foundation; providing restrictions on the management of the endowment; releasing

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253 the foundation from a trust agreement and statutory 254 requirements; providing an effective date.

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

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- Section 1. This act may be cited as the "SUCCEED, FLORIDA!

 Initiative."
- Section 2. Subsections (3), (4), (5), (6), and (7) of section 20.15, Florida Statutes, are renumbered as subsections (4), (5), (6), (7), and (8), respectively, and a new subsection (3) is added to said section to read:
 - 20.15 Department of Education.--There is created a Department of Education.
 - (3) DEPUTY COMMISSIONER OF CAREER EDUCATION.--The

 Commissioner of Education shall appoint a Deputy Commissioner of

 Career Education pursuant to s. 1014.15 to direct the Office of

 Career Education established in s. 1001.20(4).
 - Section 3. Subsection (2) of section 446.032, Florida Statutes, is renumbered as subsection (3) and a new subsection (2) is added to said section to read:
 - 446.032 General duties of the department for apprenticeship training.--The department shall:
 - (2) (a) Encourage partnerships with registered apprenticeship programs as a means to address the community's labor market training needs.
 - (b) Require contracts between local educational agencies and apprenticeship sponsors to delineate:
 - 1. The scope of services, including, but not limited to,

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- each party's specific obligations regarding the provision of
 equipment, materials, instructors, classroom space, facilities,
 labs, or money.
 - 2. Service level agreements, including appropriate performance measures.
 - 3. A detailed description of the direct cost for each service to be delivered pursuant to the scope of services.

- This paragraph shall not be interpreted to require that any services or materials must be provided by an apprenticeship sponsor if not required in a contract or that payments must be made by a local educational agency to an apprenticeship sponsor for any services or materials other than those required to be delivered pursuant to a contract.
- Section 4. Section 446.609, Florida Statutes, is repealed.
 - Section 5. Subsection (2) of section 464.019, Florida Statutes, is amended, and subsection (8) is added to said section, to read:
 - 464.019 Approval of nursing programs.--
 - (2)(a) The board shall adopt rules, applicable to initial review and conditional approval of a program, regarding educational objectives, faculty qualifications, curriculum guidelines, administrative procedures, and clinical training. An applicant institution shall comply with such rules in order to obtain conditional program approval. No program shall be considered fully approved, nor shall any program be exempted from such rules, prior to the graduation of the program's first class.

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- (b) The board shall adopt rules regarding educational objectives and curriculum guidelines as are necessary to grant full approval to a program and to ensure that fully approved programs graduate nurses capable of competent practice under this part. Rules regarding educational objectives shall consider student attrition rate standards, availability of qualified faculty, and appropriate clinical training facilities. However, the board shall adopt no rule that prohibits a qualified institution from placing a student in a facility for clinical experience, regardless of whether more than one nursing program is using the same facility for clinical experience.
- (c) The board shall adopt rules governing probation, suspension, and termination status of programs that fail to comply with the standards of this part.
- (d) The board shall not adopt any rule limiting the number of students admitted to a nursing program, provided appropriate faculty-to-student ratios are maintained, and provided the board shall not enact any changes to faculty-to-student ratios that have the effect of limiting capacity in approved nursing programs unless such changes are based in scientific research prior to 2004.
- (e) The board, in conjunction with the Florida Center for Nursing, shall conduct a study of research literature to evaluate existing rules regarding clinical instruction, including an assessment of expanding the use of qualified registered nurses as supervisors and simulation as effective ways to maximize the opportunities for clinical experiences.
 - (8) The board shall work with the Department of Health,

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- the Department of Education, and the Florida Center for Nursing to assist any approved nursing program with increasing capacity to produce more nurses to enter the workforce in the state. Such assistance may include, but is not limited to:
- (a) Identifying strategies for reducing the demands of nonclinical requirements on nursing faculty, including consolidating core requirements across nursing majors and tracks and identifying courses that are taught in other health and medical fields that could be jointly offered, taught by nonnurse faculty, or substituted for nursing courses.
- (b) Developing alternative models of clinical education that reduce the burden on nursing faculty, including expanding the use of preceptors, providing more clinical instruction as a concentrated clinical experience later in the program, and increasing the use of simulators.
- Section 6. Subsections (4) and (5) are added to section 464.0195, Florida Statutes, to read:
- 464.0195 Florida Center for Nursing; goals; information system.--
- (4) The Florida Center for Nursing, in collaboration with the Department of Health, the Agency for Health Care

 Administration, the Agency for Workforce Innovation, and the Department of Education, and in consultation with the Office of Program Policy Analysis and Government Accountability, shall develop and maintain an information system to assess the workforce needs of the nursing profession in the state. The information system shall be designed to enable the center to produce reliable, comparable, and comprehensive data on the

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nursing workforce in the state; identify potential nursing shortages and the areas in which they may occur; assess the productivity of approved nursing programs, especially in responding to identified workforce needs; and establish a registry to link approved nursing programs that need additional clinical sites or faculty to expand their capacity with licensed health care providers that may be able to assist in meeting such needs. Data to support the information system may be collected as part of the initial and renewal licensure process for both individuals and health care facilities and as part of the Board of Nursing program approval process. No later than November 1, 2005, the Florida Center for Nursing shall submit to the President of the Senate and the Speaker of the House of Representatives an implementation plan for the information system, including projected cost and recommended rule changes that may be required to collect the information necessary for the system to be successful.

(5) The information system required by subsection (4) shall be implemented to the extent funded in the General Appropriations Act.

Section 7. Paragraph (v) of subsection (2) of section 1001.02, Florida Statutes, is amended, and paragraph (i) is added to subsection (7) of said section, to read:

1001.02 General powers of State Board of Education .--

- (2) The State Board of Education has the following duties:
- (v) To develop, with input from the Board of Governors and the independent postsecondary educational institutions in the state and periodically review for adjustment, a coordinated 5-

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year plan for postsecondary enrollment and annually submit the plan to the Legislature. The plan shall indicate the capacity of each sector, including state universities, community colleges, postsecondary career centers, and independent postsecondary educational institutions, to respond to the planned enrollment and estimate the costs to the state of expanding capacity if necessary to accommodate the enrollment plan. The plan shall be periodically reviewed for adjustment and submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 1 of each year.

- (7) The State Board of Education shall:
- (i) Adopt by rule policies that address the baccalaureate degree programs at community colleges approved pursuant to s.

 1007.33, including, but not limited to, reporting policies and performance accountability requirements for both upper-division and lower-division programs.
- Section 8. Paragraph (f) is added to subsection (4) of section 1001.20, Florida Statutes, to read:
 - 1001.20 Department under direction of state board. --
- (4) The Department of Education shall establish the following offices within the Office of the Commissioner of Education which shall coordinate their activities with all other divisions and offices:
- (f) Office of Career Education.--Responsible for evaluating the effectiveness of public and private secondary and postsecondary education programs in providing rigorous career education; developing in partnership with the business community and Workforce Florida, Inc., a marketing plan for secondary and

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- professional academies, to attract secondary and postsecondary students into careers of critical state need; promoting seamless articulation throughout the career education system; and administering the SUCCEED, FLORIDA! Career Paths Program pursuant to s. 1011.97.
- Section 9. Subsections (1), (2), and (8) of section 1001.64, Florida Statutes, are amended to read:
- 1001.64 Community college boards of trustees; powers and duties.--
- (1) The boards of trustees shall be responsible for costeffective policy decisions appropriate to the community
 college's mission, the implementation and maintenance of highquality education programs within law and rules of the State
 Board of Education, the measurement of performance, the
 reporting of information, and the provision of input regarding
 state policy, budgeting, and education standards. Community
 colleges may grant baccalaureate degrees pursuant to s. 1007.33
 and shall remain under the authority of the State Board of
 Education in accordance with current statutory provisions
 relating to community colleges as defined in s. 1000.21.
- (2) Each board of trustees is vested with the responsibility to govern its respective community college and with such necessary authority as is needed for the proper operation and improvement thereof in accordance with rules of the State Board of Education. This authority includes serving as the governing board for purposes of granting baccalaureate degrees as authorized in s. 1007.33 and approved by the State

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Board of Education.

- (8) Each board of trustees has authority for policies related to students, enrollment of students, student records, student activities, financial assistance, and other student services.
- (a) Each board of trustees shall govern admission of students pursuant to s. 1007.263 and rules of the State Board of Education. A board of trustees may establish additional admissions criteria, which shall be included in the district interinstitutional articulation agreement developed according to s. 1007.235, to ensure student readiness for postsecondary instruction. Each board of trustees may consider the past actions of any person applying for admission or enrollment and may deny admission or enrollment to an applicant because of misconduct if determined to be in the best interest of the community college.
- (b) Each board of trustees shall adopt rules establishing student performance standards for the award of degrees and certificates pursuant to s. 1004.68. The board of trustees of a community college that is authorized to grant a baccalaureate degree under s. 1007.33 may continue to award degrees, diplomas, and certificates as authorized for the college, and in the name of the college, until the college receives any necessary changes to its accreditation.
- (c) Each board of trustees shall establish tuition and out-of-state fees for approved baccalaureate degree programs, consistent with law and proviso language in the General Appropriations Act.

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- (d)(e) Boards of trustees are authorized to establish intrainstitutional and interinstitutional programs to maximize articulation pursuant to s. 1007.22.
- $\underline{\text{(e)}}$ Boards of trustees shall identify their core curricula, which shall include courses required by the State Board of Education, pursuant to the provisions of s. 1007.25(6).
- $\underline{\text{(f)}}$ (e) Each board of trustees must adopt a written antihazing policy, provide a program for the enforcement of such rules, and adopt appropriate penalties for violations of such rules pursuant to the provisions of s. 1006.63(1)-(3).
- (g)(f) Each board of trustees may establish a uniform code of conduct and appropriate penalties for violation of its rules by students and student organizations, including rules governing student academic honesty. Such penalties, unless otherwise provided by law, may include fines, the withholding of diplomas or transcripts pending compliance with rules or payment of fines, and the imposition of probation, suspension, or dismissal.
- (h)(g) Each board of trustees pursuant to s. 1006.53 shall adopt a policy in accordance with rules of the State Board of Education that reasonably accommodates the religious observance, practice, and belief of individual students in regard to admissions, class attendance, and the scheduling of examinations and work assignments.
- (i) Each board of trustees shall adopt a policy providing that faculty who teach upper-division courses that are a component part of a baccalaureate degree program must meet the requirements of s. 1012.82.

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Section 10. Paragraphs (a) and (d) of subsection (2) of section 1002.23, Florida Statutes, are amended to read:

1002.23 Family and School Partnership for Student Achievement Act.--

- (2) To facilitate meaningful parent and family involvement, the Department of Education shall develop guidelines for a parent guide to successful student achievement which describes what parents need to know about their child's educational progress and how they can help their child to succeed in school. The guidelines shall include, but need not be limited to:
 - (a) Parental information regarding:
- 1. Requirements for their child to be promoted to the next grade, as provided for in s. 1008.25;
- 2. Progress of their child toward achieving state and district expectations for academic proficiency;
- 3. Assessment results, including report cards and progress reports; and
 - 4. Qualifications of their child's teachers; and
- 5. Availability of the secondary and postsecondary academic and career education online student advising and guidance system described in s. 1006.01;
- (d) Opportunities for parents to learn about rigorous academic programs that may be available for their child, such as honors programs, dual enrollment, advanced placement, International Baccalaureate, Florida Virtual High School courses, career and professional academies, and accelerated access to postsecondary education;

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Section 11. Section 1003.492, Florida Statutes, is amended to read:

1003.492 Industry-certified career education programs. --

- (1) A career education program within a comprehensive high school program of study shall be coordinated with the appropriate industry indicating that all components of the program are relevant and appropriate to prepare the student for further education or for employment in that industry.
- (2) The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 for implementing an industry certification process, which rules must establish any necessary procedures for obtaining appropriate business partners and requirements for business and industry involvement in curriculum oversight and equipment procurement.
- performance in industry certified career education programs. The department shall identify districts that currently operate industry-certified career education programs. The study shall examine the performance of participating students over time. Performance factors shall include, but not be limited to, graduation rates, retention rates, additional educational attainment, employment records, earnings, and industry satisfaction. The results of this study shall be submitted to the President of the Senate and the Speaker of the House of Representatives by December 31, 2004.
- (4) The Department of Education shall conduct a study to determine if a cost factor should be applied to industry certified career education programs and review the need for

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startup funding for the programs. The study shall be completed by December 31, 2004, and shall be submitted to the President of the Senate and the Speaker of the House of Representatives.

