

1                   A bill to be entitled  
2           An act relating to education; amending s. 20.055, F.S.;  
3           requiring the Office of the Inspector General of the  
4           Department of Education to perform certain functions for  
5           the State University System; amending s. 20.15, F.S.;  
6           deleting the Division of Colleges and Universities in the  
7           department; requiring the State Board of Education and the  
8           Commissioner of Education to consult with certain  
9           educational entities; requiring the department to provide  
10          certain support services to the Board of Governors of the  
11          State University System; creating s. 20.155, F.S.,  
12          relating to the Board of Governors; providing for certain  
13          rights and privileges, the head of the board, personnel,  
14          and certain powers and duties; amending s. 23.21, F.S.,  
15          relating to definitions for purposes of paperwork  
16          reduction; updating terminology; amending s. 110.131,  
17          F.S., relating to other-personal-services temporary  
18          employment; updating terminology; amending s. 110.181,  
19          F.S., relating to the Florida State Employees' Charitable  
20          Campaign; correcting a cross-reference; amending s.  
21          112.0455, F.S., relating to the Drug-Free Workplace Act;  
22          deleting obsolete provisions; amending s. 112.19, F.S.,  
23          relating to death benefits for certain officers; updating  
24          terminology; amending s. 112.191, F.S., relating to death  
25          benefits for firefighters; updating terminology; amending  
26          s. 112.313, F.S., relating to standards of conduct;  
27          revising definition of "employee" to include provosts;  
28          updating terminology; amending s. 112.3135, F.S., relating

29 | to restriction on employment of relatives; updating  
30 | terminology; amending s. 112.3145, F.S., relating to  
31 | disclosure of financial interests and clients represented  
32 | before agencies; updating terminology; amending s. 120.52,  
33 | F.S., relating to definitions for purposes of the  
34 | Administrative Procedure Act; revising definition of  
35 | "agency" to include the Board of Governors and state  
36 | university boards of trustees under certain circumstances;  
37 | revising definition of "educational unit"; amending s.  
38 | 120.65, F.S.; including the Board of Governors in the list  
39 | of entities that must reimburse the Division of  
40 | Administrative Hearings for certain services and travel  
41 | expenses; amending s. 121.021, F.S., relating to  
42 | definitions for purposes of the Florida Retirement System;  
43 | updating terminology; amending s. 121.051, F.S., relating  
44 | to participation in the Florida Retirement System;  
45 | updating terminology and provisions; correcting a cross-  
46 | reference; amending s. 121.35, F.S., relating to the  
47 | optional retirement program for the State University  
48 | System; transferring authority from the State Board of  
49 | Education to the Board of Governors; updating terminology  
50 | and provisions; amending s. 159.703, F.S., relating to  
51 | creation of research and development authorities; updating  
52 | terminology and an effective date; amending s. 159.704,  
53 | F.S., relating to research and development authorities;  
54 | updating terminology; amending s. 159.706, F.S.; including  
55 | research and development authorities designated by the  
56 | Board of Regents in a grandfather clause; amending s.

57 | 211.3103, F.S., relating to distribution of the tax levy  
58 | on severance of phosphate rock; updating terminology;  
59 | amending s. 215.16, F.S., relating to appropriations from  
60 | the General Revenue Fund; deleting unnecessary language;  
61 | amending s. 215.20, F.S., relating to certain trust funds;  
62 | conforming provisions; amending s. 215.32, F.S., relating  
63 | to segregation of trust funds; including trust funds under  
64 | the management of the Board of Governors; amending s.  
65 | 215.559, F.S., relating to the Hurricane Loss Mitigation  
66 | Program; deleting obsolete terminology; amending s.  
67 | 215.82, F.S., relating to validation of bonds; correcting  
68 | a cross-reference; amending s. 216.0152, F.S., relating to  
69 | inventory of facilities; updating terminology; amending s.  
70 | 216.251, F.S., relating to salary appropriations; deleting  
71 | reference to the State Board of Education with respect to  
72 | State University System positions; amending s. 220.15,  
73 | F.S., relating to apportionment of adjusted federal  
74 | income; updating terminology; amending s. 250.10, F.S.;  
75 | providing duties of the Board of Governors in cooperation  
76 | with the Adjutant General and the State Board of  
77 | Education; amending s. 252.385, F.S., relating to public  
78 | shelter space; updating terminology; amending s. 253.381,  
79 | F.S., relating to the sale of unsurveyed marshlands;  
80 | deleting reference to the State Board of Education;  
81 | amending s. 255.02, F.S., relating to boards authorized to  
82 | replace buildings destroyed by fire; deleting obsolete  
83 | terminology; amending s. 255.043, F.S., relating to art in  
84 | state buildings; deleting obsolete terminology; amending

85 s. 255.102, F.S.; requiring the Board of Governors to  
86 collaborate in the adoption of rules for contractor  
87 compliance with minority business participation; amending  
88 s. 280.02, F.S.; revising definition of "public deposit"  
89 to include moneys of a state university; amending s.  
90 286.001, F.S., relating to statutorily required reports;  
91 updating terminology; amending s. 287.012, F.S.; revising  
92 definition of "agency" for purposes of procurement to  
93 include the Board of Governors; amending s. 287.064, F.S.,  
94 relating to consolidated financing of deferred-payment  
95 purchases; correcting a cross-reference; amending s.  
96 287.155, F.S., relating to purchase of motor vehicles;  
97 updating terminology; amending s. 288.15, F.S.; adding the  
98 Board of Governors to the list of entities authorized to  
99 cooperate with the Division of Bond Finance; amending s.  
100 288.17, F.S., relating to revenue certificates; updating  
101 terminology; amending s. 288.7091, F.S.; requiring the  
102 Florida Black Business Investment Board to develop  
103 memoranda of understanding with the Board of Governors;  
104 amending s. 288.8175, F.S.; requiring a linkage institute  
105 to be governed by an agreement between the Board of  
106 Governors and the State Board of Education; amending s.  
107 295.07, F.S., relating to preference in appointment and  
108 retention for veterans; including certain equivalent  
109 positions; amending s. 320.08058, F.S., relating to  
110 specialty license plates; updating terminology; amending  
111 s. 381.79, F.S., relating to the Brain and Spinal Cord  
112 Injury Program Trust Fund; updating terminology; amending

113 s. 403.073, F.S., relating to pollution prevention;  
114 updating terminology; amending s. 403.074, F.S., relating  
115 to technical assistance by the Department of Environmental  
116 Protection; updating terminology; amending s. 409.908,  
117 F.S., relating to reimbursement of Medicaid providers;  
118 updating terminology; amending s. 413.051, F.S., relating  
119 to blind persons eligible to operate vending stands;  
120 updating terminology; amending s. 440.491, F.S., relating  
121 to reemployment of injured workers; correcting a cross-  
122 reference; amending s. 447.203, F.S.; designating the  
123 Board of Governors, or the board's designee, as the public  
124 employer and legislative body with respect to public  
125 employees of state universities; revising definition of  
126 "managerial employee" to conform; amending s. 455.2125,  
127 F.S., relating to adoption of changes to training  
128 requirements; updating terminology; amending s. 456.028,  
129 F.S., relating to adoption of changes to training  
130 requirements; updating terminology; amending s. 489.103,  
131 F.S., relating to exemptions for purposes of construction  
132 contracting; updating terminology; amending s. 489.503,  
133 F.S., relating to exemptions for purposes of electrical  
134 and alarm system contracting; updating terminology;  
135 amending s. 553.71, F.S., relating to definitions for  
136 purposes of the Florida Building Code; conforming  
137 terminology relating to education boards; amending s.  
138 633.01, F.S., relating to the State Fire Marshal;  
139 correcting cross-references; amending s. 650.03, F.S.,  
140 relating to federal-state agreement; updating terminology;

141 amending s. 943.1755, F.S., relating to the Florida  
142 Criminal Justice Executive Institute; updating  
143 terminology; amending s. 1000.01, F.S.; including in the  
144 purpose of the Florida K-20 Education Code the  
145 establishment of institutions of higher learning and other  
146 public education programs; providing for certain  
147 transfers; amending s. 1000.03, F.S., relating to the  
148 function, mission, and goals of the Florida K-20 education  
149 system; deleting duplicative provisions; limiting  
150 oversight authority over state university matters to the  
151 Board of Governors; amending s. 1000.05, F.S.; assigning  
152 responsibilities for implementation of equal opportunity  
153 policies to the Commissioner of Education and State Board  
154 of Education and to the Board of Governors; limiting the  
155 functions of the Office of Equal Educational Opportunity  
156 to those relating to school districts and community  
157 colleges; amending s. 1000.21, F.S.; defining "Board of  
158 Governors" as used in the education code; amending s.  
159 1001.02, F.S.; revising powers and duties of the State  
160 Board of Education to include working in conjunction with  
161 the Board of Governors on certain matters; providing for  
162 exceptions; deleting certain responsibilities relating to  
163 state universities; revising reporting requirements  
164 relating to financial aid; conforming provisions; amending  
165 s. 1001.03, F.S.; providing exceptions regarding State  
166 Board of Education enforcement authority; requiring  
167 working in conjunction with the Board of Governors on  
168 certain matters; deleting State Board of Education review

169 of state university academic programs; amending s.  
170 1001.10, F.S.; providing duties of the Commissioner of  
171 Education relating to expenditures of the Board of  
172 Governors in the K-20 budget; revising reporting  
173 requirements; amending s. 1001.11, F.S.; requiring annual  
174 reporting by the Commissioner of Education; conforming  
175 provisions; amending s. 1001.20, F.S.; transferring  
176 responsibilities regarding determination of need for  
177 investigations of state universities by the Office of  
178 Inspector General; amending s. 1001.25, F.S., relating to  
179 educational television; correcting a cross-reference;  
180 amending s. 1001.28, F.S.; providing that Department of  
181 Education distance learning duties do not alter duties of  
182 the Board of Governors; amending s. 1001.64, F.S.,  
183 relating to powers and duties of community college boards  
184 of trustees; correcting a cross-reference; amending s.  
185 1001.70, F.S.; providing authority of the Board of  
186 Governors; creating s. 1001.706, F.S., relating to powers  
187 and duties of the Board of Governors; providing for  
188 rulemaking; providing powers and duties relating to  
189 organization and operation of state universities, finance,  
190 accountability, personnel, property, compliance with laws  
191 and rules, and cooperation with other education boards;  
192 amending s. 1001.71, F.S.; providing that the university  
193 boards of trustees are part of the executive branch of  
194 state government; deleting certain board member  
195 requirements; amending s. 1001.73, F.S., relating to  
196 university boards acting as trustees; transferring

197 | responsibilities of the State Board of Education to the  
 198 | Board of Governors; subjecting agreements to requirements  
 199 | for the issuance of bonds and debt; amending s. 1001.74,  
 200 | F.S.; revising powers and duties of university boards of  
 201 | trustees relating to general provisions for  
 202 | responsibility, organization and operation of state  
 203 | universities, finance, accountability, personnel,  
 204 | property, and compliance with laws and rules; amending s.  
 205 | 1002.35, F.S.; requiring the State Board of Education to  
 206 | consult with the Board of Governors regarding assignment  
 207 | of a university partner to the New World School of the  
 208 | Arts; updating terminology; amending s. 1002.41, F.S.,  
 209 | relating to home education programs; conforming  
 210 | provisions; prohibiting the requirement of curriculum  
 211 | documentation under certain conditions; amending s.  
 212 | 1004.03, F.S.; transferring responsibilities for approval  
 213 | of new programs at state universities from the State Board  
 214 | of Education to the Board of Governors; amending s.  
 215 | 1004.04, F.S., relating to accountability and approval for  
 216 | teacher preparation programs; including the Board of  
 217 | Governors as a report recipient; amending s. 1004.07,  
 218 | F.S., relating to student withdrawal from courses due to  
 219 | military service; providing for rules by the State Board  
 220 | of Education and Board of Governors; amending s. 1004.21,  
 221 | F.S.; removing legislative intent regarding state  
 222 | universities; providing that state universities are part  
 223 | of the executive branch of state government and  
 224 | administered by a board of trustees; amending s. 1004.22,