Section 12. Section 1004.85, Florida Statutes, is renumbered as section 1004.045, Florida Statutes, and paragraphs (e), (f), and (g) are added to subsection (2) of said section to read:

1004.045 1004.85 Postsecondary educator preparation institutes.--

- (2) Postsecondary institutions that are accredited or approved as described in state board rule may seek approval from the Department of Education to create educator preparation institutes for the purpose of providing any or all of the following:
- (e) Instruction to assist associate degree holders who have business experience in demonstrating teaching competencies for career education courses in the specific area relating to their business experience.
- (f) Professional development instruction to assist career education teachers in delivering a career education curriculum in a relevant context with student-centered, research-based instructional strategies and a rigorous standards-based academic curriculum.
- (g) Professional development instruction to assist guidance counselors in using a mentor-teacher guidance model. Section 13. Section 1004.226, Florida Statutes, is created to read:
 - 1004.226 Florida technology development; centers of

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excellence. --

- (1) The term "center of excellence," as used in this section, means an organization of personnel, facilities, and equipment established at or in collaboration with one or more universities in Florida to accomplish the purposes and objectives set forth in this section. The purposes and objectives of a center of excellence include:
- (a) Identifying and pursuing opportunities for university scholars, research center scientists and engineers, and private businesses to form collaborative partnerships to foster and promote the research required to develop commercially promising, advanced, and innovative technologies and to transfer those technologies to commercial sectors.
- (b) Acquiring and leveraging public and private sector funding to provide the totality of funds, personnel, facilities, equipment, and other resources needed to support the research required to develop commercially promising, advanced, and innovative technologies and to transfer those technologies to commercial sectors.
- (c) Recruiting and retaining world class scholars, highperforming students, and leading scientists and engineers in
 technology disciplines to engage in research in this state to
 develop commercially promising, advanced, and innovative
 technologies.
- (d) Enhancing and expanding technology curricula and laboratory resources at universities in this state.
- (e) Increasing the number of high-performing students in technology disciplines who graduate from universities in this

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state and pursue careers in this state.

- (f) Stimulating and supporting the inception, growth, and diversification of technology-based businesses and ventures in Florida and increasing employment opportunities for the workforce needed to support such businesses.
- (2) The State Board of Education shall notify the president of each university in the state of the opportunity to submit to the state board a written proposal for establishing a center of excellence under this section or expanding a center of excellence designated under former s. 1004.225. A proposal from a university must be submitted to the state board before

 November 1, 2005.
- (3) (a) By February 15, 2006, the State Board of Education, in consultation with the Florida Research Consortium, shall develop a plan for establishing or expanding one or more centers of excellence from proposals submitted pursuant to subsection (2) and shall authorize expenditures for implementing the plan.
- (b) The plan must include performance and accountability measures that can be used to assess the progress of plan implementation and the success of each center of excellence that receives funding under the plan. By March 1, 2006, the State Board of Education shall provide a copy of the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives.
- (4) Beginning July 1, 2006, the State Board of Education shall report annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the progress in implementing the plan developed under subsection (3)

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- and the success of each center of excellence that receives funding under that plan.
- (5) This program shall be implemented to the extent funds are provided in the General Appropriations Act.
- Section 14. Subsection (1), paragraph (a) of subsection (7), and subsection (9) of section 1004.65, Florida Statutes, are amended, and subsection (10) is added to said section, to read:
- 1004.65 Community colleges; definition, mission, and responsibilities.--
- (1) Community colleges shall consist of all public educational institutions identified in s. 1000.21(3). Community colleges, including colleges that have been approved to offer baccalaureate degree programs pursuant to s. 1007.33, shall be operated by community college district boards of trustees under statutory authority and rules of the State Board of Education. Except as otherwise provided in law, all laws and rules that relate to community colleges apply to community colleges authorized to offer baccalaureate degree programs pursuant to s. 1007.33.
- (7) A separate and secondary role for community colleges includes:
- (a) Providing upper level instruction and awarding baccalaureate degrees as specifically authorized by law. A community college that is approved to offer baccalaureate degree programs shall maintain its primary mission pursuant to subsection (6) and may not terminate associate in arts or associate in science degree programs as a result of the

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authorization to offer baccalaureate degree programs.

- (9) Community colleges are authorized to offer such programs and courses as are necessary to fulfill their mission and are authorized to grant associate in arts degrees, associate in science degrees, associate in applied science degrees, certificates, awards, and diplomas. Each community college is also authorized to make provisions for the General Educational Development test. Each community college may provide access to and award baccalaureate degrees in accordance with law.
- (10) A community college may not offer graduate programs.

 Section 15. Subsection (3) is added to section 1004.68,

 Florida Statutes, to read:
- 1004.68 Community college; degrees and certificates; tests for certain skills.--
- (3) The board of trustees of a community college authorized to grant baccalaureate degrees pursuant to s. 1007.33 may continue to award degrees, diplomas, and certificates as authorized for the college, and in the name of the college, until the community college receives any necessary changes to its accreditation.
- Section 16. Section 1006.01, Florida Statutes, is created to read:
- advising system described in s. 1007.28 into a secondary and postsecondary and postsecondary and postsecondary and advising and guidance system.

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s. 1007.28, the enhanced system must:

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- (1) Provide access to information from regional workforce boards on local careers and careers that are critical state needs and the secondary and postsecondary career education necessary to enter these careers.
- (2) Provide continuous secondary and postsecondary career education guidance beginning in middle school and store student information until completion of the student's education.
- Section 17. Subsection (1) of section 1006.02, Florida Statutes, is amended to read:
- 1006.02 Provision of information to students and parents regarding school-to-work transition.--
- To facilitate each student's ability to easily and seamlessly combine academic and rigorous career education courses throughout the educational experience, each school district all public K 12 schools shall document as part of its quidance report required pursuant to s. 1006.025 that every middle and high school student has used the secondary and postsecondary academic and career education online student advising and guidance system described in s. 1006.01 as part of the student's career exploration and planning process. The report must include the manner in which they have prepared students to enter the workforce, including information regarding the provision of accurate, timely career and curricular counseling to middle school and high school students. This information shall include a delineation of available career opportunities, educational requirements associated with each career, educational institutions that prepare students to enter

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each career, and student financial aid available to enable students to pursue any postsecondary instruction required to enter that career. This information shall also delineate school procedures for identifying individual student interests and aptitudes which enable students to make informed decisions about the curriculum that best addresses their individual interests and aptitudes while preparing them to enroll in postsecondary education and enter the workforce. This information shall include recommended high school coursework that prepares students for success in college-level work. The information shall be made known to parents and students annually through inclusion in the school's handbook, manual, or similar documents or other communications regularly provided to parents and students.

Section 18. Paragraph (f) of subsection (2) of section 1006.025, Florida Statutes, is amended to read:

1006.025 Guidance services.--

- (2) The guidance report shall include, but not be limited to, the following:
- (f) Actions taken to provide information to students for the school-to-work transition and documentation that every middle and high school student has used the secondary and postsecondary academic and career education online student advising and guidance system described in s. 1006.01 for the student's career exploration and planning process pursuant to s. 1006.02.

Section 19. Paragraph (c) of subsection (3) of section 1007.2615, Florida Statutes, is amended to read:

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1007.2615 American Sign Language; findings; foreign-language credits authorized; teacher licensing.--

- (3) DUTIES OF COMMISSIONER OF EDUCATION AND STATE BOARD OF EDUCATION; LICENSING OF AMERICAN SIGN LANGUAGE TEACHERS; PLAN FOR POSTSECONDARY EDUCATION PROVIDERS.--
- (c) An ASL teacher must be certified by the Department of Education by January 1, 2009 2008, and must obtain current certification through the Florida American Sign Language Teachers' Association (FASLTA) by January 1, 2006. New FASLTA certification may be used by current ASL teachers as an alternative certification track.
- Section 20. Subsection (1), (2), (4), (5), (6), (11), and (13) of section 1007.271, Florida Statutes, are amended to read:

 1007.271 Dual enrollment programs.--
- (1) The dual enrollment program is the enrollment of an eligible secondary student or home education student in a postsecondary course creditable toward <u>high school completion and</u> a career certificate or an associate or baccalaureate degree.
- (2) For the purpose of this section, an eligible secondary student is a student who is enrolled in a Florida public secondary school or in a Florida private secondary school which is in compliance with s. 1002.42(2) and conducts a secondary curriculum pursuant to s. 1003.43. Students enrolled in postsecondary instruction that is not creditable toward the high school diploma shall not be classified as dual enrollments. Students who are eligible for dual enrollment pursuant to this section shall be permitted to enroll in dual enrollment courses

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conducted during school hours, after school hours, and during the summer term. Instructional time for such enrollment may exceed 900 hours; however, the school district may only report the student for a maximum of 1.0 FTE, as provided in s. 1011.61(4). Dual enrollment instruction of high school students that is eligible for high school and postsecondary credit shall be reported by the school district in an amount equal to the hours of instruction that would be necessary to earn the FTE for the equivalent course if it were taught in the school district. Any student so enrolled is exempt from the payment of registration, tuition, and laboratory fees. Vocationalpreparatory instruction, college-preparatory instruction and other forms of precollegiate instruction, as well as physical education courses that focus on the physical execution of a skill rather than the intellectual attributes of the activity, are ineligible for inclusion in the dual enrollment program. Recreation and leisure studies courses shall be evaluated individually in the same manner as physical education courses for potential inclusion in the program.

(4) Career dual enrollment shall be provided as a curricular option for secondary students to pursue in order to earn a series of elective credits toward the high school diploma. However, career dual enrollment shall not supplant student acquisition of the diploma. Career dual enrollment shall be available for secondary students seeking a degree or certificate from a complete career-preparatory program and shall not be used to enroll students, but shall not sustain student enrollment in isolated career courses. It is the intent of the

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Legislature that career dual enrollment <u>provide</u> reflect the interests and aptitudes of the student. The provision of a comprehensive academic and career dual enrollment program within the career center or community college is supportive of legislative intent; however, such provision is not mandatory.

- (5) Each district school board shall inform all secondary students of dual enrollment as an educational option and mechanism for acceleration. Students shall be informed of eligibility criteria, the option for taking dual enrollment courses beyond the regular school year, and the 24 minimum academic credits required for graduation. District school boards shall annually assess the demand for dual enrollment and other advanced courses, and the district school board shall consider strategies and programs to meet that demand.
- (6) The Commissioner of Education shall appoint faculty committees representing public school, community college, and university faculties to identify postsecondary courses that meet the high school graduation requirements of s. 1003.43, and to establish the number of postsecondary semester credit hours of instruction and equivalent high school credits earned through dual enrollment pursuant to this section that are necessary to meet high school graduation requirements. Such equivalencies shall be determined solely on comparable course content and not on seat time traditionally allocated to such courses in high school. The Commissioner of Education shall recommend to the State Board of Education those postsecondary courses identified to meet high school graduation requirements, based on mastery of course outcomes, by their statewide course numbers number, and

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all high schools shall accept these postsecondary education courses toward meeting the requirements of s. 1003.43.

- (11) The Department of Education shall approve any course for inclusion in the dual enrollment program that is contained within the statewide course numbering system. However, college-preparatory and other forms of precollegiate instruction, and physical education and other courses that focus on the physical execution of a skill rather than the intellectual attributes of the activity, may not be so approved, but must be evaluated individually for potential inclusion in the dual enrollment program. This subsection does not mean that an independent postsecondary institution eligible for inclusion in a dual enrollment or early admission program pursuant to s. 1011.62 must participate in the statewide course numbering system developed pursuant to s. 1007.24 to participate in a dual enrollment program.
- (13) It is the intent of the Legislature that Students who meet the eligibility requirements of this section subsection and who choose to participate in dual enrollment programs are be exempt from the payment of registration, tuition, and laboratory fees.

Section 21. Section 1007.33, Florida Statutes, is amended to read:

1007.33 Site-determined baccalaureate degree access.--

(1) The Legislature recognizes that public and private postsecondary educational institutions play essential roles in improving the quality of life and economic well-being of the state and its residents. The Legislature also recognizes that

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economic development needs and the educational needs of placebound, nontraditional students have increased the demand for local access to baccalaureate degree programs. In some, but not all, geographic regions, baccalaureate degree programs are being delivered successfully at the local community college through agreements between the community college and 4-year postsecondary institutions within or outside of the state. It is therefore the intent of the Legislature to further expand access for Florida residents to baccalaureate degree programs and to provide baccalaureate degree programs that meet critical workforce needs through the use of community colleges.

- (2) A community college may enter into a formal agreement pursuant to the provisions of s. 1007.22 for the delivery of specified baccalaureate degree programs.
- (3) A community college may develop a proposal to deliver specified baccalaureate degree programs in its district to meet local workforce needs or to expand access to postsecondary education for diverse, nontraditional, or geographically bound students. The proposal must be approved by the board of trustees of the community college.
- (a) To be eligible to receive state funding to support the proposed program at the baccalaureate level, the proposal must be submitted to the State Board of Education for approval in accordance with timelines and guidelines adopted by the state board and. The community college's proposal must include the following information:
- $\underline{1.(a)}$ Documentation of the demand for the baccalaureate degree program as \underline{is} identified by the workforce development

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board, local businesses and industry, local chambers of commerce, and potential students who must be residents of the state.