225 F.S., relating to divisions of sponsored research at state  
 226 universities; providing for guidelines of the Board of  
 227 Governors; transferring responsibilities from the State  
 228 Board of Education to the Board of Governors; amending s.  
 229 1004.24, F.S.; transferring responsibilities relating to  
 230 securing liability insurance from the State Board of  
 231 Education to the Board of Governors or the board's  
 232 designee; amending s. 1004.25, F.S., relating to the  
 233 payment of costs of civil action by state universities;  
 234 permitting recovery of certain attorney's fees; amending  
 235 s. 1004.28, F.S.; transferring responsibilities relating  
 236 to duties of direct-support organizations from the State  
 237 Board of Education to the Board of Governors; defining  
 238 "property"; providing for rules; subjecting certain  
 239 agreements to requirements for issuance of bonds and debt;  
 240 amending s. 1004.29, F.S.; transferring responsibilities  
 241 relating to university health services support  
 242 organizations from the State Board of Education to the  
 243 Board of Governors; providing for rules; amending s.  
 244 1004.39, F.S.; transferring responsibilities relating to  
 245 the college of law at Florida International University  
 246 from the State Board of Education to the Board of  
 247 Governors; deleting obsolete provisions; amending s.  
 248 1004.40, F.S.; transferring responsibilities relating to  
 249 the college of law at Florida Agricultural and Mechanical  
 250 University from the State Board of Education to the Board  
 251 of Governors; deleting obsolete provisions; amending s.  
 252 1004.41, F.S., relating to the J. Hillis Miller Health

253 Center at the University of Florida; authorizing the  
 254 University of Florida Board of Trustees to utilize certain  
 255 revenues; amending s. 1004.43, F.S.; transferring  
 256 responsibilities relating to the H. Lee Moffitt Cancer  
 257 Center and Research Institute from the State Board of  
 258 Education to the Board of Governors; amending s. 1004.445,  
 259 F.S.; transferring responsibilities relating to the  
 260 Johnnie B. Byrd, Sr., Alzheimer's Center and Research  
 261 Institute from the State Board of Education to the Board  
 262 of Governors; amending s. 1004.58, F.S.; providing for the  
 263 Department of Education to staff the Leadership Board for  
 264 Applied Research and Public Service; revising purpose of  
 265 the leadership board; including the Board of Governors as  
 266 a report recipient; amending s. 1005.03, F.S., relating to  
 267 the designation "college" or "university"; deleting  
 268 obsolete terminology; amending s. 1005.06, F.S., relating  
 269 to institutions not under the jurisdiction of the  
 270 Commission for Independent Education; deleting obsolete  
 271 terminology; amending s. 1005.21, F.S.; revising  
 272 provisions relating to the powers and duties of the  
 273 Commission for Independent Education; requiring the  
 274 Department of Education to provide the commission certain  
 275 salary rate and positions; amending s. 1005.22, F.S.;  
 276 revising powers and duties of the commission relating to  
 277 rulemaking, budget requests, expenditure of funds, and  
 278 reporting; conforming provisions; amending s. 1006.53,  
 279 F.S.; removing references to State Board of Education  
 280 rules for religious observances; amending s. 1006.60,

281 F.S.; including rules of the Board of Governors relating  
282 to codes of conduct; amending s. 1006.61, F.S.; including  
283 policies of the Board of Governors relating to disruptive  
284 student activities; amending s. 1006.62, F.S.; including  
285 rules of the Board of Governors relating to expulsion and  
286 discipline of students; amending s. 1006.65, F.S.;  
287 requiring the Board of Governors to adopt rules for state  
288 universities relating to safety issues; amending s.  
289 1006.71, F.S., relating to gender equity in  
290 intercollegiate athletics; transferring responsibilities  
291 relating to state universities from the Commissioner of  
292 Education and State Board of Education to the Chancellor  
293 of the State University System and Board of Governors;  
294 adding the Legislature to the list of recipients of annual  
295 assessments; amending s. 1007.01, F.S.; requiring  
296 recommendations to the Legislature relating to  
297 articulation; amending s. 1007.22, F.S.; encouraging  
298 boards to establish programs to maximize articulation;  
299 amending s. 1007.23, F.S.; requiring the State Board of  
300 Education and the Board of Governors to enter into a  
301 statewide articulation agreement; revising provisions  
302 relating to admissions; providing for investigation of  
303 complaints, annual reports, and penalties; amending s.  
304 1007.24, F.S., relating to the statewide course numbering  
305 system; requiring the Commissioner of Education in  
306 conjunction with the Chancellor to perform certain duties;  
307 requiring the State Board of Education to approve course  
308 level with input from the Board of Governors; amending s.

309 1007.25, F.S., relating to general education courses,  
310 common prerequisites, and other degree requirements;  
311 transferring responsibilities relating to state  
312 universities from the State Board of Education to the  
313 Board of Governors; amending s. 1007.262, F.S., relating  
314 to foreign language competence and equivalence  
315 determinations; conforming provisions; providing an  
316 exemption; amending s. 1007.264, F.S., relating to  
317 admission of impaired and learning disabled persons to  
318 postsecondary educational institutions; transferring  
319 responsibilities relating to state universities from the  
320 State Board of Education to the Board of Governors;  
321 amending s. 1007.265, F.S., relating to graduation, study  
322 program admission, and upper-division entry for impaired  
323 and learning disabled persons; transferring  
324 responsibilities relating to state universities from the  
325 State Board of Education to the Board of Governors;  
326 amending s. 1007.27, F.S., relating to articulated  
327 acceleration mechanisms and the statewide articulation  
328 agreement; conforming provisions; deleting obsolete  
329 provisions; amending s. 1007.28, F.S.; transferring  
330 requirement for establishment and maintenance of a  
331 computer-assisted student advising system from the State  
332 Board of Education to the Department of Education;  
333 requiring the State Board of Education and the Board of  
334 Governors to specify roles and responsibilities relating  
335 to the system; amending s. 1007.33, F.S., relating to  
336 site-determined baccalaureate degree access; conforming

337 provisions; amending s. 1008.29, F.S., relating to the  
338 college-level communication and mathematics skills  
339 examination (CLAST); requiring the State Board of  
340 Education in conjunction with the Board of Governors to  
341 establish minimum passing scores and identify coursework  
342 to satisfy testing requirements; authorizing the Board of  
343 Governors to set certain examination fees; amending s.  
344 1008.30, F.S., relating to common placement testing;  
345 requiring public postsecondary educational institutions to  
346 provide certain modifications for students with  
347 disabilities; requiring the State Board of Education in  
348 conjunction with the Board of Governors to specify certain  
349 college-preparatory requirements; amending s. 1008.32,  
350 F.S.; limiting State Board of Education oversight  
351 enforcement authority to school districts and community  
352 colleges and their respective boards; creating s.  
353 1008.321, F.S.; providing for oversight enforcement  
354 authority of the Board of Governors relating to university  
355 boards of trustees and university presidents; amending s.  
356 1008.345, F.S.; conforming provisions relating to  
357 implementation of the state system of school improvement  
358 and education accountability; requiring State Board of  
359 Education and Board of Governors approval of CLAST skills  
360 and certain assessments; including the Board of Governors  
361 as a recipient of certain information; amending s.  
362 1008.37, F.S., relating to postsecondary feedback of  
363 information to high schools; removing State Board of  
364 Education rulemaking; requiring the Commissioner of

365 Education to report to the Board of Governors; amending s.  
366 1008.38, F.S., relating to the articulation accountability  
367 process; requiring the State Board of Education in  
368 conjunction with the Board of Governors to establish an  
369 articulation accountability process; amending s. 1008.45,  
370 F.S., relating to the community college accountability  
371 process; conforming provisions; amending s. 1008.46, F.S.;  
372 transferring responsibilities relating to the state  
373 university accountability process from the State Board of  
374 Education to the Board of Governors; amending s. 1009.01,  
375 F.S.; revising definition of "out-of-state fee"; amending  
376 s. 1009.21, F.S., relating to determination of resident  
377 status for tuition purposes; expanding purpose to include  
378 determination of eligibility for state financial aid  
379 awards and tuition assistance grants; revising definitions  
380 and the qualification process; providing for  
381 reclassification and documentation requirements; removing  
382 State Board of Education rulemaking; amending s. 1009.24,  
383 F.S.; revising provisions relating to state university  
384 tuition and fees; requiring undergraduate tuition to be  
385 established in the General Appropriations Act; requiring  
386 the Board of Governors, or the board's designee, to  
387 establish tuition and fees for graduate and professional  
388 programs and out-of-state students and to establish limits  
389 on enrollments for such programs and students; increasing  
390 the percentage of financial aid fee revenues to be used  
391 for need-based financial aid; including a new purpose for  
392 use of activity and service fees; removing certain fee

393 caps; providing guidelines and requirements for the  
394 establishment of fees and fines; providing that a state  
395 university may not charge any fee except as specifically  
396 authorized by law; amending s. 1009.26, F.S.; transferring  
397 responsibilities relating to state university fee waivers  
398 from the State Board of Education to the Board of  
399 Governors; authorizing university boards of trustees to  
400 waive tuition and out-of-state fees under certain  
401 conditions; amending s. 1009.265, F.S.; revising  
402 requirements relating to state employee fee waiver  
403 approval; providing guidelines for determining space  
404 available; prohibiting use of a waiver for certain  
405 courses; amending s. 1009.27, F.S., relating to deferral  
406 of fees; removing State Board of Education rulemaking;  
407 amending s. 1009.285, F.S., relating to fees for repeated  
408 enrollment in college-credit courses; deleting reference  
409 to definitions and fee levels established by the State  
410 Board of Education; amending s. 1009.29, F.S., relating to  
411 increased fees for funding financial aid programs;  
412 correcting a reference; amending s. 1009.40, F.S.,  
413 relating to general requirements for student eligibility  
414 for state financial aid; conforming provisions relating to  
415 tuition assistance grants; amending s. 1009.90, F.S.;  
416 including the Board of Governors with respect to  
417 Department of Education duties relating to student  
418 financial aid; amending s. 1009.91, F.S.; requiring state  
419 university student loan information to be reported  
420 annually to the Board of Governors; amending s. 1009.971,

421 F.S., relating to the Florida Prepaid College Board;  
422 updating terminology; amending s. 1009.98, F.S., relating  
423 to the Florida Prepaid College Program; correcting a  
424 cross-reference; amending s. 1010.01, F.S., relating to  
425 uniform records and accounts; transferring  
426 responsibilities relating to state universities from the  
427 State Board of Education to the Board of Governors;  
428 requiring a uniform classification of accounts; amending  
429 s. 1010.011, F.S.; revising a definition for purposes of  
430 financial matters; amending s. 1010.02, F.S., relating to  
431 financial accounting and expenditure; transferring  
432 responsibilities relating to state universities from the  
433 State Board of Education to the Board of Governors;  
434 amending s. 1010.04, F.S., relating to purchasing;  
435 transferring responsibilities relating to state  
436 universities from the State Board of Education to the  
437 Board of Governors; amending s. 1010.07, F.S., relating to  
438 bonds and insurance; transferring responsibilities  
439 relating to state universities from the State Board of  
440 Education to the Board of Governors; amending s. 1010.09,  
441 F.S., relating to direct-support organizations;  
442 transferring responsibilities relating to state  
443 universities from the State Board of Education to the  
444 Board of Governors; amending s. 1010.30, F.S., relating to  
445 audits; transferring supervision of state universities  
446 from the State Board of Education to the Board of  
447 Governors; creating s. 1010.62, F.S., relating to revenue  
448 bonds and debt for state universities; providing



449 definitions; authorizing the Board of Governors to request  
450 the issuance of revenue bonds; providing a process;  
451 requiring the Board of Governors' approval for a state  
452 university or direct-support organization to issue debt;  
453 providing guidelines; providing for rules and policies of  
454 the Board of Governors; providing a grandfather provision  
455 relating to certain obligations; amending s. 1010.86,  
456 F.S.; transferring administration of trust funds from the  
457 State Board of Education to the Board of Governors;  
458 amending s. 1011.01, F.S.; transferring budget  
459 responsibilities relating to state universities from the  
460 State Board of Education to the Board of Governors;  
461 requiring coordination; amending s. 1011.011, F.S.;;  
462 requiring the State Board of Education in conjunction with  
463 the Board of Governors to submit legislative capital  
464 outlay budget requests for state universities; amending s.  
465 1011.40, F.S.; transferring state university budget  
466 responsibilities from the State Board of Education to the  
467 Board of Governors; amending s. 1011.41, F.S.; requiring  
468 compliance with certain tuition and fee policies for  
469 receipt of state university appropriations; amending s.  
470 1011.4106, F.S.; providing requirements for the  
471 expenditure of tuition and fee revenues from local  
472 accounts; providing for repeal of appropriations under  
473 certain conditions; amending s. 1011.48, F.S.;;  
474 transferring responsibilities for educational research  
475 centers for child development from the State Board of  
476 Education to the Board of Governors; amending s. 1011.82,

477 F.S., relating to requirements for participation in the  
478 Community College Program Fund; correcting a cross-  
479 reference; amending s. 1011.90, F.S.; transferring state  
480 university funding responsibilities from the State Board  
481 of Education to the Board of Governors; amending s.  
482 1011.91, F.S.; transferring certain responsibilities  
483 relating to additional appropriations; providing for  
484 repeal of appropriations under certain conditions;  
485 amending s. 1011.94, F.S.; transferring responsibilities  
486 relating to the Trust Fund for University Major Gifts from  
487 the State Board of Education to the Board of Governors;  
488 revising match provisions; removing authority for  
489 encumbrances; amending s. 1012.01, F.S.; limiting  
490 definitions for purposes of personnel; amending s.  
491 1012.80, F.S.; transferring responsibilities relating to  
492 employee disruptive activities at state universities from  
493 the State Board of Education to the Board of Governors;  
494 amending s. 1012.801, F.S., relating to State University  
495 System employees; updating terminology; amending s.  
496 1012.93, F.S.; authorizing evaluation of faculty  
497 proficiency in English through a test approved by the  
498 Board of Governors; amending s. 1012.97, F.S.; authorizing  
499 state universities to provide for police officers;  
500 amending s. 1012.975, F.S.; expanding the list of  
501 postsecondary education employees covered by limitation on  
502 compensation; amending s. 1012.98, F.S.; deleting obsolete  
503 provisions relating to professional development programs;  
504 amending s. 1013.01, F.S.; excluding the Board of

505 |       Governors from the definition of "board" for purposes of  
506 |       educational facilities; amending s. 1013.02, F.S.;  
507 |       transferring rulemaking authority relating to state  
508 |       university educational facilities from the State Board of  
509 |       Education to the Board of Governors; amending s. 1013.03,  
510 |       F.S.; providing functions of the Board of Governors  
511 |       relating to state university educational facilities;  
512 |       requiring review of utilization standards for educational  
513 |       facilities and reporting; deleting obsolete provisions;  
514 |       amending s. 1013.12, F.S.; requiring state university  
515 |       firesafety inspections to comply with rules of the Board  
516 |       of Governors; revising recipients of an annual report;  
517 |       amending s. 1013.15, F.S.; subjecting lease or lease-  
518 |       purchase agreements to requirements for issuance of bonds  
519 |       and debt; amending s. 1013.16, F.S.; subjecting leases  
520 |       executed by a university board of trustees to requirements  
521 |       for issuance of bonds and debt; amending s. 1013.17, F.S.;  
522 |       transferring responsibilities relating to university  
523 |       leasing in affiliated research and development parks from  
524 |       the State Board of Education to the Board of Governors;  
525 |       subjecting leases to requirements for issuance of bonds  
526 |       and debt; amending s. 1013.171, F.S.; authorizing each  
527 |       university board of trustees to enter into certain lease  
528 |       agreements; transferring systemwide strategic plan  
529 |       adoption responsibilities from the State Board of  
530 |       Education to the Board of Governors; subjecting agreements  
531 |       to requirements for issuance of bonds and debt; amending  
532 |       s. 1013.19, F.S.; subjecting certain contracts executed by

533 a university board of trustees to requirements for the  
534 issuance of bonds and debt; amending s. 1013.25, F.S.;  
535 requiring approval of the Administration Commission to  
536 exercise the power of eminent domain; amending s. 1013.28,  
537 F.S.; requiring state university disposal of property  
538 according to rules of the Board of Governors; amending s.  
539 1013.31, F.S.; providing Department of Education duties  
540 relating to educational plant surveys and PECO funding;  
541 removing State Board of Education rulemaking; updating  
542 terminology and making technical changes; requiring  
543 approval of state university educational plant surveys by  
544 the Board of Governors; amending s. 1013.46, F.S.;  
545 deleting State Board of Education rulemaking for  
546 prequalification of bidders; amending s. 1013.47, F.S.;  
547 including rules of the Board of Governors with respect to  
548 contracts for construction of educational facilities;  
549 amending s. 1013.52, F.S.; requiring the Board of  
550 Governors' review and approval for state university joint-  
551 use facilities proposals; amending s. 1013.60, F.S.;  
552 requiring that state university capital outlay budget  
553 request information be approved by the Board of Governors  
554 prior to submission to the Commissioner of Education;  
555 amending s. 1013.63, F.S.; transferring a trust fund from  
556 the Department of Education to the Board of Governors;  
557 amending s. 1013.64, F.S.; transferring responsibilities  
558 for state university funds for comprehensive educational  
559 plant needs from the State Board of Education to the Board  
560 of Governors; amending s. 1013.65, F.S.; requiring copies

561 of capital outlay allocations to be provided to the Board  
562 of Governors; amending s. 1013.74, F.S.; transferring  
563 responsibilities relating to state university fixed  
564 capital outlay projects from the State Board of Education  
565 to the Board of Governors; subjecting projects to  
566 requirements for issuance of bonds and debt; amending s.  
567 1013.78, F.S.; providing an exception relating to  
568 legislative approval for university-related facility  
569 acquisitions; amending s. 1013.79, F.S.; transferring  
570 responsibilities relating to a challenge grant program and  
571 its trust fund from the State Board of Education to the  
572 Board of Governors; revising approval for naming of a  
573 university facility; repealing s. 186.805, F.S., relating  
574 to the Data Bank on Older Floridians; repealing s. 388.42,  
575 F.S., relating to the John A. Mulrennan, Sr., Arthropod  
576 Research Laboratory; repealing s. 388.43, F.S., relating  
577 to the Florida Medical Entomology Laboratory; repealing s.  
578 410.504, F.S., relating to the multidisciplinary center on  
579 elderly living environments; repealing s. 1004.32, F.S.,  
580 relating to New College of Florida; repealing s. 1004.35,  
581 F.S., relating to Broward County campuses of Florida  
582 Atlantic University; repealing s. 1004.36, F.S., relating  
583 to Florida Atlantic University campuses; repealing s.  
584 1004.38, F.S., relating to the master of science program  
585 in speech-language pathology at Florida International  
586 University; repealing s. 1004.381, F.S., relating to the  
587 nursing degree program at the University of West Florida;  
588 repealing s. 1004.382, F.S., relating to the master's in

589 social work program at Florida Atlantic University;  
590 repealing s. 1004.383, F.S., relating to the chiropractic  
591 medicine degree program at Florida State University;  
592 repealing s. 1004.50, F.S., relating to the Institute on  
593 Urban Policy and Commerce; repealing s. 1004.51, F.S.,  
594 relating to the Community and Faith-based Organizations  
595 Initiative and the Community and Library Technology Access  
596 Partnership; repealing s. 1004.53, F.S., relating to the  
597 interdisciplinary Center for Brownfield Rehabilitation  
598 Assistance; repealing s. 1004.54, F.S., relating to the  
599 Learning Development and Evaluation Center; repealing s.  
600 1004.59, F.S., relating to the Florida Conflict Resolution  
601 Consortium; providing legislative intent; repealing s.  
602 288.705, F.S., relating to the statewide contracts  
603 register; repealing s. 458.3147, F.S., relating to medical  
604 school eligibility of military academy students or  
605 graduates; repealing s. 689.12, F.S., relating to state  
606 lands conveyed for educational purposes; repealing s.  
607 741.03055, F.S., relating to review of premarital  
608 preparation courses, pilot programs, and questionnaire and  
609 curriculum; repealing s. 741.03056, F.S., relating to an  
610 informational questionnaire; repealing s. 1001.72, F.S.,  
611 relating to university boards of trustees to constitute a  
612 corporation; repealing s. 1001.75, F.S., relating to  
613 powers and duties of state university presidents;  
614 repealing s. 1007.261, F.S., relating to state university  
615 admission of students; repealing s. 1007.31, F.S.,  
616 relating to limited access programs; repealing s. 1007.32,

617 F.S., relating to transfer students; repealing s. 1008.51,  
 618 F.S., relating to the Council for Education Policy  
 619 Research and Improvement; repealing s. 1010.60, F.S.,  
 620 relating to State Board of Education issuance of bonds;  
 621 repealing s. 1010.61, F.S., relating to State Board of  
 622 Education powers for issuance of bonds; repealing s.  
 623 1010.611, F.S., relating to resolution for issuance of  
 624 revenue certificates; repealing s. 1010.612, F.S.,  
 625 relating to powers to secure revenue certificates;  
 626 repealing s. 1010.613, F.S., relating to remedies of any  
 627 holder of revenue certificates; repealing s. 1010.614,  
 628 F.S., relating to validity of revenue certificates;  
 629 repealing s. 1010.615, F.S., relating to prohibitions  
 630 against obligating the state; repealing s. 1010.616, F.S.,  
 631 relating to revenue certificate obligations of the State  
 632 Board of Education; repealing s. 1010.617, F.S., relating  
 633 to tax exemption and eligibility as legal investments;  
 634 repealing s. 1010.618, F.S., relating to the supplemental  
 635 nature of provisions relating to bonding; repealing s.  
 636 1010.619, F.S., relating to the Board of Administration  
 637 acting as fiscal agent; repealing s. 1011.4105, F.S.,  
 638 relating to transition from the state accounting system  
 639 (FLAIR) to the university accounting system; repealing s.  
 640 1012.92, F.S., relating to personnel codes of conduct,  
 641 disciplinary measures, and rulemaking authority; repealing  
 642 s. 1012.94, F.S., relating to evaluations of faculty  
 643 members; repealing s. 1012.95, F.S., relating to

644 university employment equity accountability programs;  
 645 providing an effective date.

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

649 Section 1. Subsection (9) is added to section 20.055,  
 650 Florida Statutes, to read:

651 20.055 Agency inspectors general.--

652 (9) The Office of the Inspector General of the Department  
 653 of Education shall exercise the duties and responsibilities  
 654 required by this section for the State University System under  
 655 the direction of the Chancellor of the State University System.

656 Section 2. Paragraphs (d) and (e) of subsection (3) of  
 657 section 20.15, Florida Statutes, are redesignated as paragraphs  
 658 (c) and (d), respectively, present paragraph (c) of that  
 659 subsection and subsections (5) and (7) are amended, and  
 660 subsection (8) is added to that section, to read:

661 20.15 Department of Education.--There is created a  
 662 Department of Education.

663 (3) DIVISIONS.--The following divisions of the Department  
 664 of Education are established:

665 ~~(e) Division of Colleges and Universities.~~

666 (5) POWERS AND DUTIES.--The State Board of Education and  
 667 the Commissioner of Education, in consultation with the Board of  
 668 Governors of the State University System, the Commission for  
 669 Independent Education, and other education entities, shall  
 670 assign to the divisions such powers, duties, responsibilities,  
 671 and functions as are necessary to ensure the greatest possible



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672 coordination, efficiency, and effectiveness of education for  
 673 students in K-20 education.