- <u>2.(b)</u> <u>Documentation of the</u> unmet need for graduates of the proposed degree program is substantiated.
- 3.(c) Documentation that the community college has the facilities and academic resources to deliver the program.
- 4. Documentation that alternative attempts were made to meet the identified need, such as distance learning and partnerships with other public or private postsecondary educational institutions, or justification for not pursuing such alternatives.
- 5. A 5-year financial plan that details steps to ensure that the per-credit-hour costs of the program at the end of the 5-year period will be less than the costs of similar programs at state universities.
- (b) Upon receipt of a proposal submitted pursuant to paragraph (a), the State Board of Education must make the proposal available to other public and private postsecondary educational institutions for 60 days for review and comment, including the opportunity for such institutions to submit alternative proposals to the State Board of Education for meeting the stated need.
- (c) The State Board of Education may approve, deny, or require revisions to a proposal submitted by a community college pursuant to paragraph (a) or an alternative proposal submitted pursuant to paragraph (b).

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A The proposal must be submitted to the Council for Education

Policy Research and Improvement for review and comment. Upon

approval of the State Board of Education for the specific degree

program or programs, the community college approved to offer

baccalaureate degrees pursuant to this subsection shall pursue

regional accreditation by the Commission on Colleges of the

Southern Association of Colleges and Schools. Any additional

baccalaureate degree program programs the community college

wishes to offer must be approved by the State Board of Education

pursuant to the process outlined in this subsection in order for

the community college to receive state funding for the program

at the baccalaureate level.

Any baccalaureate degree program authorized at a community college pursuant to the provisions of this section must be evaluated by the board of trustees of the community college every 5 years to determine the cost-effectiveness of the program, the effectiveness of the program in providing access to baccalaureate degrees for Florida residents and meeting local workforce needs, and the impact of the program on the college's primary mission of providing associate degrees. A copy of the evaluation must be submitted to the State Board of Education, the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives. Programs that have excessive per-credit-hour costs, fail to provide meaningful access to baccalaureate degrees for Florida residents, no longer meet workforce needs, or hinder a community college's primary mission may lose eligibility for state funding as a baccalaureate degree program.

- (5)(4) A community college may not terminate its associate in arts or associate in science degree programs as a result of the authorization provided <u>pursuant to this section</u> in subsection (3). The Legislature intends that the primary mission of a community college, including a community college that offers baccalaureate degree programs, continues to be the provision of associate degrees that provide access to a university.
- (6) The State Board of Education shall adopt rules to administer this section.
- Section 22. Section 1009.21, Florida Statutes, is amended to read:
- 1009.21 Determination of resident status for tuition purposes; exemption.--Students shall be classified as residents or nonresidents for the purpose of assessing tuition in community colleges and state universities and for the purpose of assessing tuition for instruction in workforce education programs offered by school districts.
 - (1) As used in this section, the term:
- (a) The term "Dependent child" means any person, whether or not living with his or her parent, who is eligible to be claimed by his or her parent as a dependent under the federal income tax code and who receives at least 51 percent of the true cost-of-living expenses from his or her parent, as further defined in rules of the department and postsecondary residential guidelines.
 - (b) "Initial enrollment" means the first day of class.
 - (c) (b) The term "Institution of higher education" means

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any public community college or state university.

- (d)(c) A "Legal resident" or "resident" means is a person who has maintained his or her residence in this state for the preceding year, has purchased a home which is occupied by him or her as his or her residence, or has established a domicile in this state pursuant to s. 222.17.
- (e) "Nonresident for tuition purposes" means a person who does not qualify for the in-state tuition rate.
- $\underline{\text{(f)}}$ (d) The term "Parent" means the natural or adoptive parent or legal guardian of a dependent child.
- $\underline{(g)}$ (e) A "Resident for tuition purposes" $\underline{\text{means}}$ is a person who qualifies as provided in subsection (2) for the in-state tuition rate; a "nonresident for tuition purposes" is a person who does not qualify for the in state tuition rate.
 - (2)(a) To qualify as a resident for tuition purposes:
- 1. A person or, if that person is a dependent child, his or her parent or parents must have established legal residence in this state and must have maintained legal residence in this state for at least 12 <u>consecutive</u> months immediately prior to his or her <u>initial enrollment in a postsecondary education</u> <u>program in this state</u> <u>qualification</u>.
- 2. Every applicant for admission to an institution of higher education or to a workforce education program offered by a school district shall be required to make a statement as to his or her length of residence in the state and, further, shall establish that his or her presence or, if the applicant is a dependent child, the presence of his or her parent or parents in the state currently is, and during the requisite 12-month

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qualifying period was, for the purpose of maintaining a bona fide domicile, rather than for the purpose of maintaining a mere temporary residence or abode incident to enrollment in an institution of higher education or a workforce education program offered by a school district.

- 3. Each institution of higher education or each school district that offers a workforce education program must determine whether an applicant who has been granted admission is a dependent child.
- 4. Each institution of higher education or each school district that offers a workforce education program must affirmatively determine that an applicant who has been granted admission as a Florida resident meets the residency requirements of this section at the time of initial enrollment.
- (b) However, with respect to a dependent child living with an adult relative other than the child's parent, such child may qualify as a resident for tuition purposes if the adult relative is a legal resident who has maintained legal residence in this state for at least 12 consecutive months immediately prior to the child's initial enrollment in a postsecondary education program in this state qualification, provided the child has resided continuously with such relative for the 5 years immediately prior to the child's initial enrollment qualification, during which time the adult relative has exercised day-to-day care, supervision, and control of the child.
- (c) The legal residence of a dependent child whose parents are divorced, separated, or otherwise living apart will be

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deemed to be this state if either parent is a legal resident of this state, regardless of which parent is entitled to claim, and does in fact claim, the minor as a dependent pursuant to federal individual income tax provisions.

- (d) A person who is classified as a nonresident for tuition purposes may become eligible for reclassification as a resident for tuition purposes if that person or, if that person is a dependent child, his or her parent presents documentation that supports permanent residency in this state rather than temporary residency for the purpose of pursuing an education, such as documentation of full-time permanent employment for the previous 12 months or the purchase of a home in this state and residence therein for the prior 12 months. If a person who is a dependent child and his or her parent move to this state while such child is a high school student and the child graduates from a high school in this state, the child may become eligible for reclassification as a resident for tuition purposes when the parent qualifies for permanent residency.
- (3) An individual shall not be classified as a resident for tuition purposes and, thus, shall not be eligible to receive the in-state tuition rate until he or she has provided such evidence related to legal residence and its duration or, if that individual is a dependent child, documentation of his or her parent's legal residence and its duration, as well as documentation confirming his or her status as a dependent child, as may be required by law and by officials of the institution of higher education or officials of the school district offering the workforce education program from which he or she seeks the

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in-state tuition rate.

- (4) With respect to a dependent child, the legal residence of such individual's parent or parents is prima facie evidence of the individual's legal residence, which evidence may be reinforced or rebutted, relative to the age and general circumstances of the individual, by the other evidence of legal residence required of or presented by the individual. However, the legal residence of an individual whose parent or parents are domiciled outside this state is not prima facie evidence of the individual's legal residence if that individual has lived in this state for 5 consecutive years prior to enrolling or reregistering at the institution of higher education or enrolling or reregistering in a workforce education program offered by a school district at which resident status for tuition purposes is sought.
- (5) In making a domiciliary determination related to the classification of a person as a resident or nonresident for tuition purposes, the domicile of a married person, irrespective of sex, shall be determined, as in the case of an unmarried person, by reference to all relevant evidence of domiciliary intent. For the purposes of this section:
- (a) A person shall not be precluded from establishing or maintaining legal residence in this state and subsequently qualifying or continuing to qualify as a resident for tuition purposes solely by reason of marriage to a person domiciled outside this state, even when that person's spouse continues to be domiciled outside of this state, provided such person maintains his or her legal residence in this state.

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- (b) A person shall not be deemed to have established or maintained a legal residence in this state and subsequently to have qualified or continued to qualify as a resident for tuition purposes solely by reason of marriage to a person domiciled in this state.
- (c) In determining the domicile of a married person, irrespective of sex, the fact of the marriage and the place of domicile of such person's spouse shall be deemed relevant evidence to be considered in ascertaining domiciliary intent.
- (6) Any nonresident person, irrespective of sex, who marries a legal resident of this state or marries a person who later becomes a legal resident may, upon becoming a legal resident of this state, accede to the benefit of the spouse's immediately precedent duration as a legal resident for purposes of satisfying the 12-month durational requirement of this section.
- (7) A person shall not lose his or her resident status for tuition purposes solely by reason of serving, or, if such person is a dependent child, by reason of his or her parent's or parents' serving, in the Armed Forces outside this state.
- (8) A person who has been properly classified as a resident for tuition purposes but who, while enrolled in an institution of higher education or a workforce education program offered by a school district in this state, loses his or her resident tuition status because the person or, if he or she is a dependent child, the person's parent or parents establish domicile or legal residence elsewhere shall continue to enjoy the in-state tuition rate for a statutory grace period, which

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period shall be measured from the date on which the circumstances arose that culminated in the loss of resident tuition status and shall continue for 12 months. However, if the 12-month grace period ends during a semester or academic term for which such former resident is enrolled, such grace period shall be extended to the end of that semester or academic term.

- (9) Any person who ceases to be enrolled <u>in</u> at or who graduates from an institution of higher education <u>or a workforce</u> education program offered by a school district while classified as a resident for tuition purposes and who subsequently abandons his or her domicile in this state shall be permitted to reenroll <u>in</u> at an institution of higher education <u>or a workforce</u> education program offered by a school district in this state as a resident for tuition purposes without the necessity of meeting the 12-month durational requirement of this section if that person has reestablished his or her domicile in this state within 12 months of such abandonment and continuously maintains the reestablished domicile during the period of enrollment. The benefit of this subsection shall not be accorded more than once to any one person.
- (10) The following persons shall be classified as residents for tuition purposes:
- (a) Active duty members of the Armed Services of the United States residing or stationed in this state, their spouses, and dependent children, and active members of the Florida National Guard who qualify under s. 250.10(7) and (8) for the tuition assistance program.
 - (b) Active duty members of the Armed Services of the

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United States, and their spouses and <u>dependent children</u>, <u>dependents</u> attending a public community college or state university within 50 miles of the military establishment where they are stationed, if such military establishment is within a county contiguous to Florida.

- (c) United States citizens living on the Isthmus of Panama, who have completed 12 consecutive months of college work at the Florida State University Panama Canal Branch, and their spouses and dependent children.
- (d) Full-time instructional and administrative personnel employed by state public schools, community colleges, and institutions of higher education, as defined in s. 1000.04, and their spouses and dependent children.
- (e) Students from Latin America and the Caribbean who receive scholarships from the federal or state government. Any student classified pursuant to this paragraph shall attend, on a full-time basis, a Florida institution of higher education.
- (f) Southern Regional Education Board's Academic Common Market graduate students attending Florida's state universities.
- (g) Full-time employees of state agencies or political subdivisions of the state when the student fees are paid by the state agency or political subdivision for the purpose of jobrelated law enforcement or corrections training.
- (h) McKnight Doctoral Fellows and Finalists who are United States citizens.
- (i) United States citizens living outside the United States who are teaching at a Department of Defense Dependent School or in an American International School and who enroll in

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a graduate level education program which leads to a Florida teaching certificate.

- (j) Active duty members of the Canadian military residing or stationed in this state under the North American Aerospace

 Defense Command Air Defense (NORAD) agreement, and their spouses and dependent children, attending a community college or state university within 50 miles of the military establishment where they are stationed.
- (k) Active duty members of a foreign nation's military who are serving as liaison officers and are residing or stationed in this state, and their spouses and dependent children, attending a community college or state university within 50 miles of the military establishment where the foreign liaison officer is stationed.
- (1) Full-time employees of international multilateral organizations based in Florida that are recognized by the United States Department of State and their spouses and dependent children.
- (11) A student, other than a nonimmigrant alien within the meaning of 8 U.S.C. s. 1101(a)(15), who meets all of the following requirements may apply for an exemption from paying nonresident tuition at community colleges and state universities:
- (a) The student has resided in Florida with a parent, as defined in paragraph (1)(f), for at least 3 consecutive years immediately preceding the date the student received a high school diploma or its equivalent and has attended a Florida high school for at least 3 consecutive school years during such time.

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- (b) The student has registered and enrolled in a community college or a state university. The student may apply for a term deferral of any out-of-state fee assessed by the institution until eligibility for the exemption is determined.
- (c) The student has provided the community college or state university an affidavit stating that the student will file an application to become a permanent resident of the United States at the earliest opportunity he or she is eligible to do so.
- (d) The student has submitted an application for the exemption to the community college or state university in the manner prescribed by the Department of Education.

The exemption authorized pursuant to this subsection shall be limited to the top 2,000 students in academic performance in Florida high schools who register and enroll at a community college or state university under the exemption. The Department of Education shall administer the exemption program and shall develop an application form and guidelines for student participation. The community college or state university shall enter all application criteria submitted by the student into the department's online database, in the manner and timeframe prescribed by the department, for final determination by the department of the student's eligibility to receive the exemption.

(12)(11) The State Board of Education shall by rule designate classifications of students as residents or nonresidents for tuition purposes at community colleges and

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1233 state universities.

Section 23. Subsections (1), (3), and (11) of section 1009.23, Florida Statutes, are amended to read:

1009.23 Community college student fees.--

- (1) Unless otherwise provided, the provisions of this section applies apply only to fees charged for college credit instruction leading to an associate in arts degree, an associate in applied science degree, or an associate in science degree, or a baccalaureate degree authorized by the State Board of Education pursuant to s. 1007.33 and for noncollege credit college-preparatory courses defined in s. 1004.02.
- (3) The State Board of Education shall adopt by December 31 of each year a resident fee schedule for the following fall for advanced and professional programs, associate in science degree programs, baccalaureate degree programs authorized by the State Board of Education pursuant to s. 1007.33, and college-preparatory programs that produce revenues in the amount of 25 percent of the full prior year's cost of these programs. Fees for courses in college-preparatory programs and associate in arts and associate in science degree programs may be established at the same level. In the absence of a provision to the contrary in an appropriations act, the fee schedule shall take effect and the colleges shall expend the funds on instruction. If the Legislature provides for an alternative fee schedule in an appropriations act, the fee schedule shall take effect the subsequent fall semester.
- (11) (a) Each community college board of trustees may establish a separate fee for capital improvements, technology

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enhancements, or equipping student buildings which may not exceed 10 percent of tuition for resident students or 10 percent of the sum of tuition and out-of-state fees for nonresident students. The fee for resident students shall be limited to an increase of \$2 per credit hour over the prior year \$1 per credit hour or credit hour equivalent for residents and which equals or exceeds \$3 per credit hour for nonresidents. Funds collected by community colleges through these fees may be bonded only as provided in this subsection for the purpose of financing or refinancing new construction and equipment, renovation, or remodeling of educational facilities. The fee shall be collected as a component part of the tuition and fees, paid into a separate account, and expended only to construct and equip, maintain, improve, or enhance the educational facilities of the community college. Projects funded through the use of the capital improvement fee shall meet the survey and construction requirements of chapter 1013. Pursuant to s. 216.0158, each community college shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee.

(b) Capital improvement fee revenues may be pledged by a board of trustees as a dedicated revenue source to the repayment of debt, including lease-purchase agreements with an overall term, including renewals, extensions, and refundings, of not more than 7 years and revenue bonds, with a term not to exceed 20 annual maturities years, and not to exceed the useful life of the asset being financed, only for financing or refinancing of the new construction and equipment, renovation, or remodeling of

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educational facilities. Community colleges may use the services of the Division of Bond Finance of the State Board of Administration to issue any Bonds authorized through the provisions of this subsection shall be. Any such bonds issued by the Division of Bond Finance upon the request of the community college board of trustees shall be in compliance with the provisions of s. 11(d), Art. VII of the State Constitution and the State Bond Act. The Division of Bond Finance may pledge fees collected by one or more community colleges to secure such bonds. Any project included in the approved educational plant survey pursuant to chapter 1013 is approved pursuant to s. 11(d), Art. VII of the State Constitution.

- (c) The state does hereby covenant with the holders of the bonds issued under this subsection that it will not take any action that will materially and adversely affect the rights of such holders so long as the bonds authorized by this subsection are outstanding.
- (d) Any validation of the bonds issued pursuant to the State Bond Act shall be validated in the manner provided by chapter 75. Only the initial series of bonds is required to be validated. The complaint for such validation shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending.

- (e) A maximum of 15 percent cents per credit hour may be allocated from the capital improvement fee for child care centers conducted by the community college. The use of capital improvement fees for such purpose shall be subordinate to the payment of any bonds secured by the fees.
- Section 24. Subsection (3) of section 1009.24, Florida Statutes, is amended to read:
 - 1009.24 State university student fees.--
- (3) (a) The Legislature has the responsibility to establish tuition and fees.
- (b) Within proviso in the General Appropriations Act and law, each board of trustees shall set <u>undergraduate</u> university tuition and fees.
- (c) Except as otherwise provided by law, each board of trustees shall set university tuition and fees for graduate, graduate professional, and nonresident students, except that tuition and fees for graduate, graduate professional, and nonresident students who enroll prior to fall 2005 shall be established within proviso in the General Appropriations Act or by law. Tuition and fees for graduate, graduate professional, and nonresident students shall not exceed the average full-time nonresident tuition and fees for corresponding programs at public institutions that are members of the Association of American Universities. The annual percentage increase in tuition and fees established by each board of trustees pursuant to this paragraph for students enrolled prior to fall 2005 shall not exceed the annual percentage increase approved by the Legislature for resident undergraduate students. At least 20

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percent of the amount raised by tuition increases imposed pursuant to this paragraph shall be allocated by each university to need-based financial aid for students.

The sum of the activity and service, health, and athletic fees a student is required to pay to register for a course shall not exceed 40 percent of the tuition established in law or in the General Appropriations Act. The tuition and fees established pursuant to paragraph (c) for graduate, graduate professional, and nonresident students shall not be subject to the 40 percent cap. No university shall be required to lower any fee in effect on the effective date of this act in order to comply with this subsection. Within the 40 percent cap, universities may not increase the aggregate sum of activity and service, health, and athletic fees more than 5 percent per year unless specifically authorized in law or in the General Appropriations Act. A university may increase its athletic fee to defray the costs associated with changing National Collegiate Athletic Association divisions. Any such increase in the athletic fee may exceed both the 40 percent cap and the 5 percent cap imposed by this subsection. Any such increase must be approved by the athletic fee committee in the process outlined in subsection (11) and cannot exceed \$2 per credit hour. Notwithstanding the provisions of ss. 1009.534, 1009.535, and 1009.536, that portion of any increase in an athletic fee pursuant to this subsection that causes the sum of the activity and service, health, and athletic fees to exceed the 40 percent cap or the annual increase in such fees to exceed the 5 percent cap shall not be included in calculating the amount a student

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receives for a Florida Academic Scholars award, a Florida Medallion Scholars award, or a Florida Gold Seal Vocational Scholars award. This subsection does not prohibit a university from increasing or assessing optional fees related to specific activities if payment of such fees is not required as a part of registration for courses.

Section 25. Section 1009.286, Florida Statutes, is created to read:

1009.286 Additional student payment required for hours exceeding graduation requirements.--

- (1) It is the intent of the Legislature to discourage undergraduate students in postsecondary education from exceeding the number of credit hours required to complete the students' respective degree programs. Accordingly, a student must pay 75 percent over the in-state tuition rate for any credit hours that the student takes in excess of 120 percent of the number of credit hours required to complete the degree program in which he or she is enrolled.
- (2) A student who is enrolled in a community college must pay 75 percent over the in-state tuition rate for credit hours that the student takes in excess of 120 percent of the credit hours required to earn an associate degree, except that a community college student who has earned the associate degree need not pay the full cost for a maximum of 24 credit hours taken while enrolled at a community college which apply to his or her baccalaureate degree.
- (3) An undergraduate student who is enrolled in a state university must pay 75 percent over the in-state tuition rate

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for credit hours that the student takes in excess of 120 percent of the credit hours required to complete the degree program in which he or she is enrolled, regardless of whether those hours were taken while enrolled at a community college, a state university, or any private postsecondary institution if the student received state funds while enrolled at the private postsecondary institution.

- (4) An undergraduate student who is enrolled in a baccalaureate degree program at a community college must pay 75 percent over the in-state tuition rate for credit hours that the student takes in excess of 120 percent of the number of credit hours required to complete the degree program in which he or she is enrolled, regardless of whether those hours were taken while enrolled at a community college, a state university, or any private postsecondary institution if the student received state funds while enrolled at the private postsecondary institution.
- (5) Credit hours earned under the following circumstances are not calculated as hours required to earn a degree:
- (a) College credits earned through an accelerated mechanism identified in s. 1007.27.
 - (b) Credit hours earned through internship programs.
- (c) Credit hours required for certification, recertification, or certificate degrees.
- (d) Credit hours in courses from which a student must withdraw due to reasons of medical or personal hardship.
 - (e) Credit hours taken by active-duty military personnel.
- 1426 (f) Credit hours required to achieve a dual major 1427 undertaken while pursuing a degree.

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- (g) Remedial and English as a Second Language credit hours.
 - (h) Credit hours earned in military science courses (R.O.T.C.).
 - (6) Each postsecondary institution shall implement a process for notifying students regarding the provisions of this section. The notice shall be provided upon the student's initial enrollment in the institution and again upon the student earning the credit hours required to complete the degree program in which he or she is enrolled. Additionally, the notice shall recommend that the student meet with his or her academic advisor if the student intends to earn additional credit hours at the institution beyond those required for his or her enrolled degree program.
 - (7) The provisions of this section shall apply to freshmen who enroll in a state university or community college in fall 2005 and thereafter.
 - Section 26. Paragraph (a) of subsection (1) of section 1009.40, Florida Statutes, is amended, and subsection (5) is added to said section, to read:
 - 1009.40 General requirements for student eligibility for state financial aid and tuition assistance grants.--
 - (1) (a) The general requirements for eligibility of students for state financial aid awards <u>and tuition assistance</u> <u>grants</u> consist of the following:
 - 1. Achievement of the academic requirements of and acceptance at a state university or community college; a nursing diploma school approved by the Florida Board of Nursing; a

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Florida college, university, or community college which is accredited by an accrediting agency recognized by the State Board of Education; any Florida institution the credits of which are acceptable for transfer to state universities; any career center; or any private career institution accredited by an accrediting agency recognized by the State Board of Education.

- 2. Residency in this state for no less than 1 year preceding the award of aid or a tuition assistance grant for a program established pursuant to s. 1009.50, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s. 1009.57, s. 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s. 1009.72, s. 1009.73, s. 1009.76, s. 1009.77, or s. 1009.89, s. 1009.891, or s. 1009.895. Residency in this state must be for purposes other than to obtain an education. Resident status for purposes of receiving state financial aid awards or tuition assistance grants shall be determined in the same manner as resident status for tuition purposes pursuant to s. 1009.21 and rules of the State Board of Education implementing s. 1009.21 and the postsecondary guidelines of the department.
- 3. Submission of certification attesting to the accuracy, completeness, and correctness of information provided to demonstrate a student's eligibility to receive state financial aid awards or tuition assistance grants. Falsification of such information shall result in the denial of any pending application and revocation of any award or grant currently held to the extent that no further payments shall be made.

 Additionally, students who knowingly make false statements in order to receive state financial aid awards or tuition

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assistance grants shall be guilty of a misdemeanor of the second degree subject to the provisions of s. 837.06 and shall be required to return all state financial aid awards or tuition assistance grants wrongfully obtained.

(5) A student who is attending a nonpublic for-profit or nonprofit institution is ineligible to receive more than one state award that is a tuition assistance grant during a single semester.

Section 27. Section 1009.66, Florida Statutes, is amended to read:

1009.66 Nursing Student Loan <u>Reimbursement</u> Forgiveness Program.--

To encourage qualified personnel to seek employment in areas of this state in which critical nursing shortages exist, there is established the Nursing Student Loan Reimbursement Forgiveness Program. The primary function of the program is to increase employment and retention of registered nurses and licensed practical nurses in nursing homes and hospitals in the state and in state-operated medical and health care facilities, public schools, birth centers, federally sponsored community health centers, family practice teaching hospitals, and specialty children's hospitals and the employment and retention of instructional faculty in nursing programs approved by the Board of Nursing by making repayments toward loans received by students from federal or state programs or commercial lending institutions for the support of postsecondary study in accredited or approved nursing programs or for the support of study in a preparatory course for foreign-trained nurses offered

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by an approved nursing program.