674 (7) BOARDS.--Notwithstanding anything contained in law to  
 675 the contrary, all members of the ~~university and~~ community  
 676 college boards of trustees must be appointed according to  
 677 chapter 1001.

678 (8) SUPPORT SERVICES.--The Department of Education shall  
 679 continue to provide support to the Board of Governors of the  
 680 State University System. At a minimum, support services provided  
 681 to the Board of Governors shall include accounting, printing,  
 682 computer and Internet support, personnel and human resources  
 683 support, support for accountability initiatives, support for  
 684 agency inspector general activities, and administrative support  
 685 as needed for trust funds under the jurisdiction of the Board of  
 686 Governors.

687 Section 3. Section 20.155, Florida Statutes, is created to  
 688 read:

689 20.155 Board of Governors of the State University  
 690 System.--

691 (1) GENERAL PROVISIONS.--The Board of Governors of the  
 692 State University System is established by the State Constitution  
 693 under s. 7, Art. IX and, accordingly, is granted rights and  
 694 privileges equal to those of departments established under this  
 695 chapter while preserving the Board of Governors' constitutional  
 696 designation and title.

697 (2) HEAD OF THE BOARD.--The head of the Board of Governors  
 698 is the board with members appointed by the Governor as provided  
 699 for in s. 7, Art. IX of the State Constitution.

700           (3) PERSONNEL.--The Board of Governors is authorized to  
 701 appoint a Chancellor to aid the board in the implementation of  
 702 its responsibilities.

703           (4) POWERS AND DUTIES.--

704           (a) The Board of Governors has the duty to operate,  
 705 regulate, control, and be responsible for the management of the  
 706 whole publicly funded State University System in accordance with  
 707 s. 7, Art. IX of the State Constitution and s. 1001.705.

708           (b) The Board of Governors, in exercising its authority  
 709 under the State Constitution and statutes, shall exercise its  
 710 authority in a manner that supports, promotes, and enhances all  
 711 of the following:

712           1. Affordable access to postsecondary educational  
 713 opportunities for Florida residents.

714           2. Articulation between state universities and other  
 715 postsecondary educational institutions.

716           3. Fiscal responsibility.

717           4. Accountability.

718           Section 4. Subsection (1) of section 23.21, Florida  
 719 Statutes, is amended to read:

720           23.21 Definitions.--For purposes of this part:

721           (1) "Department" means a principal administrative unit  
 722 within the executive branch of state government, as defined in  
 723 chapter 20, and includes the State Board of Administration, the  
 724 Executive Office of the Governor, the Fish and Wildlife  
 725 Conservation Commission, the Parole Commission, the Agency for  
 726 Health Care Administration, ~~the Board of Regents,~~ the State  
 727 Board of Education Community Colleges, ~~the Board of Governors of~~

728 the State University System, the Justice Administrative  
 729 Commission, the Capital Collateral Representative, and separate  
 730 budget entities placed for administrative purposes within a  
 731 department.

732 Section 5. Paragraph (a) of subsection (6) of section  
 733 110.131, Florida Statutes, is amended to read:

734 110.131 Other-personal-services temporary employment.--

735 (6) (a) The provisions of subsections (2), (3), and (4) do  
 736 not apply to any employee for whom the Board of Governors of the  
 737 State University System, or the board's designee, ~~Regents~~ or the  
 738 Board of Trustees of the Florida School for the Deaf and the  
 739 Blind is the employer as defined in s. 447.203(2); except that,  
 740 for purposes of subsection (5), the Board of Trustees of the  
 741 Florida School for the Deaf and the Blind shall comply with the  
 742 recordkeeping and reporting requirements adopted by the  
 743 department pursuant to subsection (3) with respect to those  
 744 other-personal-services employees exempted by this subsection.

745 Section 6. Subsection (5) of section 110.181, Florida  
 746 Statutes, is amended to read:

747 110.181 Florida State Employees' Charitable Campaign.--

748 (5) PARTICIPATION OF STATE UNIVERSITIES.--Each university  
 749 may elect to participate in the Florida State Employees'  
 750 Charitable Campaign, upon timely notice to the department. Each  
 751 university may also conduct annual charitable fundraising drives  
 752 for employees under the authority granted in ss. 1001.706 and s-  
 753 1001.74(19).

754 Section 7. Paragraphs (e), (f), and (g) of subsection (13)  
 755 of section 112.0455, Florida Statutes, are redesignated as

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756 paragraphs (d), (e), and (f), respectively, and paragraph (d) of  
 757 that subsection is amended to read:

758 112.0455 Drug-Free Workplace Act.--

759 (13) RULES.--

760 ~~(d) The Board of Regents may adopt rules for the State~~  
 761 ~~University System implementing this section.~~

762

763 This section shall not be construed to eliminate the bargainable  
 764 rights as provided in the collective bargaining process where  
 765 applicable.

766 Section 8. Subsection (5) of section 112.19, Florida  
 767 Statutes, is amended to read:

768 112.19 Law enforcement, correctional, and correctional  
 769 probation officers; death benefits.--

770 (5) The State Board ~~Department~~ of Education shall adopt  
 771 rules and procedures as are necessary to implement the  
 772 educational benefits provisions of this section.

773 Section 9. Subsection (5) of section 112.191, Florida  
 774 Statutes, is amended to read:

775 112.191 Firefighters; death benefits.--

776 (5) The State Board ~~Department~~ of Education shall adopt  
 777 rules and procedures as are necessary to implement the  
 778 educational benefits provisions of this section.

779 Section 10. Paragraph (a) of subsection (9) of section  
 780 112.313, Florida Statutes, is amended to read:

781 112.313 Standards of conduct for public officers,  
 782 employees of agencies, and local government attorneys.--

783 (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR  
 784 LEGISLATORS AND LEGISLATIVE EMPLOYEES.--

785 (a)1. It is the intent of the Legislature to implement by  
 786 statute the provisions of s. 8(e), Art. II of the State  
 787 Constitution relating to legislators, statewide elected  
 788 officers, appointed state officers, and designated public  
 789 employees.

790 2. As used in this paragraph:

791 a. "Employee" means:

792 (I) Any person employed in the executive or legislative  
 793 branch of government holding a position in the Senior Management  
 794 Service as defined in s. 110.402 or any person holding a  
 795 position in the Selected Exempt Service as defined in s. 110.602  
 796 or any person having authority over policy or procurement  
 797 employed by the Department of the Lottery.

798 (II) The Auditor General, the director of the Office of  
 799 Program Policy Analysis and Government Accountability, the  
 800 Sergeant at Arms and Secretary of the Senate, and the Sergeant  
 801 at Arms and Clerk of the House of Representatives.

802 (III) The executive director of the Legislative Committee  
 803 on Intergovernmental Relations and the executive director and  
 804 deputy executive director of the Commission on Ethics.

805 (IV) An executive director, staff director, or deputy  
 806 staff director of each joint committee, standing committee, or  
 807 select committee of the Legislature; an executive director,  
 808 staff director, executive assistant, analyst, or attorney of the  
 809 Office of the President of the Senate, the Office of the Speaker  
 810 of the House of Representatives, the Senate Majority Party

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811 Office, Senate Minority Party Office, House Majority Party  
 812 Office, or House Minority Party Office; or any person, hired on  
 813 a contractual basis, having the power normally conferred upon  
 814 such persons, by whatever title.

815 (V) The Chancellor and Vice Chancellors of the State  
 816 University System; the general counsel to the Board of Governors  
 817 of the State University System ~~Regents~~; and the president,  
 818 provost, vice presidents, and deans of each state university.

819 (VI) Any person having the power normally conferred upon  
 820 the positions referenced in this sub-subparagraph.

821 b. "Appointed state officer" means any member of an  
 822 appointive board, commission, committee, council, or authority  
 823 of the executive or legislative branch of state government whose  
 824 powers, jurisdiction, and authority are not solely advisory and  
 825 include the final determination or adjudication of any personal  
 826 or property rights, duties, or obligations, other than those  
 827 relative to its internal operations.

828 c. "State agency" means an entity of the legislative,  
 829 executive, or judicial branch of state government over which the  
 830 Legislature exercises plenary budgetary and statutory control.

831 3. No member of the Legislature, appointed state officer,  
 832 or statewide elected officer shall personally represent another  
 833 person or entity for compensation before the government body or  
 834 agency of which the individual was an officer or member for a  
 835 period of 2 years following vacation of office. No member of the  
 836 Legislature shall personally represent another person or entity  
 837 for compensation during his or her term of office before any

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838 state agency other than judicial tribunals or in settlement  
839 negotiations after the filing of a lawsuit.

840 4. No agency employee shall personally represent another  
841 person or entity for compensation before the agency with which  
842 he or she was employed for a period of 2 years following  
843 vacation of position, unless employed by another agency of state  
844 government.

845 5. Any person violating this paragraph shall be subject to  
846 the penalties provided in s. 112.317 and a civil penalty of an  
847 amount equal to the compensation which the person receives for  
848 the prohibited conduct.

849 6. This paragraph is not applicable to:

850 a. A person employed by the Legislature or other agency  
851 prior to July 1, 1989;

852 b. A person who was employed by the Legislature or other  
853 agency on July 1, 1989, whether or not the person was a defined  
854 employee on July 1, 1989;

855 c. A person who was a defined employee of the State  
856 University System or the Public Service Commission who held such  
857 employment on December 31, 1994;

858 d. A person who has reached normal retirement age as  
859 defined in s. 121.021(29), and who has retired under the  
860 provisions of chapter 121 by July 1, 1991; or

861 e. Any appointed state officer whose term of office began  
862 before January 1, 1995, unless reappointed to that office on or  
863 after January 1, 1995.

864 Section 11. Paragraph (a) of subsection (1) of section  
865 112.3135, Florida Statutes, is amended to read:

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866           112.3135 Restriction on employment of relatives.--  
 867           (1) In this section, unless the context otherwise  
 868 requires:  
 869           (a) "Agency" means:  
 870           1. A state agency, except an institution under the  
 871 jurisdiction of the Board of Governors of the State University  
 872 System ~~Division of Universities of the Department of Education;~~  
 873           2. An office, agency, or other establishment in the  
 874 legislative branch;  
 875           3. An office, agency, or other establishment in the  
 876 judicial branch;  
 877           4. A county;  
 878           5. A city; and  
 879           6. Any other political subdivision of the state, except a  
 880 district school board or community college district.  
 881           Section 12. Paragraph (c) of subsection (1) of section  
 882 112.3145, Florida Statutes, is amended to read:  
 883           112.3145 Disclosure of financial interests and clients  
 884 represented before agencies.--  
 885           (1) For purposes of this section, unless the context  
 886 otherwise requires, the term:  
 887           (c) "State officer" means:  
 888           1. Any elected public officer, excluding those elected to  
 889 the United States Senate and House of Representatives, not  
 890 covered elsewhere in this part and any person who is appointed  
 891 to fill a vacancy for an unexpired term in such an elective  
 892 office.



893           2. An appointed member of each board, commission,  
894 authority, or council having statewide jurisdiction, excluding a  
895 member of an advisory body.

896           3. A member of the Board of Governors of the State  
897 University System or a state university board of trustees  
898 ~~Regents~~, the Chancellor and Vice Chancellors of the State  
899 University System, and the president of a state university.

900           4. A member of the judicial nominating commission for any  
901 district court of appeal or any judicial circuit.

902           Section 13. Paragraph (b) of subsection (1) and subsection  
903 (6) of section 120.52, Florida Statutes, are amended to read:

904           120.52 Definitions.--As used in this act:

905           (1) "Agency" means:

906           (b) Each:

907           1. State officer and state department, and each  
908 departmental unit described in s. 20.04.

909           2. Authority, including a regional water supply authority.

910           3. Board, including the Board of Governors of the State  
911 University System and a state university board of trustees when  
912 acting pursuant to statutory authority derived from the  
913 Legislature.

914           4. Commission, including the Commission on Ethics and the  
915 Fish and Wildlife Conservation Commission when acting pursuant  
916 to statutory authority derived from the Legislature.

917           5. Regional planning agency.