- (2) To be eligible, a candidate must have graduated from an accredited or approved nursing program or have successfully completed a preparatory course for foreign-trained nurses offered by an approved nursing program and have received a Florida license as a licensed practical nurse or a registered nurse or a Florida certificate as an advanced registered nurse practitioner.
- (3) Only loans to pay the costs of tuition, books, and living expenses shall be covered, at an amount not to exceed \$4,000 for each year of education toward the degree obtained.
- Health may make loan principal repayments of up to \$4,000 a year for up to 4 years on behalf of eligible candidates pursuant to subsection (2) selected graduates of an accredited or approved nursing program. All repayments shall be contingent upon continued proof of employment in the designated facilities in this state and shall be made directly to the holder of the loan or the lending institution for loans held by a lending institution. The state shall bear no responsibility for the collection of any interest charges or other remaining balance. In the event that the designated facilities are changed, a nurse shall continue to be eligible for loan reimbursement forgiveness as long as he or she continues to work in the facility for which the original loan repayment was made and otherwise meets all conditions of eligibility.
- (5) There is created the Nursing Student Loan Reimbursement Forgiveness Trust Fund to be administered by the

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- Department of Education Health pursuant to this section and s. 1009.67 and department rules. The Chief Financial Officer shall authorize expenditures from the trust fund upon receipt of vouchers approved by the Department of Education Health. All moneys collected from the private health care industry and other private sources for the purposes of this section shall be deposited into the Nursing Student Loan Reimbursement Forgiveness Trust Fund. Any balance in the trust fund at the end of any fiscal year shall remain therein and shall be available for carrying out the purposes of this section and s. 1009.67.
- (6) In addition to licensing fees imposed under part I of chapter 464, there is hereby levied and imposed an additional fee of \$5, which fee shall be paid upon licensure or renewal of nursing licensure. Revenues collected from the fee imposed in this subsection shall be deposited in the Nursing Student Loan Reimbursement Forgiveness Trust Fund of the Department of Education Health and will be used solely for the purpose of carrying out the provisions of this section and s. 1009.67. Up to 50 percent of the revenues appropriated to implement this subsection may be used for the nursing scholarship loan program established pursuant to s. 1009.67.
- (7) Funds contained in the Nursing Student Loan

 Reimbursement Forgiveness Trust Fund which are to be used for loan reimbursement forgiveness for those nurses employed by hospitals, birth centers, and nursing homes and for those nurses employed as instructional faculty in an approved nursing program must be matched on a dollar-for-dollar basis by contributions or tuition reductions from the employing institutions, except that

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this provision shall not apply to state-operated medical and health care facilities, community colleges, state universities, public schools, county health departments, federally sponsored community health centers, teaching hospitals as defined in s. 408.07, family practice teaching hospitals as defined in s. 395.805, or specialty hospitals for children as used in s. 409.9119. An estimate of the annual trust fund dollars shall be made at the beginning of the fiscal year based on historic expenditures from the trust fund. Applicant requests shall be reviewed on a quarterly basis, and applicant awards shall be based on the following priority of employer until all such estimated trust funds are awarded: nursing programs approved by the Board of Nursing if the employer and the award recipient agree that the award recipient will spend a minimum of 75 percent of his or her time providing instruction, developing curriculum, or advising or mentoring students for the duration of the award; state-operated medical and health care facilities; public schools; county health departments; federally sponsored community health centers; teaching hospitals as defined in s. 408.07; family practice teaching hospitals as defined in s. 395.805; specialty hospitals for children as used in s. 409.9119; and other hospitals, birth centers, and nursing homes.

(8) The Department of Health may solicit technical assistance relating to the conduct of this program from the Department of Education.

(8) (9) The Department of Education Health is authorized to recover from the Nursing Student Loan Reimbursement Forgiveness

Trust Fund its costs for administering the Nursing Student Loan

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Reimbursement Forgiveness Program.

- (9) (10) The <u>State Board of Education</u> Department of Health may adopt rules necessary to administer this program.
- (10) (11) This section shall be implemented only as specifically funded.
- (11) (12) Students receiving a nursing scholarship <u>loan</u> pursuant to s. 1009.67 are not eligible to participate in the Nursing Student Loan Reimbursement Forgiveness Program.
- Section 28. Section 1009.67, Florida Statutes, is amended to read:

1009.67 Nursing Scholarship Loan Program. --

- (1) There is established within the Department of Education Health a scholarship loan program for the purpose of attracting capable and promising students to the nursing profession.
- (2) A scholarship <u>loan</u> applicant shall be enrolled in an approved nursing program leading to the award of an associate degree, a baccalaureate degree, or a graduate degree in nursing <u>or enrolled in a preparatory course for foreign-trained nurses offered by an approved nursing program.</u>
- (3) A scholarship <u>loan</u> may be awarded for no more than 2 years, in an amount not to exceed \$8,000 per year. However, registered nurses pursuing a graduate degree for a faculty position or to practice as an advanced registered nurse practitioner may receive up to \$12,000 per year. These amounts shall be adjusted by the amount of increase or decrease in the consumer price index for urban consumers published by the United States Department of Commerce.

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- (4) Credit for repayment of a scholarship <u>loan</u> shall be as follows:
- (a) For each full year of scholarship <u>loan</u> assistance, the recipient agrees to work for 12 months in a faculty position in a college of nursing or community college nursing program in this state <u>and spend a minimum of 75 percent of his or her time providing instruction</u>, developing curriculum, or advising or <u>mentoring students</u> or <u>agrees to work for 12 months</u> at a health care facility in a medically underserved area as approved by the Department of Health. Scholarship <u>loan</u> recipients who attend school on a part-time basis shall have their employment service obligation prorated in proportion to the amount of scholarship <u>loan</u> payments received.
- (b) Eligible health care facilities include nursing homes and hospitals in this state, state-operated medical or health care facilities, public schools, county health departments, federally sponsored community health centers, colleges of nursing in universities in this state, and community college nursing programs in this state, family practice teaching hospitals as defined in s. 395.805, or specialty children's hospitals as described in s. 409.9119. The recipient shall be encouraged to complete the service obligation at a single employment site. If continuous employment at the same site is not feasible, the recipient may apply to the department for a transfer to another approved health care facility.
- (c) Any recipient who does not complete an appropriate program of studies, who does not become licensed, who does not accept employment as a nurse at an approved health care

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facility, or who does not complete 12 months of approved employment for each year of scholarship <u>loan</u> assistance received shall repay to the Department of <u>Education</u> <u>Health</u>, on a schedule to be determined by the department, the entire amount of the scholarship <u>loan</u> plus <u>18 percent</u> interest <u>accruing from the date</u> of the scholarship payment. Repayment schedules and applicable interest rates shall be determined by rules of the State Board of Education. Moneys repaid shall be deposited into the Nursing Student Loan <u>Reimbursement</u> Forgiveness Trust Fund established in s. 1009.66. However, the department may provide additional time for repayment if the department finds that circumstances beyond the control of the recipient caused or contributed to the default.

- (5) Scholarship <u>loan</u> payments shall be transmitted to the recipient upon receipt of documentation that the recipient is enrolled in an approved nursing program. The Department of <u>Education Health</u> shall develop a formula to prorate payments to scholarship <u>loan</u> recipients so as not to exceed the maximum amount per academic year.
- (6) The <u>State Board of Education</u> Department of Health shall adopt rules, including rules to address extraordinary circumstances that may cause a recipient to default on either the school enrollment or employment contractual agreement, to implement this section.
- (7) The Department of Education Health may recover from the Nursing Student Loan Reimbursement Forgiveness Trust Fund its costs for administering the nursing scholarship loan program.

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Section 29. Section 1009.895, Florida Statutes, is created to read:

1009.895 Florida Independent Collegiate Assistance Grant
Program.--

- (1) The Legislature finds and declares that independent institutions licensed by the Commission for Independent Education are an integral part of the higher education system in this state through which Florida residents seek higher education. The Legislature finds that a significant number of state residents choose to pursue higher education at these institutions and that these institutions and the students they educate and train make a substantial contribution to the development of the state's economy. The Legislature intends to create a tuition assistance grant program for state residents that is not based upon a student's financial need or other criteria upon which financial aid programs are based.
- (2) The Florida Independent Collegiate Assistance Grant Program, to be known as the FICA Grant Program, is created as a student tuition assistance grant program.
- (a) The program shall be administered by the Department of Education according to rules adopted by the State Board of Education.
- (b) The department may issue a tuition assistance grant under the program to any full-time student who:
- 1. Meets student residency requirements as provided in s. 1009.40(1)(a)2.
- 2. Is enrolled as a full-time undergraduate student in a campus-based program at an eligible independent institution of

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- higher education as defined in this section and is seeking an associate degree or higher.
 - 3. Is making satisfactory academic progress as defined by the independent institution of higher education in which the student is enrolled.
 - 4. Enrolls in an undergraduate degree program that leads to employment in an occupation that is listed on a regional targeted occupations list of a Florida workforce board at the time of enrollment.
 - (3) An "eligible independent institution of higher education" is:
 - An institution that is licensed by the Commission for Independent Education under chapter 1005, is accredited by an accrediting agency that is recognized by the United States Secretary of Education as a reliable authority as to the quality of education or training offered at its accredited institutions, and has established performance requirements for student achievement that include minimum objective quantitative standards, including completion rates and placement rates as determined by the department or the commission.
 - An institution whose students are not eligible to participate in the Access to Better Learning and Education Grant Program or the William L. Boyd, IV, Florida Resident Access Grant Program.
- This section shall be implemented to the extent funded 1733 and authorized by law.
- 1734 Section 30. Paragraph (z) is added to subsection (4) of section 1009.971, Florida Statutes, to read: 1735

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1009.971 Florida Prepaid College Board.--

- (4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND DUTIES.--The board shall have the powers and duties necessary or proper to carry out the provisions of ss. 1009.97-1009.984, including, but not limited to, the power and duty to:
- Provide for the transfer of ownership of an advance payment contract or a participation agreement by operation of law upon inheritance, devise, or bequest. An heir of a deceased purchaser or a deceased benefactor may make an application to the board under oath for a change in the purchaser or benefactor and, upon receipt of a completed application, the board may change the ownership of the advance payment contract or participation agreement, as appropriate, to the heir. The board shall specify by rule the information that must be included in the application. When the application is made by an heir of a deceased purchaser or deceased benefactor who died intestate, it shall not be necessary to accompany the application with an order of a probate court if the heir files with the board an affidavit stating that the estate is not indebted and the surviving spouse, if any, and the heirs, if any, have amicably agreed among themselves upon a division of the estate. If the deceased purchaser or deceased benefactor died testate, the application shall be accompanied by a certified copy of the will, if probated, and an affidavit stating that the estate is solvent with sufficient assets to pay all just claims or, if the will is not being probated, by a sworn copy of the will and an affidavit stating that the estate is not indebted. Upon the approval by the board of an application from an heir, the heir

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shall become the purchaser of the advance payment contract or the benefactor of the participation agreement. This subsection does not apply when a purchaser or benefactor has designated in writing to the board the person who will succeed to the ownership of the advance payment contract or participation agreement in the event of the purchaser's or benefactor's death, and that person survives the purchaser or benefactor.

Section 31. Subsection (5) of section 1009.972, Florida Statutes, is amended to read:

1009.972 Florida Prepaid College Trust Fund. --

Notwithstanding the provisions of chapter 717, funds associated with terminated advance payment contracts pursuant to s. 1009.98(4)(k) and canceled contracts for which no refunds have been claimed shall be retained by the board. The board shall establish procedures for notifying purchasers who subsequently cancel their advance payment contracts of any unclaimed refund and shall establish a time period after which no refund may be claimed by a purchaser who canceled a contract. The board may transfer funds retained from such terminated advance payment contracts and canceled contracts to the directsupport organization established pursuant to s. 1009.983 for the Florida Prepaid Tuition Scholarship Program to provide matching funds for prepaid tuition scholarships for economically disadvantaged youth who remain drug free and crime free and for children of members of the armed forces and Coast Guard of the United States who die while participating in the combat theater of operations for Operation Iraqi Freedom or Operation Enduring Freedom on or after the date on which this act becomes a law and

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were Florida residents at the time of their death or have listed Florida as their domicile at the time of their death.

Section 32. Subsection (3) and paragraph (k) of subsection (4) of section 1009.98, Florida Statutes, are amended to read:

1009.98 Florida Prepaid College Program.--

- (3) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE COLLEGES AND UNIVERSITIES AND TO CAREER CENTERS.--A qualified beneficiary may apply the benefits of an advance payment contract toward:
- (a) An independent college or university that is located and chartered in Florida, that is not for profit, that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Independent Colleges and Schools, and that confers degrees as defined in s. 1005.02.
- (b) An out-of-state college or university that is not for profit and is accredited by a regional accrediting association, and that confers degrees.
- (c) An applied technology diploma program or career certificate program conducted by a community college listed in s. 1004.02(2) or career center operated by a district school board.