918           6. Multicounty special district with a majority of its  
919 governing board comprised of nonelected persons.

920           7. Educational units.

921           8. Entity described in chapters 163, 373, 380, and 582 and  
 922 s. 186.504.

923  
 924 This definition does not include any legal entity or agency  
 925 created in whole or in part pursuant to chapter 361, part II,  
 926 any metropolitan planning organization created pursuant to s.  
 927 339.175, any separate legal or administrative entity created  
 928 pursuant to s. 339.175 of which a metropolitan planning  
 929 organization is a member, an expressway authority pursuant to  
 930 chapter 348, any legal or administrative entity created by an  
 931 interlocal agreement pursuant to s. 163.01(7), unless any party  
 932 to such agreement is otherwise an agency as defined in this  
 933 subsection, or any multicounty special district with a majority  
 934 of its governing board comprised of elected persons; however,  
 935 this definition shall include a regional water supply authority.

936           (6) "Educational unit" means a local school district, a  
 937 community college district, the Florida School for the Deaf and  
 938 the Blind, or a state university when the university is acting  
 939 pursuant to statutory authority derived from the Legislature.

940           Section 14. Subsection (11) of section 120.65, Florida  
 941 Statutes, is amended to read:

942           120.65 Administrative law judges.--

943           (11) The division shall be reimbursed for administrative  
 944 law judge services and travel expenses by the following  
 945 entities: water management districts, regional planning  
 946 councils, school districts, community colleges, the Division of  
 947 Community Colleges, state universities, the Board of Governors  
 948 of the State University System, the State Board of Education,

949 the Florida School for the Deaf and the Blind, and the  
 950 Commission for Independent Education. These entities shall  
 951 contract with the division to establish a contract rate for  
 952 services and provisions for reimbursement of administrative law  
 953 judge travel expenses and video teleconferencing expenses  
 954 attributable to hearings conducted on behalf of these entities.  
 955 The contract rate must be based on a total-cost-recovery  
 956 methodology.

957 Section 15. Paragraph (b) of subsection (22) of section  
 958 121.021, Florida Statutes, is amended to read:

959 121.021 Definitions.--The following words and phrases as  
 960 used in this chapter have the respective meanings set forth  
 961 unless a different meaning is plainly required by the context:

962 (22) "Compensation" means the monthly salary paid a member  
 963 by his or her employer for work performed arising from that  
 964 employment.

965 (b) Under no circumstances shall compensation include:

966 1. Fees paid professional persons for special or  
 967 particular services or include salary payments made from a  
 968 faculty practice plan authorized by the Board of Governors of  
 969 the State University System ~~operated by rule of the Board of~~  
 970 ~~Regents~~ for eligible clinical faculty at a state university with  
 971 a faculty practice plan ~~the University of Florida and the~~  
 972 ~~University of South Florida~~; or

973 2. Any bonuses or other payments prohibited from inclusion  
 974 in the member's average final compensation and defined in  
 975 subsection (47).

976 Section 16. Paragraph (a) of subsection (1) and paragraph  
 977 (c) of subsection (2) of section 121.051, Florida Statutes, are  
 978 amended to read:

979 121.051 Participation in the system.--

980 (1) COMPULSORY PARTICIPATION.--

981 (a) The provisions of this law shall be compulsory as to  
 982 all officers and employees, except elected officers who meet the  
 983 requirements of s. 121.052(3), who are employed on or after  
 984 December 1, 1970, of an employer other than those referred to in  
 985 paragraph (2)(b), and each officer or employee, as a condition  
 986 of employment, shall become a member of the system as of his or  
 987 her date of employment, except that a person who is retired from  
 988 any state retirement system and is reemployed on or after  
 989 December 1, 1970, shall not be permitted to renew his or her  
 990 membership in any state retirement system except as provided in  
 991 s. 121.091(4)(h) for a person who recovers from disability, and  
 992 as provided in s. 121.091(9)(b)8. for a person who is elected to  
 993 public office, and, effective July 1, 1991, as provided in s.  
 994 121.122 for all other retirees. Officers and employees of the  
 995 University Athletic Association, Inc., a nonprofit association  
 996 connected with the University of Florida, employed on and after  
 997 July 1, 1979, shall not participate in any state-supported  
 998 retirement system. Any person appointed on or after July 1,  
 999 1989, to a faculty position in a college at the J. Hillis Miller  
 1000 Health Center at the University of Florida or the Medical Center  
 1001 at the University of South Florida which has a faculty practice  
 1002 plan provided by rule adopted by the Board of Regents shall not  
 1003 participate in the Florida Retirement System. A faculty member

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1004 so appointed shall participate in the optional retirement  
 1005 program on the basis of his or her state-funded compensation,  
 1006 notwithstanding the provisions of s. 121.35(2)(a). Any person  
 1007 appointed on or after July 1, 2006, to a faculty position in a  
 1008 college of a state university that has a faculty practice plan  
 1009 authorized by the Board of Governors of the State University  
 1010 System shall not participate in the Florida Retirement System. A  
 1011 faculty member so appointed shall participate in the optional  
 1012 retirement program on the basis of his or her state-funded  
 1013 compensation, notwithstanding the provisions of s. 121.35(2)(a).

1014 (2) OPTIONAL PARTICIPATION.--

1015 (c) Employees of public community colleges or charter  
 1016 technical career centers sponsored by public community colleges,  
 1017 as designated in s. 1000.21 (4) ~~(3)~~, who are members of the  
 1018 Regular Class of the Florida Retirement System and who comply  
 1019 with the criteria set forth in this paragraph and in s. 1012.875  
 1020 may elect, in lieu of participating in the Florida Retirement  
 1021 System, to withdraw from the Florida Retirement System  
 1022 altogether and participate in an optional retirement program  
 1023 provided by the employing agency under s. 1012.875, to be known  
 1024 as the State Community College System Optional Retirement  
 1025 Program. Pursuant thereto:

1026 1. Through June 30, 2001, the cost to the employer for  
 1027 such annuity shall equal the normal cost portion of the employer  
 1028 retirement contribution which would be required if the employee  
 1029 were a member of the Regular Class defined benefit program, plus  
 1030 the portion of the contribution rate required by s. 112.363(8)  
 1031 that would otherwise be assigned to the Retiree Health Insurance

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1032 Subsidy Trust Fund. Effective July 1, 2001, each employer shall  
1033 contribute on behalf of each participant in the optional program  
1034 an amount equal to 10.43 percent of the participant's gross  
1035 monthly compensation. The employer shall deduct an amount to  
1036 provide for the administration of the optional retirement  
1037 program. The employer providing the optional program shall  
1038 contribute an additional amount to the Florida Retirement System  
1039 Trust Fund equal to the unfunded actuarial accrued liability  
1040 portion of the Regular Class contribution rate.

1041 2. The decision to participate in such an optional  
1042 retirement program shall be irrevocable for as long as the  
1043 employee holds a position eligible for participation, except as  
1044 provided in subparagraph 3. Any service creditable under the  
1045 Florida Retirement System shall be retained after the member  
1046 withdraws from the Florida Retirement System; however,  
1047 additional service credit in the Florida Retirement System shall  
1048 not be earned while a member of the optional retirement program.

1049 3. An employee who has elected to participate in the  
1050 optional retirement program shall have one opportunity, at the  
1051 employee's discretion, to choose to transfer from the optional  
1052 retirement program to the defined benefit program of the Florida  
1053 Retirement System or to the Public Employee Optional Retirement  
1054 Program, subject to the terms of the applicable optional  
1055 retirement program contracts.

1056 a. If the employee chooses to move to the Public Employee  
1057 Optional Retirement Program, any contributions, interest, and  
1058 earnings creditable to the employee under the State Community  
1059 College System Optional Retirement Program shall be retained by

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1060 the employee in the State Community College System Optional  
1061 Retirement Program, and the applicable provisions of s.  
1062 121.4501(4) shall govern the election.

1063 b. If the employee chooses to move to the defined benefit  
1064 program of the Florida Retirement System, the employee shall  
1065 receive service credit equal to his or her years of service  
1066 under the State Community College Optional Retirement Program.

1067 (I) The cost for such credit shall be an amount  
1068 representing the present value of that employee's accumulated  
1069 benefit obligation for the affected period of service. The cost  
1070 shall be calculated as if the benefit commencement occurs on the  
1071 first date the employee would become eligible for unreduced  
1072 benefits, using the discount rate and other relevant actuarial  
1073 assumptions that were used to value the Florida Retirement  
1074 System defined benefit plan liabilities in the most recent  
1075 actuarial valuation. The calculation shall include any service  
1076 already maintained under the defined benefit plan in addition to  
1077 the years under the State Community College Optional Retirement  
1078 Program. The present value of any service already maintained  
1079 under the defined benefit plan shall be applied as a credit to  
1080 total cost resulting from the calculation. The division shall  
1081 ensure that the transfer sum is prepared using a formula and  
1082 methodology certified by an enrolled actuary.

1083 (II) The employee must transfer from his or her State  
1084 Community College System Optional Retirement Program account and  
1085 from other employee moneys as necessary, a sum representing the  
1086 present value of that employee's accumulated benefit obligation  
1087 immediately following the time of such movement, determined

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1088 assuming that attained service equals the sum of service in the  
1089 defined benefit program and service in the State Community  
1090 College System Optional Retirement Program.

1091 4. Participation in the optional retirement program shall  
1092 be limited to those employees who satisfy the following  
1093 eligibility criteria:

1094 a. The employee must be otherwise eligible for membership  
1095 in the Regular Class of the Florida Retirement System, as  
1096 provided in s. 121.021(11) and (12).

1097 b. The employee must be employed in a full-time position  
1098 classified in the Accounting Manual for Florida's Public  
1099 Community Colleges as:

1100 (I) Instructional; or

1101 (II) Executive Management, Instructional Management, or  
1102 Institutional Management, if a community college determines that  
1103 recruiting to fill a vacancy in the position is to be conducted  
1104 in the national or regional market, and:

1105 (A) The duties and responsibilities of the position  
1106 include either the formulation, interpretation, or  
1107 implementation of policies; or

1108 (B) The duties and responsibilities of the position  
1109 include the performance of functions that are unique or  
1110 specialized within higher education and that frequently involve  
1111 the support of the mission of the community college.

1112 c. The employee must be employed in a position not  
1113 included in the Senior Management Service Class of the Florida  
1114 Retirement System, as described in s. 121.055.



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1115           5. Participants in the program are subject to the same  
1116 reemployment limitations, renewed membership provisions, and  
1117 forfeiture provisions as are applicable to regular members of  
1118 the Florida Retirement System under ss. 121.091(9), 121.122, and  
1119 121.091(5), respectively.

1120           6. Eligible community college employees shall be  
1121 compulsory members of the Florida Retirement System until,  
1122 pursuant to the procedures set forth in s. 1012.875, a written  
1123 election to withdraw from the Florida Retirement System and to  
1124 participate in the State Community College Optional Retirement  
1125 Program is filed with the program administrator and received by  
1126 the division.

1127           a. Any community college employee whose program  
1128 eligibility results from initial employment shall be enrolled in  
1129 the State Community College Optional Retirement Program  
1130 retroactive to the first day of eligible employment. The  
1131 employer retirement contributions paid through the month of the  
1132 employee plan change shall be transferred to the community  
1133 college for the employee's optional program account, and,  
1134 effective the first day of the next month, the employer shall  
1135 pay the applicable contributions based upon subparagraph 1.

1136           b. Any community college employee whose program  
1137 eligibility results from a change in status due to the  
1138 subsequent designation of the employee's position as one of  
1139 those specified in subparagraph 4. or due to the employee's  
1140 appointment, promotion, transfer, or reclassification to a  
1141 position specified in subparagraph 4. shall be enrolled in the  
1142 program upon the first day of the first full calendar month that

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1143 such change in status becomes effective. The employer retirement  
 1144 contributions paid from the effective date through the month of  
 1145 the employee plan change shall be transferred to the community  
 1146 college for the employee's optional program account, and,  
 1147 effective the first day of the next month, the employer shall  
 1148 pay the applicable contributions based upon subparagraph 1.