The board shall transfer or cause to be transferred to the institution designated by the qualified beneficiary an amount not to exceed the redemption value of the advance payment contract at a state postsecondary institution. If the cost of registration or housing fees at such institution is less than

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the corresponding fees at a state postsecondary institution, the amount transferred may not exceed the actual cost of registration and housing fees. A transfer authorized under this subsection may not exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary. The board may refuse to transfer the benefits of an advance payment contract to an otherwise eligible institution if the institution or its representatives distribute materials, regardless of form, that describe the use or transfer of the benefits of an advance payment contract and that have not been approved by the board. Notwithstanding any other provision in this section, an institution must be an "eligible educational institution" under s. 529 of the Internal Revenue Code to be eligible for the transfer of advance payment contract benefits.

- (4) ADVANCE PAYMENT CONTRACTS.--The board shall develop advance payment contracts for registration and may develop advance payment contracts for dormitory residence as provided in this section. Advance payment contracts shall be exempt from chapter 517 and the Florida Insurance Code. Such contracts shall include, but not be limited to, the following:
- (k) The period of time after which advance payment contracts that have not been terminated or the benefits used shall be considered terminated. Time expended by a qualified beneficiary as an active duty member of any of the armed services of the United States shall be added to the period of time specified by the board. No purchaser or qualified beneficiary whose advance payment contract is terminated pursuant to this paragraph shall be entitled to a refund.

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Notwithstanding chapter 717, the board shall retain any moneys paid by the purchaser for an advance payment contract that has been terminated in accordance with this paragraph. Such moneys may be transferred to the direct-support organization established pursuant to s. 1009.983 for the Florida Prepaid Tuition Scholarship Program to provide matching funds for prepaid tuition scholarships for economically disadvantaged youths who remain drug free and crime free and for children of members of the armed forces and Coast Guard of the United States who die while participating in the combat theater of operations for Operation Iraqi Freedom or Operation Enduring Freedom on or after the date on which this act becomes a law and were Florida residents at the time of their death.

Section 33. Paragraph (b) of subsection (2) of section 1009.981, Florida Statutes, is amended to read:

1009.981 Florida College Savings Program. --

- (2) PARTICIPATION AGREEMENTS. --
- (b) The board shall develop a participation agreement which shall be the agreement between the board and each benefactor, which may include, but is not limited to:
- 1. The name, date of birth, and social security number of the designated beneficiary.
- 2. The amount of the contribution or contributions and number of contributions required from a benefactor on behalf of a designated beneficiary.
- 3. The terms and conditions under which benefactors shall remit contributions, including, but not limited to, the date or

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dates upon which each contribution is due. Deposits to the savings program by benefactors may only be in cash. Benefactors may contribute in a lump sum, periodically, in installments, or through electronic funds transfer or employer payroll deductions.

- 4. Provisions for late contribution charges and for default.
- 5. Provisions for penalty fees for withdrawals from the program.
- 6. The name of the person who may terminate participation in the program. The participation agreement must specify whether the account may be terminated by the benefactor, the designated beneficiary, a specific designated person, or any combination of these persons.
- 7. The terms and conditions under which an account may be terminated, modified, or converted, the name of the person entitled to any refund due as a result of termination of the account pursuant to such terms and conditions, and the amount of refund, if any, due to the person so named.
- 8. Penalties for distributions not used or made in accordance with s. 529 of the Internal Revenue Code.
- 9. Any charges or fees in connection with the administration of the savings fund.
- 10. The period of time after which each participation agreement shall be considered to be terminated. Time expended by a designated beneficiary as an active duty member of any of the armed services of the United States shall be added to the period specified pursuant to this subparagraph. Should a participation

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agreement be terminated, the balance of the account, after notice to the benefactor, shall be declared unclaimed and abandoned property. The board shall retain any moneys paid by the benefactor for a participation agreement that has been terminated in accordance with this subparagraph. Such moneys may be transferred to the direct-support organization established pursuant to s. 1009.983 for the Florida Prepaid Tuition Scholarship Program to provide matching funds for prepaid tuition scholarships for economically disadvantaged youths who remain drug free and crime free and for children of members of the armed forces and Coast Guard of the United States who die while participating in the combat theater of operations for Operation Iraqi Freedom or Operation Enduring Freedom on or after the date on which this act becomes a law and were Florida residents at the time of their death or have listed Florida as their domicile at the time of their death.

11. Other terms and conditions deemed by the board to be necessary or proper.

Section 34. Paragraph (i) of subsection (1) of section 1011.62, Florida Statutes, is amended to read:

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

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.--The following procedure shall be followed in

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determining the annual allocation to each district for operation:

Calculation of full-time equivalent membership with (i) respect to dual enrollment instruction from community colleges or state universities. -- Students enrolled in community college or university dual enrollment instruction pursuant to s. 1007.271 may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. Dual enrollment instruction of high school students that is eligible for high school and postsecondary credit shall be reported by the school district in an amount equal to the hours of instruction that would be necessary to earn the FTE for the equivalent course if it were taught in the school district. Such students may also be calculated as the proportional shares of full-time equivalent enrollments they generate for a the community college or university conducting the dual enrollment instruction. Early admission students shall be considered dual enrollments for funding purposes. Students may be enrolled in dual enrollment instruction provided by an eligible independent college or university and may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. However, those provisions of law which exempt dual enrolled and early admission students from payment of instructional materials and tuition and fees, including laboratory fees, shall not apply to students who select the option of enrolling in an eligible independent institution. An independent college or university which is

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located and chartered in Florida, is not for profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Independent Colleges and Schools, and which confers degrees as defined in s. 1005.02 shall be eligible for inclusion in the dual enrollment or early admission program. Students enrolled in dual enrollment instruction shall be exempt from the payment of tuition and fees, including laboratory fees. No student enrolled in college credit mathematics or English dual enrollment instruction shall be funded as a dual enrollment unless the student has successfully completed the relevant section of the entry-level examination required pursuant to s. 1008.30.

Section 35. Section 1011.83, Florida Statutes, is amended to read:

- 1011.83 Financial support of community colleges.--
- (1) Each community college that has been approved by the Department of Education and meets the requirements of law and rules of the State Board of Education shall participate in the Community College Program Fund. However, funds to support workforce education programs conducted by community colleges shall be provided pursuant to s. 1011.80.
- (2) Funding for baccalaureate degree programs approved pursuant to s. 1007.33 shall be specified in the General Appropriations Act. A student in a baccalaureate degree program approved pursuant to s. 1007.33 who is not classified as a resident for tuition purposes pursuant to s. 1009.21 shall not be included in calculations of full-time equivalent enrollments for state funding purposes.

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- (3) Funds specifically appropriated by the Legislature for baccalaureate degree programs approved pursuant to s. 1007.033 may be used only for such programs. A new baccalaureate degree program may not accept students without a recurring legislative appropriation for this purpose. However, community colleges that have been approved by the State Board of Education prior to July 1, 2005, to offer baccalaureate degrees are not subject to the requirement for recurring funds until the 2006-2007 budget year.
- (4) A community college that grants baccalaureate degrees shall maintain reporting and funding distinctions between any baccalaureate degree program approved under s. 1007.33 and any other baccalaureate degree programs involving traditional concurrent-use partnerships.

Section 36. Part VI of chapter 1011, Florida Statutes, consisting of sections 1011.96, 1011.965, 1011.97, and 1011.98, is created to read:

- 1011.96 SUCCEED, FLORIDA! Crucial Professionals Program.-(1) The SUCCEED, FLORIDA! Crucial Professionals Program is established to award funds to accredited postsecondary educational institutions in the state on a competitive basis to offer programs that meet the critical workforce needs of the state and to maximize the number of diplomas, certificates, and degrees that are awarded to postsecondary education students in fields vital to the citizens of the state.
- (2) Beginning with the 2006-2007 fiscal year, funds appropriated by the Legislature to the Department of Education for the SUCCEED, FLORIDA! Crucial Professionals Program shall be distributed according to the provisions of this section.

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- (3) The department shall develop and issue annually a request for proposals. The department shall establish application procedures, guidelines, accountability measures, and timelines for implementation of the grant program.
- (4) Proposals for a grant authorized pursuant to this section must:
- (a) Indicate the number of students to be served, the length of the proposed program, and the total projected cost to students and the state. Funds for a grant provided pursuant to this section must be used to support new students and not to supplant current funding or students.
 - (b) Document the workforce need to be addressed.
 - (c) Demonstrate a pool of qualified applicants.
- (d) Be submitted by an accredited public or nonpublic postsecondary educational institution in the state that provides postsecondary instruction in a field specified in the priority list established pursuant to subsection (5). For purposes of this section, postsecondary educational institutions include school district career centers that offer postsecondary programs.
- (e) Indicate the number of postsecondary diplomas, certificates, or degrees that the institution will award using funds received pursuant to this section and the fields in which the diplomas, certificates, or degrees will be awarded.
- (f) Indicate how the funds received will leverage private industry contributions, grants, or scholarships and how the funds will be used to offset costs to the state for program startup or expansion or to offset student tuition costs.

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- (5) By March 1, 2006, and annually thereafter, the State Board of Education, the Board of Governors, and the board of directors of Workforce Florida, Inc., shall each advise the Legislature of the state's most pressing workforce needs for postsecondary instruction and the geographic locations of these needs. The Legislature shall annually establish a priority list for funds provided pursuant to this section in the General Appropriations Act.
- (6) The rankings and decisions of the request-forproposals process shall be made by the State Board of Education based on the priority list established pursuant to subsection (5).
- (7) Grant recipients must enter into a contract with the state to produce a specific number of graduates in the designated program within a specific time period. Grant recipients must submit periodic reports to the department documenting compliance with the accountability measures established by the department.
- (8) Subsequent to the first year of funding for the SUCCEED, FLORIDA! Crucial Professionals Program, priority for awarding grants shall be for renewal grants to programs that are making adequate progress toward their contracted production, including nursing programs and teaching programs at institutions that received funding from the SUCCEED, FLORIDA! Crucial Professionals Program during the 2005-2006 fiscal year. Renewal award amounts shall be tied to student retention; the production of degrees, certificates, or diplomas; the number of graduates placed in the targeted professions in the state; or other

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accountability measures determined by the department.

Education Grant Program. -- The SUCCEED, FLORIDA! Crucial
Professionals Nursing Education Grant Program is established as
a contract grant program within the Department of Education to
increase the capacity of nursing programs approved by the Board
of Nursing at postsecondary educational institutions to produce
more nurses or nursing faculty to enter the workforce in the
state. The department shall establish application procedures,
guidelines, accountability measures, and timelines for
implementation of the grant program and advise all Board of
Nursing approved programs accordingly.

- (1) Proposals for a grant authorized pursuant to this section must:
- (a) Indicate the number of students to be served, the length of the proposed program, and the projected cost.
- (b) Document the workforce need to be addressed through the expanded capacity of the existing nursing program.
- (c) Demonstrate a pool of qualified applicants to fill the expanded capacity.
- (2) Funds for a grant provided pursuant to this section must be used to support new students and not to supplant current funding or students. An institution applying for a grant must certify to the department that it will not reduce funding or the current level of enrollment in its existing nursing program. Any such reduction shall result in a pro rata reduction in the grant awarded pursuant to this section.
 - (3) Priority in the awarding of new grants authorized

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2100 pursuant to this section shall be given to proposals that comply
2101 with three or more of the following:

- (a) Proposals that result in new nurses in the workforce or nurses moving to a higher level on the career ladder.
- (b) Proposals that could be implemented as early as the fall 2005.
- (c) Proposals that include partnerships or collaborations with other institutions, programs, or health care providers.
- (d) Proposals for programs offered at the worksite or through distance learning that permit nurses to achieve a higher level of nursing licensure.
- (e) Proposals for accelerated programs that shorten the time required to receive a diploma, certificate, or degree; obtain licensure; and enter the workforce.
- (f) Proposals that target exiting military personnel or other persons interested in making career changes.
- (g) Proposals from nursing programs with demonstrated success as evidenced by graduation rates, licensure examination passage rates, and placement of graduates in nursing employment in the state.
- (h) Proposals for programs that would address the state's need for rapid production of highly skilled clinical nurses and qualified nursing faculty, such as the fast-track baccalaureate to doctoral program, the Clinical Nurse Leader Program, and the Doctor of Nursing Practice program.
- (4) Subsequent to the first year of funding for the grant program, priority for awarding grants shall be for renewal grants to nursing programs that are making adequate progress

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2128 towards their contracted production.