1149 7. Effective July 1, 2003, any participant of the State  
 1150 Community College Optional Retirement Program who has service  
 1151 credit in the defined benefit plan of the Florida Retirement  
 1152 System for the period between his or her first eligibility to  
 1153 transfer from the defined benefit plan to the optional  
 1154 retirement program and the actual date of transfer may, during  
 1155 his or her employment, elect to transfer to the optional  
 1156 retirement program a sum representing the present value of the  
 1157 accumulated benefit obligation under the defined benefit  
 1158 retirement program for such period of service credit. Upon such  
 1159 transfer, all such service credit previously earned under the  
 1160 defined benefit program of the Florida Retirement System during  
 1161 this period shall be nullified for purposes of entitlement to a  
 1162 future benefit under the defined benefit program of the Florida  
 1163 Retirement System.

1164 Section 17. Paragraphs (b) and (d) of subsection (2),  
 1165 paragraph (h) of subsection (3), and paragraphs (a) and (b) of  
 1166 subsection (6) of section 121.35, Florida Statutes, are amended  
 1167 to read:

1168 121.35 Optional retirement program for the State  
 1169 University System.--

1170 (2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL PROGRAM.--

1171 (b) For purposes of this section, both the appointees and  
 1172 employees are referred to as "employees," and the "employer" of  
 1173 an appointee or employee is the individual institution within  
 1174 the State University System or the Board of Governors of the  
 1175 State University System ~~State Board of Education~~, whichever is  
 1176 appropriate with respect to the particular employee or  
 1177 appointee.

1178 (d) For purposes of this section, the authority granted to  
 1179 the Board of Governors of the State University System ~~State~~  
 1180 ~~Board of Education~~ may be exercised by the Board of Governors or  
 1181 by the Chancellor of the State University System ~~Division of~~  
 1182 ~~Colleges and Universities~~.

1183 (3) ELECTION OF OPTIONAL PROGRAM.--

1184 (h) A participant in the optional retirement program may  
 1185 not participate in more than one state-administered retirement  
 1186 system, plan, or class simultaneously. Except as provided in s.  
 1187 121.052(6)(d), a participant who is or becomes dually employed  
 1188 in two or more positions covered by the Florida Retirement  
 1189 System, one of which is eligible for the optional program and  
 1190 one of which is not, may remain a member of the optional program  
 1191 and contributions shall be paid as required only on the salary  
 1192 earned in the position eligible for the optional program during  
 1193 such period of dual employment; or, within 90 days after  
 1194 becoming dually employed, he or she may elect membership in the  
 1195 Regular Class of the Florida Retirement System in lieu of the  
 1196 optional program and contributions shall be paid as required on  
 1197 the total salary received for all employment. At retirement, the  
 1198 average final compensation used to calculate any benefits for

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1199 | which the member becomes eligible under the Florida Retirement  
 1200 | System shall be based on all salary reported for both positions  
 1201 | during such period of dual employment. When such member ceases  
 1202 | to be dually employed, he or she may, within 90 days, elect to  
 1203 | remain in the Florida Retirement System class for which he or  
 1204 | she is eligible or to again become a participant in the optional  
 1205 | retirement program. Failure to elect membership in the optional  
 1206 | program within 90 days shall result in compulsory membership in  
 1207 | the Florida Retirement System, except that a member filling a  
 1208 | faculty position under a faculty practice plan at the University  
 1209 | of Florida or the Medical Center at the University of South  
 1210 | Florida shall again participate in the optional retirement  
 1211 | program as required in s. 121.051(1)(a). Any person appointed on  
 1212 | or after July 1, 2006, to a faculty position in a college of a  
 1213 | state university that has a faculty practice plan authorized by  
 1214 | the Board of Governors of the State University System shall  
 1215 | participate in the optional retirement system program on the  
 1216 | basis of his or her state-funded compensation, notwithstanding  
 1217 | the provisions of paragraph (2)(a).

1218 | (6) ADMINISTRATION OF PROGRAM.--

1219 | (a) The optional retirement program authorized by this  
 1220 | section shall be administered by the department. The department  
 1221 | shall adopt rules establishing the responsibilities of the ~~State~~  
 1222 | ~~Board of Education~~ and institutions in the State University  
 1223 | System in administering the optional retirement program. The  
 1224 | Board of Regents ~~State Board of Education~~ shall, no more than 90  
 1225 | days after July 1, 1983, submit to the department its  
 1226 | recommendations for the contracts to be offered by the companies

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1227 chosen by the department. Effective July 1, 2001, the State  
 1228 Board of Education shall submit to the department its  
 1229 recommendations for the contracts to be offered by the companies  
 1230 chosen by the department. Effective July 1, 2006, the Board of  
 1231 Governors of the State University System shall submit  
 1232 recommendations on contracts within 90 days after request by the  
 1233 department. The recommendations of the board shall include the  
 1234 following:

- 1235 1. The nature and extent of the rights and benefits in  
 1236 relation to the required contributions; and
- 1237 2. The suitability of the rights and benefits to the needs  
 1238 of the participants and the interests of the institutions in the  
 1239 recruitment and retention of eligible employees.

1240 (b) After receiving and considering the recommendations of  
 1241 the Board of Governors of the State University System ~~State~~  
 1242 ~~Board of Education~~, the department shall designate no more than  
 1243 five companies from which contracts may be purchased under the  
 1244 program and shall approve the form and content of the optional  
 1245 retirement program contracts. Any domestic company that has been  
 1246 designated as of July 1, 2005, shall be included in the five  
 1247 companies until expiration of its existing contract with the  
 1248 department. The domestic company may assign its contract with  
 1249 the department to an affiliated qualified company that is wholly  
 1250 owned by the domestic company's parent company and has assumed  
 1251 100 percent of the responsibility for the contracts purchased  
 1252 from the domestic company.

1253 Section 18. Subsection (1) of section 159.703, Florida  
 1254 Statutes, is amended to read:

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1255           159.703   Creation of research and development  
1256 authorities.--

1257           (1)   Subject to the provisions of this part, each county or  
1258 group of counties may create by ordinance a local governmental  
1259 body as a public body corporate and politic to be known as  
1260 "\_\_\_\_\_ Research and Development Authority," hereafter referred  
1261 to as "authority" or "authorities." Each of the authorities is  
1262 constituted as a public instrumentality for the purposes of  
1263 development, operation, management, and financing of a research  
1264 and development park, and the exercise by an authority of the  
1265 powers conferred by ss. 159.701-159.7095 shall be deemed and  
1266 held to be the performance of an essential public purpose and  
1267 function. However, no authority created on or after July 1, 2006  
1268 ~~July 7, 1988~~, shall transact any business or exercise any power  
1269 hereunder until and unless the Board of Governors of the State  
1270 University System ~~Board of Regents~~ has designated the authority  
1271 pursuant to the requirements of s. 159.704.

1272           Section 19. Subsections (1) and (3) of section 159.704,  
1273 Florida Statutes, are amended to read:

1274           159.704   Designation by Board of Governors of the State  
1275 University System ~~Board of Regents~~; procedure.--

1276           (1)   The authority shall prepare and submit to the Board of  
1277 Governors of the State University System ~~Board of Regents~~ a  
1278 petition requesting that the authority be designated a research  
1279 and development authority.

1280           (3)   Upon approval of the petition and designation as a  
1281 research and development authority by the Board of Governors of  
1282 the State University System ~~Board of Regents~~, the authority

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1283 shall be empowered to transact any business and exercise any  
 1284 power authorized by ss. 159.701-159.7095 for the purposes set  
 1285 out in such sections.

1286 Section 20. Section 159.706, Florida Statutes, is amended  
 1287 to read:

1288 159.706 Grandfather clause.--Each county designated as a  
 1289 research and development authority on June 30, 1979, or  
 1290 designated by the Board of Regents as a research and development  
 1291 authority prior to July 1, 2001, shall be entitled to continue  
 1292 to be designated and shall be accorded all powers conferred to  
 1293 designated authorities by ss. 159.701-159.7095, except that any  
 1294 authority not constituted and designated under the provisions of  
 1295 ss. 159.701-159.7095 shall be prohibited from exercising any  
 1296 power to issue revenue bonds or other debt obligations pursuant  
 1297 to s. 159.705(6) and (7).

1298 Section 21. Paragraph (b) of subsection (2) of section  
 1299 211.3103, Florida Statutes, is amended to read:

1300 211.3103 Levy of tax on severance of phosphate rock; rate,  
 1301 basis, and distribution of tax.--

1302 (2) Beginning July 1, 2003, the proceeds of all taxes,  
 1303 interest, and penalties imposed under this section shall be paid  
 1304 into the State Treasury as follows:

1305 (b) The remaining revenues collected from the tax during  
 1306 that fiscal year, after the required payment under paragraph  
 1307 (a), shall be paid into the State Treasury as follows:

1308 1. For payment to counties in proportion to the number of  
 1309 tons of phosphate rock produced from a phosphate rock matrix  
 1310 located within such political boundary, 18.75 percent. The

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1311 department shall distribute this portion of the proceeds  
 1312 annually based on production information reported by the  
 1313 producers on the annual returns for the taxable year. Any such  
 1314 proceeds received by a county shall be used only for phosphate-  
 1315 related expenses.

1316 2. For payment to counties that have been designated a  
 1317 rural area of critical economic concern pursuant to s. 288.0656  
 1318 in proportion to the number of tons of phosphate rock produced  
 1319 from a phosphate rock matrix located within such political  
 1320 boundary, 15 percent. The department shall distribute this  
 1321 portion of the proceeds annually based on production information  
 1322 reported by the producers on the annual returns for the taxable  
 1323 year.

1324 3. To the credit of the Phosphate Research Trust Fund in  
 1325 the Board of Governors of the State University System ~~Department~~  
 1326 ~~of Education, Division of Universities~~, 11.25 percent.

1327 4. To the credit of the Minerals Trust Fund, 11.25  
 1328 percent.

1329 5. To the credit of the Nonmandatory Land Reclamation  
 1330 Trust Fund, 43.75 percent.

1331 Section 22. Subsection (2) of section 215.16, Florida  
 1332 Statutes, is amended to read:

1333 215.16 Appropriations from General Revenue Fund for public  
 1334 schools, state institutions of higher learning, and community  
 1335 colleges; reduction.--

1336 (2) If the state appropriations from the General Revenue  
 1337 Fund for the benefit of the uniform system of public free  
 1338 schools, state institutions of higher learning, and community



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1339 colleges cannot be paid in full during any given year, they  
 1340 shall be diminished only in the same proportion that  
 1341 appropriations for all other purposes from the General Revenue  
 1342 Fund are diminished during such year. Additionally, any funding  
 1343 reductions to public free schools, state institutions of higher  
 1344 learning, and community colleges shall be diminished in  
 1345 proportions identical to one another. ~~For the purpose of~~  
 1346 ~~implementing this section, general revenue funds provided for~~  
 1347 ~~public free schools, state institutions of higher learning, and~~  
 1348 ~~community colleges shall be restricted to general revenue funds~~  
 1349 ~~appropriated for the Division of Public Schools and Community~~  
 1350 ~~Education, the Division of Workforce Development, the Division~~  
 1351 ~~of Universities, excluding the general office of the Board of~~  
 1352 ~~Regents, and the Division of Community Colleges, excluding the~~  
 1353 ~~division office.~~

1354 Section 23. Paragraph (h) of subsection (4) of section  
 1355 215.20, Florida Statutes, is amended, and paragraph (y) is added  
 1356 to that subsection, to read:

1357 215.20 Certain income and certain trust funds to  
 1358 contribute to the General Revenue Fund.--

1359 (4) The income of a revenue nature deposited in the  
 1360 following described trust funds, by whatever name designated, is  
 1361 that from which the appropriations authorized by subsection (3)  
 1362 shall be made:

- 1363 (h) Within the Department of Education, +
- 1364 ~~1.~~ the Educational Certification and Service Trust Fund.
- 1365 ~~2.~~ ~~The Phosphate Research Trust Fund.~~

1366           (y) Within the Board of Governors of the State University  
 1367 System, the Phosphate Research Trust Fund.