- (5) Grant recipients must enter into a contract between the postsecondary educational institution and the state to produce a specific number of nursing graduates within a specific time period.
- (6) Nursing programs receiving grants pursuant to this section must submit periodic reports to the department documenting compliance with the accountability measures established by the department. Award amounts in subsequent years shall be tied to student retention; the production of degrees, certificates, or diplomas; and the number of graduates placed in a nursing position in the state.
- (7) Proposals submitted pursuant to this section shall be reviewed by the Board of Nursing and the State Board of Education. Final approval and level of funding shall be determined by the State Board of Education with consideration given to comments submitted to the State Board of Education by the Board of Nursing.
- (8) The State Board of Education shall monitor compliance with accountability requirements.
- (9) By February 1, 2006, the State Board of Education shall submit a report to the President of the Senate and the Speaker of the House of Representatives on the status of implementation of the grant program.
 - 1011.97 SUCCEED, FLORIDA! Career Paths Program.--
- 2153 (1) The SUCCEED, FLORIDA! Career Paths Program is
 2154 established as a grant program within the Department of
 2155 Education to provide startup grants to offset implementation

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costs of partnerships between a district school board or the Florida Virtual School and one or more businesses, industries, or postsecondary educational institutions to operate a career and professional academy pursuant to s. 1014.21. The Office of Career Education in the department shall administer the startup grants.

- (2) A district school board or the Florida Virtual School may apply to the Office of Career Education for a grant which must be provided through a competitive process and may be used only for a career and professional academy.
- (3) A high school that currently has a career academy, career institute, industry-certified program, or preapprenticeship program as well as a charter technical career center shall be eligible to apply for a grant to redesign its programs to meet the rigorous and relevant academic standards of a career and professional academy.
- (4) Curriculum and content developed in a career and professional academy as a result of a startup grant shall be made available to all school districts.
 - 1011.98 SUCCEED, FLORIDA! Great Jobs Program.--
- (1) The SUCCEED, FLORIDA! Great Jobs Program is established to award funds to public and private postsecondary educational institutions in the state on a competitive basis to produce more qualified and trained graduates to enter highskill, high-wage occupations in the state.
- (2) Beginning with the 2006-2007 fiscal year, funds appropriated by the Legislature to the Department of Education for the SUCCEED, FLORIDA! Great Jobs Program shall be

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- distributed according to the provisions of this section.
- (3) The department shall develop and issue annually a request for proposals. The department shall establish application procedures, guidelines, accountability measures, and timelines for implementation of the grant program.
 - (4) Proposals for a grant authorized pursuant to this section must:
 - (a) Indicate the number of students to be served, the length of the proposed program, and the total projected cost to students and the state. Funds for a grant provided pursuant to this section must be used to support new students and not to supplant current funding or students.
 - (b) Document the workforce need to be addressed.
 - (c) Demonstrate a pool of qualified applicants.
 - (d) Be submitted by a public or nonpublic postsecondary educational institution in the state that provides postsecondary instruction in a field that produces graduates prepared to enter an occupation identified in the priority list established pursuant to subsection (5). For purposes of this section, postsecondary educational institutions include school district career centers that offer postsecondary programs.
 - (e) Indicate the number of postsecondary diplomas, certificates, or degrees that the institution will award using funds received pursuant to this section and the fields in which the diplomas, certificates, or degrees will be awarded.
 - (f) Indicate how the funds received will leverage private industry contributions, grants, or scholarships and how the funds will be used to offset costs to the state for program

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startup or expansion or to offset student tuition costs.

- (5) By March 1, 2006, and annually thereafter, the State Board of Education, using information provided by the Workforce Estimating Conference pursuant to s. 216.136(9), shall advise the Legislature of the workforce needs in high-skill, high-wage occupations and the geographic locations of these needs. The Legislature shall annually establish a priority list for funds provided pursuant to this section in the General Appropriations Act.
- (6) The State Board of Education must review proposals and determine funding to be provided based on the priority list established pursuant to subsection (5).
- (7) Grant recipients must enter into a contract with the state to produce a specific number of graduates in the designated program within a specific time period. Grant recipients must submit periodic reports to the department documenting compliance with the accountability measures established by the department. The State Board of Education must monitor compliance with the accountability requirements.
- (8) Final payments shall be tied to the number of degrees, certificates, or diplomas produced and the number of graduates placed in the state.

Section 37. Section 1012.82, Florida Statutes, is amended to read:

1012.82 Teaching faculty; minimum teaching hours per week.--Each full-time member of the teaching faculty at any community college, including faculty who teach upper-division courses that are a component part of a baccalaureate degree

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program approved pursuant to s. 1007.33, who is paid wholly from funds appropriated from the community college program fund shall teach a minimum of 15 classroom contact hours per week at such institution. However, the required classroom contact hours per week may be reduced upon approval of the president of the institution in direct proportion to specific duties and responsibilities assigned the faculty member by his or her departmental chair or other appropriate college administrator. Such specific duties may include specific research duties, specific duties associated with developing television, video tape, or other specifically assigned innovative teaching techniques or devices, or assigned responsibility for off-campus student internship or work-study programs. A "classroom contact hour" consists of a regularly scheduled classroom activity of not less than 50 minutes in a course of instruction which has been approved by the community college board of trustees. Any full-time faculty member who is paid partly from community college program funds and partly from other funds or appropriations shall teach a minimum number of classroom contact hours per week in such proportion to 15 classroom contact hours as his or her salary paid from community college program funds bears to his or her total salary.

Section 38. Subsection (2) of section 1013.60, Florida Statutes, is amended to read:

- 1013.60 Legislative capital outlay budget request.--
- (2) The commissioner shall submit to the Governor and to the Legislature an integrated, comprehensive budget request for educational facilities construction and fixed capital outlay

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needs for school districts, community colleges, and universities, pursuant to the provisions of s. 1013.64 and applicable provisions of chapter 216. Each community college board of trustees and each university board of trustees shall submit to the commissioner a 3-year plan and data required in the development of the annual capital outlay budget. Community college boards of trustees may request funding for all authorized programs, including approved baccalaureate degree programs. Such a request for funding must be submitted as a part of the 3-year priority list for community colleges pursuant to s. 1013.64(4)(a). Enrollment in approved baccalaureate degree programs or baccalaureate degree programs offered under a formal agreement with another college or university pursuant to s. 1007.33 may be computed into the survey of need for facilities if the partner is not defraying the cost. No further disbursements shall be made from the Public Education Capital Outlay and Debt Service Trust Fund to a board of trustees that fails to timely submit the required data until such board of trustees submits the data.

Section 39. Chapter 1014, Florida Statutes, consisting of sections 1014.01, 1014.05, 1014.15, 1014.18, and 1014.21, is created to read:

1014.01 Career education.--

(1) As used in this chapter, the term "career education" includes career certificate programs, applied technology diploma programs, degree career education programs, apprenticeship and preapprenticeship programs, career academy programs, and other rigorous career education programs offered by school districts,

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2296	the Florida Virtual School, and postsecondary educational
2297	institutions to prepare students for rewarding careers.
2298	(2) The rigorous career education system shall:
2299	(a) Prepare students in career education programs,
2300	including career and professional academies, to:
2301	1. Succeed in postsecondary education.
2302	2. Attain and sustain employment and have the opportunity
2303	to realize economic self-sufficiency.
2304	(b) Prepare students to enter rewarding careers identified
2305	by the Workforce Estimating Conference, pursuant to s. 216.136,
2306	and other programs of critical state need as approved by
2307	Workforce Florida, Inc.
2308	(c) Produce skilled employees for employers in the state
2309	pursuant to s. 445.006(1).
2310	1014.05 Guiding principles for career education
2311	(1) All students should have the opportunity to graduate
2312	from high school ready to embark on rewarding careers and
2313	prepared for postsecondary education.
2314	(2) Both secondary and postsecondary career education
2315	programs must include a rigorous and relevant academic program.
2316	(3) Instructional delivery systems for both secondary and
2317	postsecondary career education programs should include qualified
2318	teachers delivering a career education curriculum in a relevant
2319	context with student-centered, research-based instructional
2320	strategies and a rigorous standards-based academic curriculum.
2321	1014.15 Deputy Commissioner of Career Education; Office of
2322	Career Education

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The position of Deputy Commissioner of Career

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(1)

2324 Education is established in the Department of Education to 2325 direct the department's Office of Career Education established in s. 1001.20(4). The deputy commissioner shall be responsible 2326 for evaluating the role of public and private secondary and 2327 2328 postsecondary educational programs in providing rigorous career 2329 education and reporting to the Commissioner of Education the 2330 effectiveness of such programs; developing in partnership with the business community and Workforce Florida, Inc., a statewide 2331 2332 marketing plan for secondary career education to attract high 2333 school students into careers of critical state need; and 2334 promoting seamless articulation throughout the career education system. The deputy commissioner shall be a person with 2335 2336 established business credentials or proven success in 2337 collaborating with the private sector in designing and implementing successful career education programs as described 2338 in s. 1014.21. The deputy commissioner shall be appointed by the 2339 2340 Commissioner of Education and shall report to the commissioner. 2341 The Office of Career Education shall promote a seamless secondary through postsecondary career education system 2342 2343 that is flexible, able to respond in a timely manner to student 2344 and workforce needs, and not controlled by any one education 2345 sector. 1014.18 Legislative expectations and funding criteria for 2346 2347 the career education system .-- Legislative expectations and 2348 funding criteria for the rigorous career education system are as 2349 follows:

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Seamless career education articulation both vertically

and horizontally.

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- (2) Creative career counseling strategies and enhanced guidance structures, including:
- (a) A secondary and postsecondary academic and career education online student advising and guidance system that is student and parent friendly and partners with the business and industry community as well as postsecondary educational institutions in this state and other states.
- (b) Promotion in middle school of secondary and postsecondary career education programs, including opportunities to participate in a career and professional academy. Such promotion shall take place through middle school exploratory courses and use of the secondary and postsecondary academic and career education online student advising and guidance system described in s. 1006.01.
- (c) Involvement of Workforce Florida, Inc., and regional workforce boards.
- (d) Partnerships with business and industry using tools, equipment, and systems used in the business setting, including internships, externships, and on-the-job training.
- (e) Opportunities and encouragement for parent participation in secondary and postsecondary career education planning.
- (f) Professional development programs to assist guidance counselors in using a mentor-teacher guidance model.
- (3) Review of Sunshine State Standards for high school to ensure that they incorporate the appropriate rigor and relevance based on research-based programs that have been proven to be effective.

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- (4) Review, by December 1, 2006, of current high school graduation requirements and high school course enrollments to determine the effect of increasing high school graduation requirements to include four credits in mathematics and science and eliminate the options for satisfying Algebra I.
- (5) Review of teaching practices and pedagogy in all teacher preparation pathways to ensure that future teachers are able to deliver rigorous instruction in a relevant manner using real world work experience to teach specific skills.
- (6) Professional development for current teachers which focuses on student-centered instructional strategies that move students from the early learning stage of awareness to higher learning stages of analysis, adaptation, and application of knowledge.
- (7) Development of career and professional academies, including:
- (a) Rigorous and relevant academic standards and curricula and increased academic performance of students and schools using school-level accountability data.
- (b) Best practices that include rigorous and relevant academic standards and curricula, are based on research and proven effective programs, and include preparation of high school graduates for rewarding careers and postsecondary education.
- (c) A plan for replicating successful academies that demonstrate high performance in preparing students for both rewarding careers and postsecondary education and that respond to workforce needs.

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- (8) Significant improvements in coordination and quality of career education data collection, including comparison of diploma, certificate, and degree production to workforce needs; secondary and postsecondary career education program followup surveys to determine student outcomes; second-year postsecondary student resume postings on the Workforce Florida, Inc., employment website; and submission of student enrollment and graduation information to the Florida Education and Training Placement Information Program.
- (9) Elimination of waiting lists for rigorous secondary and postsecondary career education programs.
- (10) Aggressive promotion of the Bright Futures Florida
 Gold Seal Vocational Scholarship as a career-enhancing
 scholarship applicable to all postsecondary career education
 programs.
- (11) Establishment of secondary and postsecondary career education best practices for relevant student-centered, research-based instructional strategies.
- (12) Regular review of all secondary career education courses to identify those courses equivalent to postsecondary career education courses based on course content for inclusion in dual enrollment programs.
- (13) A marketing plan for secondary career education to attract high school students into careers of critical state need, developed in partnership with the business community and Workforce Florida, Inc., that includes:
- (a) Direct statewide marketing to students and families in cooperation with Workforce Florida, Inc., and the Agency for

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- (b) Business participation in all career education programs through the use of incentives.
- (c) Professional recruiters to provide information and career opportunities.
- (d) Advertisements and public service announcement campaigns designed by business representatives to inform students and their parents about career education programs and career and employment opportunities.
- (14) Strong coordination with Workforce Florida, Inc., and the Agency for Workforce Innovation.
- (15) Workforce skills-based training that assesses workforce skills and matches these skills with specific careers.
- (16) Strong criteria and accountability measures for postsecondary career education programs, including increased participant completion rates, program accountability, and longitudinal program evaluation.
- (17) Identification and elimination of low-performing and geographically duplicative career education programs.
- (18) Incentives to encourage successful participant completion of postsecondary career education programs.
- (19) A methodology for business experts to be able to teach career education subjects within their areas of expertise in postsecondary career education programs.
- (20) Provision of postsecondary career education programs in time segments needed by business.
- 2462 (21) Career education regional strategic plans coordinated
 2463 with regional workforce boards, area chambers of commerce, local

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- 2464 employers, school districts, career centers, and community
 2465 colleges that address:
 - (a) Articulation agreements between secondary and postsecondary career education and college programs for a seamless transition of students and maximum transferability of coursework through the career education system.
 - (b) Career ladders for students from high school through higher levels of postsecondary training.
 - (c) Access to career education programs through multiple site offerings, short-term accelerated training options, and distance learning.
 - (22) Beginning December 31, 2005, and each year thereafter, an articulation audit for secondary and postsecondary career education that:
 - (a) Focuses on courses and programs within the industry sector targeted by Enterprise Florida, Inc., for economic development.
 - (b) Identifies specific improvements needed to maximize credit given to public and private secondary and postsecondary students.
 - (c) Identifies successful local articulation agreements that could be replicated statewide.
 - (d) Identifies courses in career centers that articulate to degree programs at postsecondary educational institutions.
 - (23) Recommendations for changes to the current funding methodology leading to:
- 2490 (a) Heightened recognition of the critical role of 2491 rigorous career education to the state's workforce needs.