1368  
 1369 The enumeration of the foregoing moneys or trust funds shall not  
 1370 prohibit the applicability thereto of s. 215.24 should the  
 1371 Governor determine that for the reasons mentioned in s. 215.24  
 1372 the money or trust funds should be exempt herefrom, as it is the  
 1373 purpose of this law to exempt income from its force and effect  
 1374 when, by the operation of this law, federal matching funds or  
 1375 contributions or private grants to any trust fund would be lost  
 1376 to the state.

1377           Section 24. Paragraph (b) of subsection (2) of section  
 1378 215.32, Florida Statutes, is amended to read:

1379           215.32 State funds; segregation.--

1380           (2) The source and use of each of these funds shall be as  
 1381 follows:

1382           (b)1. The trust funds shall consist of moneys received by  
 1383 the state which under law or under trust agreement are  
 1384 segregated for a purpose authorized by law. The state agency or  
 1385 branch of state government receiving or collecting such moneys  
 1386 shall be responsible for their proper expenditure as provided by  
 1387 law. Upon the request of the state agency or branch of state  
 1388 government responsible for the administration of the trust fund,  
 1389 the Chief Financial Officer may establish accounts within the  
 1390 trust fund at a level considered necessary for proper  
 1391 accountability. Once an account is established within a trust  
 1392 fund, the Chief Financial Officer may authorize payment from

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1393 that account only upon determining that there is sufficient cash  
1394 and releases at the level of the account.

1395 2. In addition to other trust funds created by law, to the  
1396 extent possible, each agency shall use the following trust funds  
1397 as described in this subparagraph for day-to-day operations:

1398 a. Operations or operating trust fund, for use as a  
1399 depository for funds to be used for program operations funded by  
1400 program revenues, with the exception of administrative  
1401 activities when the operations or operating trust fund is a  
1402 proprietary fund.

1403 b. Operations and maintenance trust fund, for use as a  
1404 depository for client services funded by third-party payors.

1405 c. Administrative trust fund, for use as a depository for  
1406 funds to be used for management activities that are departmental  
1407 in nature and funded by indirect cost earnings and assessments  
1408 against trust funds. Proprietary funds are excluded from the  
1409 requirement of using an administrative trust fund.

1410 d. Grants and donations trust fund, for use as a  
1411 depository for funds to be used for allowable grant or donor  
1412 agreement activities funded by restricted contractual revenue  
1413 from private and public nonfederal sources.

1414 e. Agency working capital trust fund, for use as a  
1415 depository for funds to be used pursuant to s. 216.272.

1416 f. Clearing funds trust fund, for use as a depository for  
1417 funds to account for collections pending distribution to lawful  
1418 recipients.

1419 g. Federal grant trust fund, for use as a depository for  
 1420 funds to be used for allowable grant activities funded by  
 1421 restricted program revenues from federal sources.

1422  
 1423 To the extent possible, each agency must adjust its internal  
 1424 accounting to use existing trust funds consistent with the  
 1425 requirements of this subparagraph. If an agency does not have  
 1426 trust funds listed in this subparagraph and cannot make such  
 1427 adjustment, the agency must recommend the creation of the  
 1428 necessary trust funds to the Legislature no later than the next  
 1429 scheduled review of the agency's trust funds pursuant to s.  
 1430 215.3206.

1431 3. All such moneys are hereby appropriated to be expended  
 1432 in accordance with the law or trust agreement under which they  
 1433 were received, subject always to the provisions of chapter 216  
 1434 relating to the appropriation of funds and to the applicable  
 1435 laws relating to the deposit or expenditure of moneys in the  
 1436 State Treasury.

1437 4.a. Notwithstanding any provision of law restricting the  
 1438 use of trust funds to specific purposes, unappropriated cash  
 1439 balances from selected trust funds may be authorized by the  
 1440 Legislature for transfer to the Budget Stabilization Fund and  
 1441 General Revenue Fund in the General Appropriations Act.

1442 b. This subparagraph does not apply to trust funds  
 1443 required by federal programs or mandates; trust funds  
 1444 established for bond covenants, indentures, or resolutions whose  
 1445 revenues are legally pledged by the state or public body to meet  
 1446 debt service or other financial requirements of any debt

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1447 obligations of the state or any public body; the State  
1448 Transportation Trust Fund; the trust fund containing the net  
1449 annual proceeds from the Florida Education Lotteries; the  
1450 Florida Retirement System Trust Fund; trust funds under the  
1451 management of the State Board of Education or the Board of  
1452 Governors of the State University System, where such trust funds  
1453 are for auxiliary enterprises, self-insurance, and contracts,  
1454 grants, and donations, as those terms are defined by general  
1455 law; trust funds that serve as clearing funds or accounts for  
1456 the Chief Financial Officer or state agencies; trust funds that  
1457 account for assets held by the state in a trustee capacity as an  
1458 agent or fiduciary for individuals, private organizations, or  
1459 other governmental units; and other trust funds authorized by  
1460 the State Constitution.

1461 Section 25. Subsection (5) of section 215.559, Florida  
1462 Statutes, is amended to read:

1463 215.559 Hurricane Loss Mitigation Program.--

1464 (5) Of moneys provided to the Department of Community  
1465 Affairs in paragraph (2)(a), 10 percent shall be allocated to a  
1466 ~~Type I~~ center within the State University System dedicated to  
1467 hurricane research. The ~~Type I~~ center shall develop a  
1468 preliminary work plan approved by the advisory council set forth  
1469 in subsection (6) to eliminate the state and local barriers to  
1470 upgrading existing mobile homes and communities, research and  
1471 develop a program for the recycling of existing older mobile  
1472 homes, and support programs of research and development relating  
1473 to hurricane loss reduction devices and techniques for site-  
1474 built residences. The State University System also shall consult

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1475 with the Department of Community Affairs and assist the  
 1476 department with the report required under subsection (8).  
 1477 Section 26. Subsection (2) of section 215.82, Florida  
 1478 Statutes, is amended to read:  
 1479 215.82 Validation; when required.--  
 1480 (2) Any bonds issued pursuant to this act which are  
 1481 validated shall be validated in the manner provided by chapter  
 1482 75. In actions to validate bonds to be issued in the name of the  
 1483 State Board of Education under s. 9(a) and (d), Art. XII of the  
 1484 State Constitution and bonds to be issued pursuant to chapter  
 1485 259, the Land Conservation Act of 1972, the complaint shall be  
 1486 filed in the circuit court of the county where the seat of state  
 1487 government is situated, the notice required to be published by  
 1488 s. 75.06 shall be published only in the county where the  
 1489 complaint is filed, and the complaint and order of the circuit  
 1490 court shall be served only on the state attorney of the circuit  
 1491 in which the action is pending. In any action to validate bonds  
 1492 issued pursuant to s. 1010.62 ~~ss. 1010.61-1010.619~~ or issued  
 1493 pursuant to s. 9(a)(1), Art. XII of the State Constitution or  
 1494 issued pursuant to s. 215.605 or s. 338.227, the complaint shall  
 1495 be filed in the circuit court of the county where the seat of  
 1496 state government is situated, the notice required to be  
 1497 published by s. 75.06 shall be published in a newspaper of  
 1498 general circulation in the county where the complaint is filed  
 1499 and in two other newspapers of general circulation in the state,  
 1500 and the complaint and order of the circuit court shall be served  
 1501 only on the state attorney of the circuit in which the action is  
 1502 pending; provided, however, that if publication of notice

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1503 pursuant to this section would require publication in more  
 1504 newspapers than would publication pursuant to s. 75.06, such  
 1505 publication shall be made pursuant to s. 75.06.

1506 Section 27. Subsection (1) of section 216.0152, Florida  
 1507 Statutes, is amended to read:

1508 216.0152 Inventory of state-owned facilities or state-  
 1509 occupied facilities.--

1510 (1) The Department of Management Services shall develop  
 1511 and maintain an automated inventory of all facilities owned,  
 1512 leased, rented, or otherwise occupied or maintained by any  
 1513 agency of the state or by the judicial branch, except those with  
 1514 less than 3,000 square feet. The inventory shall include the  
 1515 location, occupying agency, ownership, size, condition  
 1516 assessment, maintenance record, age, parking and employee  
 1517 facilities, and other information as required by the department  
 1518 for determining maintenance needs and life-cycle cost  
 1519 evaluations of the facility. The inventory need not include a  
 1520 condition assessment or maintenance record of facilities not  
 1521 owned by a state agency or by the judicial branch. The term  
 1522 "facility," as used in this section, means buildings,  
 1523 structures, and building systems, but does not include  
 1524 transportation facilities of the state transportation system.  
 1525 The Department of Transportation shall develop and maintain an  
 1526 inventory of transportation facilities of the state  
 1527 transportation system. The Board of Governors of the State  
 1528 University System and Regents and the Division of Community  
 1529 Colleges of the Department of Education, respectively, shall  
 1530 develop and maintain an inventory, in the manner prescribed by

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1531 the Department of Management Services, of all state university  
1532 and community college ~~higher education~~ facilities and shall make  
1533 the data available in a format acceptable to the Department of  
1534 Management Services.

1535 Section 28. Paragraph (a) of subsection (2) of section  
1536 216.251, Florida Statutes, is amended to read:

1537 216.251 Salary appropriations; limitations.--

1538 (2) (a) The salary for each position not specifically  
1539 indicated in the appropriations acts shall be as provided in one  
1540 of the following subparagraphs:

1541 1. Within the classification and pay plans provided for in  
1542 chapter 110.

1543 2. Within the classification and pay plans established by  
1544 the Board of Trustees for the Florida School for the Deaf and  
1545 the Blind of the Department of Education and approved by the  
1546 State Board of Education for academic and academic  
1547 administrative personnel.

1548 3. Within the classification and pay plan approved and  
1549 administered by the ~~State Board of Education and the~~ Board of  
1550 Governors for those positions in the State University System.

1551 4. Within the classification and pay plan approved by the  
1552 President of the Senate and the Speaker of the House of  
1553 Representatives, as the case may be, for employees of the  
1554 Legislature.

1555 5. Within the approved classification and pay plan for the  
1556 judicial branch.



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1557 Section 29. Paragraph (c) of subsection (2) and paragraph  
1558 (c) of subsection (4) of section 220.15, Florida Statutes, are  
1559 amended to read:

1560 220.15 Apportionment of adjusted federal income.--

1561 (2) The property factor is a fraction the numerator of  
1562 which is the average value of the taxpayer's real and tangible  
1563 personal property owned or rented and used in this state during  
1564 the taxable year or period and the denominator of which is the  
1565 average value of such property owned or rented and used  
1566 everywhere.

1567 (c) The property factor fraction shall not include any  
1568 real or tangible personal property located in this state with  
1569 respect to which it is certified to the Department of Revenue  
1570 that such property is dedicated exclusively to research and  
1571 development activities performed pursuant to sponsored research  
1572 contracts conducted in conjunction with and through a university  
1573 that is a member of the State University System or a nonpublic  
1574 university that is chartered in Florida and conducts graduate  
1575 programs at the professional or doctoral level. The Board of  
1576 Governors of the State University System ~~Board of Regents~~ must  
1577 certify the contracts for members of the State University  
1578 System, and the president of the university must certify the  
1579 contracts for a nonpublic university. As used in this paragraph,  
1580 "sponsored research contract" means an agreement executed by  
1581 parties that include at least the university and the taxpayer.  
1582 Funding for sponsored research contracts may be provided from  
1583 public or private sources.

1584 (4) The payroll factor is a fraction the numerator of  
 1585 which is the total amount paid in this state during the taxable  
 1586 year or period by the taxpayer for compensation and the  
 1587 denominator of which is the total compensation paid everywhere  
 1588 during the taxable year or period.