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- (b) Flexibility of rigorous career education programs to fill critical need careers.
 - (c) Leveraging of private resources to create publicprivate career education partnerships.
 - (d) Criteria for funding public postsecondary career education that is consistent whether offered in the community college system or the public school system.
 - (e) SUCCEED, FLORIDA! Career Paths Program competitive grants as provided in the General Appropriations Act.
 - (f) Identification of appropriate cost categories and, if needed, weighted enrollment funding for each cost category in the Florida Education Finance Program for career and professional academy courses or programs that use technology, equipment, materials, and consumable supplies reflective of industry requirements or industry certification requirements.
 - (24) Annual recommendations for statutory and funding revisions needed to enhance the career education system.
 - (25) A clear and detailed annual report on the progress of full implementation of the career education system.
 - 1014.21 Career and professional academies.--
 - (1) Effective July 1, 2005, a "career and professional academy" means a research-based, rigorous career education program that combines relevant academic and technical curricula around a career theme and is offered by a school district, collaborating school districts, or the Florida Virtual School for the purpose of providing an instructional delivery system that incorporates relevant and rigorous academic standards with industry and business relevancy.

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- (2) Career and professional academies may be offered through career academies, career institutes, industry-certified career education programs, preapprenticeship programs, or charter technical career centers.
- (3) Use of the title "career and professional academy" may be employed by one or more programs in a high school, a school within a high school, or a career center, but may only be used when each program using the title is fully compliant with the criteria in subsection (4).
 - (4) Each career and professional academy must:
- (a) Provide a rigorous and relevant standards-based academic curriculum through a career-based theme, using instruction relevant to the career. The curriculum must take into consideration multiple styles of student learning; promote learning by doing through application and adaptation; maximize relevance of the subject matter; enhance each student's capacity to excel; and include an emphasis on work habits and work ethics. Such instruction may include diversified cooperative education, work experience, on-the-job training, and dual enrollment.
- (b) Include one or more partnerships with businesses, employers, industry economic development agencies, or other appropriate sectors of the local community. Such a partnership should include the opportunity for persons who are highly skilled in the targeted subject matter of an academy program to provide instruction for the academy.
- (c) Include one or more partnerships with a private or public postsecondary educational institution accredited by a

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regional or national accrediting agency recognized by the United States Department of Education. The educational partner must agree to articulate coursework to maximize transferability of credit.

- (d) Include program offerings which correlate directly with industry certifications, with targeted high-priority local business and career opportunities, and with high-growth, high-demand, and high-pay occupations identified on the statewide targeted occupations list of the Workforce Estimating Conference.
- (e) Establish strong eligibility criteria for student participation. While recognizing that rigorous academic performance will be expected of all students participating in an academy, initial eligibility criteria should permit opportunities for students who may not yet meet the academic requirements but demonstrate characteristics that may lead to success in an academy. The aim of an academy should be to serve not only students who are already succeeding but also students who would succeed if the proper teaching and motivational opportunities are provided.
- (f) Establish relationships with business partners for use of state-of-the-art equipment in the instructional program of each academy.
- (5) A course offered by the Florida Virtual School related to a career and professional academy program shall give priority for enrollment to public school students in a career and professional academy that does not have the specific career or professional course offering.

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- (6) Middle schools are encouraged to develop curricula and classes that will prepare students to easily and seamlessly enter high school career and professional academies.
- (7)(a) The State Board of Education shall adopt rules under ss. 120.536(1) and 120.54 to administer the provisions of this section.
- (b) The State Board of Education, pursuant to s. 1008.32, shall enforce the provisions of this section.
- Section 40. Paragraphs (h) and (l) of subsection (4) of section 215.20, Florida Statutes, are amended to read:
- 215.20 Certain income and certain trust funds to contribute to the General Revenue Fund.--
- (4) The income of a revenue nature deposited in the following described trust funds, by whatever name designated, is that from which the appropriations authorized by subsection (3) shall be made:
 - (h) Within the Department of Education:
 - 1. The Educational Certification and Service Trust Fund.
 - 2. The Phosphate Research Trust Fund.
 - 3. The Nursing Student Loan Reimbursement Trust Fund.
- 2596 (1) Within the Department of Health:
- 2597 1. The Administrative Trust Fund.
 - 2. The Brain and Spinal Cord Injury Program Trust Fund.
- 2599 3. The Donations Trust Fund.
- 2600 4. The Emergency Medical Services Trust Fund.
 - 5. The Epilepsy Services Trust Fund.
- 2602 6. The Florida Drug, Device, and Cosmetic Trust Fund.
- 2603 7. The Grants and Donations Trust Fund.

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- 2604 8. The Medical Quality Assurance Trust Fund.

 9. The Nursing Student Loan Forgiveness Trust Fund.

 9.10. The Planning and Evaluation Trust Fund.
 - 10.11. The Radiation Protection Trust Fund.

The enumeration of the foregoing moneys or trust funds shall not prohibit the applicability thereto of s. 215.24 should the Governor determine that for the reasons mentioned in s. 215.24 the money or trust funds should be exempt herefrom, as it is the purpose of this law to exempt income from its force and effect when, by the operation of this law, federal matching funds or contributions or private grants to any trust fund would be lost to the state.

Section 41. <u>Discounted computers and Internet access for students.--</u>

- (1) There is created a program to offer computers and

 Internet access at a discounted price to students enrolled in
 grades 5 through 12 in a public school in the state.
- (2) The Department of Education shall negotiate with computer manufacturers and with nonprofit corporations that obtain reconditioned computer hardware concerning:
- (a) The prices of discounted computers and whether computer accessories such as printers or scanners will be offered to the students at reduced prices.
- (b) Specialized software and hardware packages, including, but not limited to:
 - 1. A word processor;
 - 2. Software and hardware necessary to enable broadband

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Internet access; and

- 3. An operating system.
- (c) The type of warranty that is to be provided to the students and whether an extended warranty will be available to the students and under what terms.
- (3) The Department of Education shall negotiate with broadband Internet access providers concerning the prices of discounted broadband Internet access packages. In areas in which broadband Internet access is not currently available, the department shall negotiate with non-broadband Internet access providers.
- (4) The Department of Education shall adopt rules concerning:
- (a) How to integrate into this program the provision of computer or technical training to students in their respective school districts.
- (b) How parents and students may be notified of the discounted computer and Internet access choices available.
- (c) The distribution of eligibility certificates to the students, the locations at which discounted computers and Internet access services are available for purchase, and how students may obtain and pay for the equipment and services covered by this program.
- Section 42. <u>Discounted computers and Internet access for</u> low-income students; pilot project.--
- (1) The Digital Divide Council, in consultation with the Department of Education, shall implement a pilot project to assist low-income students to purchase discounted computers and

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Internet access services as negotiated by the department. The council shall identify counties, grade levels, and low-income eligibility criteria for participation in the pilot project.

(2) The pilot project shall be funded in an amount to be determined in the General Appropriations Act. The Digital Divide Council is authorized to accept grants from additional public and private sources to implement the pilot project.

Section 43. The Office of Program Policy Analysis and Government Accountability shall monitor and study how career and professional academies are implemented in the state. The following shall be the major focus of the study: to determine whether and how much postsecondary course credit is awarded to students and whether that credit is transferable to institutions other than the postsecondary partner; to determine the extent to which courses are articulating to higher certificates and degrees; to determine if there is a better way to coordinate a seamless progression for students in a career and professional academy program from middle school through high school and postsecondary education; and to make recommendations for future changes for oversight and coordination of career education courses and programs. The Office of Program Policy Analysis and Government Accountability shall also determine the extent to which and under what conditions vocational and technical centers in states that are members of the Southern Regional Education Board are permitted to use the term "college" as part of their name and the impact of such usage on accreditation, transfer of credit, and other articulation issues. The report and recommendations shall be submitted to the Governor, the

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President of the Senate, and the Speaker of the House of Representatives by December 1, 2007.

The Office of Program Policy Analysis and Section 44. Government Accountability shall conduct a study to examine how each state university supports students in making timely progress toward the completion of the student's degree. The study shall review, at a minimum, how each university informs students of the courses they must successfully complete for their majors; how students are advised of satisfactory progress toward completion of degrees; and the process used by the institution to ensure that courses required for completion of a degree are available each term. The study shall also evaluate the effectiveness of each state university's current procedures, assess the cost of implementing a universal tracking degree audit system, and assess what savings would be accrued from such a system. A report of the results of the study shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2006.

Section 45. By July 1, 2006, the Department of Education, with input from public and private postsecondary educational institutions, shall identify national standardized or licensure examinations by which secondary and postsecondary students may demonstrate mastery of postsecondary nursing course material and earn postsecondary credit for such courses. The examinations and corresponding minimum scores required for an award of credit shall be delineated by the State Board of Education in the statewide articulation agreement. The delineation of such examinations shall not preclude community colleges and

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2716 universities from awarding credit by examination based on 2717 student performance on examinations developed within and recognized by the individual postsecondary educational 2718 institutions. By February 1, 2006, the Department of Education 2719 shall provide to the Governor, the President of the Senate, and 2720 2721 the Speaker of the House of Representatives a status report on 2722 implementation of this section. 2723 Section 46. One full-time equivalent position is 2724 authorized and the sum of \$175,000 is appropriated from 2725 recurring general revenue to the Department of Education for the 2726 position of Deputy Commissioner of Career Education. The funds appropriated are for salary rate, benefits, expenses, operating 2727 2728 capital outlay, and human resource services. The Commissioner of 2729 Education shall transfer existing positions and funds as 2730 appropriate for the creation of the Office of Career Education. 2731 Such funds shall include, but are not limited to, salary rate, 2732 benefits, expenses, other personal services, operating capital 2733 outlay, and human resource services. 2734 Section 47. All statutory powers, duties, functions, 2735 records, positions, property, and unexpended balances of appropriations, allocations, or other funds of the Department of 2736 2737 Health relating to the Nursing Student Loan Reimbursement Program and the Nursing Student Loan Reimbursement Trust Fund as 2738 2739 created in s. 1009.66, Florida Statutes, and the Nursing 2740 Scholarship Loan Program as created in s. 1009.67, Florida 2741 Statutes, are transferred by a type two transfer as provided for 2742 in s. 20.06(2), Florida Statutes, from the Department of Health

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to the Department of Education.

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To provide statewide guidance and coordination Section 48. with regard to bachelor of applied science degree programs, minimize the unnecessary proliferation of such programs in narrowly defined specialty areas, and assist the State Board of Education in making decisions relating to the approval of proposals from community colleges to offer such programs, the state board shall convene a workgroup with representatives from community colleges, state universities, and independent colleges and universities to develop recommendations on the degree requirements for a bachelor of applied science degree and protocols for accepting credits earned by transfer students in such programs. The State Board of Education shall submit a report on the findings and recommendations of the workgroup to the President of the Senate and the Speaker of the House of Representatives by February 1, 2006. This does not preclude any recommendation or authorization regarding the Daytona Beach Community College proposal for a bachelor of applied science degree program presented at the April 2005 meeting of the State Board of Education.

Appleton Museum of Art, currently held by the Appleton Cultural Center, Inc., to be transferred to the Central Florida Community College Foundation. The endowment to be transferred, which includes state matching funds, was established in 1987 through the Cultural Arts Endowment Program. By this provision, the Central Florida Community College Foundation is authorized to manage the endowment only for the support of the educational program at the Appleton Museum of Art and is released from all

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other provisions of the Trust Agreement dated July 17, 1987,	by
and between the State of Florida and the Appleton Cultural	
Center, Inc., and ss. 265.601-265.607, Florida Statutes.	
Section 50. This act shall take effect July 1, 2005.	

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