1589 (c) The payroll factor fraction shall not include any  
 1590 compensation paid to any employee located in this state when it  
 1591 is certified to the Department of Revenue that such compensation  
 1592 was paid to employees dedicated exclusively to research and  
 1593 development activities performed pursuant to sponsored research  
 1594 contracts conducted in conjunction with and through a university  
 1595 that is a member of the State University System or a nonpublic  
 1596 university that is chartered in Florida and conducts graduate  
 1597 programs at the professional or doctoral level. The Board of  
 1598 Governors of the State University System ~~Board of Regents~~ must  
 1599 certify the contracts for members of the State University  
 1600 System, and the president of the university must certify the  
 1601 contracts for a nonpublic university. As used in this paragraph,  
 1602 "sponsored research contract" means an agreement executed by  
 1603 parties that include at least the university and the taxpayer.  
 1604 Funding for sponsored research contracts may be provided from  
 1605 public or private sources.

1606 Section 30. Subsection (7) of section 250.10, Florida  
 1607 Statutes, is amended to read:

1608 250.10 Appointment and duties of the Adjutant General.--

1609 (7) The Adjutant General, the Board of Governors of the  
 1610 State University System, and the State Board of Education shall  
 1611 develop education assistance programs for members in good

1612 standing of the active Florida National Guard who enroll in a  
 1613 public institution of higher learning in the state.

1614 (a) The programs shall set forth application requirements,  
 1615 including, but not limited to, requirements that the applicant:

1616 1. Be 17 years of age or older.

1617 2. Be presently domiciled in the state.

1618 3. Be a member in good standing in the active Florida  
 1619 National Guard at the beginning of and throughout the entire  
 1620 academic term for which benefits are received.

1621 4. Maintain continuous satisfactory participation in the  
 1622 active Florida National Guard for any school term for which  
 1623 exemption benefits are received.

1624 5. Upon enrollment in a program specified in subsection  
 1625 (8) or subsection (9), complete a memorandum of agreement to  
 1626 comply with the rules of the program and serve in the active  
 1627 Florida National Guard for 3 years after completion of the  
 1628 studies for which an exemption is granted or tuition and fees  
 1629 are paid.

1630 (b) The programs shall define those members of the active  
 1631 Florida National Guard who are ineligible to participate in the  
 1632 program and those courses of study which are not authorized for  
 1633 the program.

1634 1. Such members include, but are not limited to:

1635 a. Any member, commissioned officer, warrant officer, or  
 1636 enlisted person who has a baccalaureate degree.

1637 b. Any member who has 15 years or more of total military  
 1638 service creditable toward retirement.

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1639 c. Any member who has not completed basic military  
1640 training.

1641 2. Courses not authorized include noncredit courses,  
1642 courses that do not meet degree requirements, or courses that do  
1643 not meet requirements for completion of career training.

1644 (c) The Adjutant General, together with the Board of  
1645 Governors of the State University System and the State Board of  
1646 Education, shall adopt rules for the overall policy, guidance,  
1647 administration, implementation, and proper utilization of the  
1648 program. Such rules must include, but not be limited to,  
1649 guidelines for certification by the Adjutant General of a guard  
1650 member's eligibility, procedures for notification to an  
1651 institution of a guard member's termination of eligibility, and  
1652 procedures for restitution when a guard member fails to comply  
1653 with the penalties described in this section.

1654 Section 31. Subsection (2) of section 252.385, Florida  
1655 Statutes, is amended to read:

1656 252.385 Public shelter space.--

1657 (2) The division shall administer a program to survey  
1658 existing schools, universities, community colleges, and other  
1659 state-owned, municipally owned, and county-owned public  
1660 buildings and any private facility that the owner, in writing,  
1661 agrees to provide for use as a public hurricane evacuation  
1662 shelter to identify those that are appropriately designed and  
1663 located to serve as such shelters. The owners of the facilities  
1664 must be given the opportunity to participate in the surveys. The  
1665 state university boards of trustees ~~Board of Regents~~, district  
1666 school boards, community college boards of trustees, and the

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1667 Department of Education are responsible for coordinating and  
 1668 implementing the survey of public schools, universities, and  
 1669 community colleges with the division or the local emergency  
 1670 management agency.

1671 Section 32. Section 253.381, Florida Statutes, is amended  
 1672 to read:

1673 253.381 Unsurveyed marshlands; sale to upland owners.--The  
 1674 Board of Trustees of the Internal Improvement Trust Fund of the  
 1675 state is and ~~the State Board of Education~~ are hereby authorized  
 1676 to make sales of unsurveyed marshlands to record owners of  
 1677 uplands which have been surveyed by the United States, and to  
 1678 make equitable divisions of unsurveyed marsh areas and  
 1679 allocations of the same for sales with due respect to upland  
 1680 ownership, sales heretofore made, natural divisions of the  
 1681 unsurveyed marshes which are indicated by the general courses of  
 1682 water channels within or across the unsurveyed marshes and to  
 1683 other topographical features of the affected areas.

1684 Section 33. Section 255.02, Florida Statutes, is amended  
 1685 to read:

1686 255.02 Boards authorized to replace buildings destroyed by  
 1687 fire.--The Department of Management Services, ~~the Board of~~  
 1688 ~~Regents of the Department of Education,~~ or any other board or  
 1689 person having the direct supervision and control of any state  
 1690 building or state property, may have rebuilt or replaced, out of  
 1691 the proceeds from the fire insurance on such buildings or  
 1692 property, any buildings or property owned by the state, which  
 1693 may be destroyed in whole or in part by fire.

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1694 Section 34. Subsection (2) of section 255.043, Florida  
 1695 Statutes, is amended to read:

1696 255.043 Art in state buildings.--

1697 (2) The Department of Management Services,~~the Board of~~  
 1698 ~~Regents,~~ or other state agencies receiving appropriations for  
 1699 original constructions shall notify the Florida Arts Council and  
 1700 the user agency of any construction project which is eligible  
 1701 under the provisions of this section. The Department of  
 1702 Management Services,~~the Board of Regents,~~ or other state agency  
 1703 shall determine the amount to be made available for purchase or  
 1704 commission of works of art for each project and shall report  
 1705 these amounts to the Florida Arts Council and the user agency.  
 1706 Payments therefor shall be made from funds appropriated for  
 1707 fixed capital outlay according to law.

1708 Section 35. Subsection (2) of section 255.102, Florida  
 1709 Statutes, is amended to read:

1710 255.102 Contractor utilization of minority business  
 1711 enterprises.--

1712 (2) The Office of Supplier Diversity, in collaboration  
 1713 with the Board of Governors of the State University System,  
 1714 shall adopt rules to determine what is a "good faith effort" for  
 1715 purposes of contractor compliance with minority participation  
 1716 goals established for competitively awarded building and  
 1717 construction projects. Pro forma efforts shall not be considered  
 1718 good faith. Factors which shall be considered by the state  
 1719 agency in determining whether a contractor has made good faith  
 1720 efforts shall include, but not be limited to:

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1721 (a) Whether the contractor attended any presolicitation or  
1722 prebid meetings that were scheduled by the agency to inform  
1723 minority business enterprises of contracting and subcontracting  
1724 opportunities.

1725 (b) Whether the contractor advertised in general  
1726 circulation, trade association, or minority-focus media  
1727 concerning the subcontracting opportunities.

1728 (c) Whether the contractor provided written notice to all  
1729 relevant subcontractors listed on the minority vendor list for  
1730 that locality and statewide as provided by the agency as of the  
1731 date of issuance of the invitation to bid, that their interest  
1732 in the contract was being solicited in sufficient time to allow  
1733 the minority business enterprises to participate effectively.

1734 (d) Whether the contractor followed up initial  
1735 solicitations of interest by contacting minority business  
1736 enterprises, the Office of Supplier Diversity, or minority  
1737 persons who responded and provided detailed information about  
1738 prebid meetings, access to plans, specifications, contractor's  
1739 project manager, subcontractor bonding, if any, payment  
1740 schedule, bid addenda, and other assistance provided by the  
1741 contractor to enhance minority business enterprise  
1742 participation.

1743 (e) Whether the contractor selected portions of the work  
1744 to be performed by minority business enterprises in order to  
1745 increase the likelihood of meeting the minority business  
1746 enterprise procurement goals, including, where appropriate,  
1747 breaking down contracts into economically feasible units to

1748 facilitate minority business enterprise participation under  
 1749 reasonable and economical conditions of performance.

1750 (f) Whether the contractor provided the Office of Supplier  
 1751 Diversity as well as interested minority business enterprises or  
 1752 minority persons with adequate information about the plans,  
 1753 specifications, and requirements of the contract or the  
 1754 availability of jobs at a time no later than when such  
 1755 information was provided to other subcontractors.

1756 (g) Whether the contractor negotiated in good faith with  
 1757 interested minority business enterprises or minority persons,  
 1758 not rejecting minority business enterprises or minority persons  
 1759 as unqualified without sound reasons based on a thorough  
 1760 investigation of their capabilities or imposing implausible  
 1761 conditions of performance on the contract.

1762 (h) Whether the contractor diligently seeks to replace a  
 1763 minority business enterprise subcontractor that is unable to  
 1764 perform successfully with another minority business enterprise.

1765 (i) Whether the contractor effectively used the services  
 1766 of available minority community organizations; minority  
 1767 contractors' groups; local, state, and federal minority business  
 1768 assistance offices; and other organizations that provide  
 1769 assistance in the recruitment and placement of minority business  
 1770 enterprises or minority persons.

1771 Section 36. Subsection (23) of section 280.02, Florida  
 1772 Statutes, is amended to read:

1773 280.02 Definitions.--As used in this chapter, the term:

1774 (23) "Public deposit" means the moneys of the state or of  
 1775 any state university, county, school district, community college



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1776 district, special district, metropolitan government, or  
 1777 municipality, including agencies, boards, bureaus, commissions,  
 1778 and institutions of any of the foregoing, or of any court, and  
 1779 includes the moneys of all county officers, including  
 1780 constitutional officers, that are placed on deposit in a bank,  
 1781 savings bank, or savings association and for which the bank,  
 1782 savings bank, or savings association is required to maintain  
 1783 reserves. This includes, but is not limited to, time deposit  
 1784 accounts, demand deposit accounts, and nonnegotiable  
 1785 certificates of deposit. Moneys in deposit notes and in other  
 1786 nondeposit accounts such as repurchase or reverse repurchase  
 1787 operations are not public deposits. Securities, mutual funds,  
 1788 and similar types of investments are not considered public  
 1789 deposits and shall not be subject to the provisions of this  
 1790 chapter.

1791 Section 37. Section 286.001, Florida Statutes, is amended  
 1792 to read:

1793 286.001 Reports statutorily required; filing, maintenance,  
 1794 retrieval, and provision of copies.--

1795 (1) Unless otherwise specifically provided by law, any  
 1796 agency or officer of the executive, legislative, or judicial  
 1797 branches of state government, the State Board of Education, the  
 1798 Board of Governors of the State University System ~~Community~~  
 1799 ~~Colleges, the Board of Regents,~~ or the Public Service Commission  
 1800 required or authorized by law to make reports regularly or  
 1801 periodically shall fulfill such requirement by filing an  
 1802 abstract of the report with the statutorily or administratively  
 1803 designated recipients of the report and an abstract and one copy

1804 of the report with the Division of Library and Information  
 1805 Services of the Department of State, unless the head of the  
 1806 reporting entity makes a determination that the additional cost  
 1807 of providing the entire report to the statutorily or  
 1808 administratively designated recipients is justified. A one-page  
 1809 summary justifying the determination shall be submitted to the  
 1810 chairs of the governmental operations committees of both houses  
 1811 of the Legislature. The abstract of the contents of such report  
 1812 shall be no more than one-half page in length. The actual report  
 1813 shall be retained by the reporting agency or officer, and copies  
 1814 of the report shall be provided to interested parties and the  
 1815 statutorily or administratively designated recipients of the  
 1816 report upon request.

1817 (2) With respect to reports statutorily required of  
 1818 agencies or officers within the executive, legislative, or  
 1819 judicial branches of state government, the State Board of  
 1820 Education, the Board of Governors of the State University System  
 1821 ~~Community Colleges, the Board of Regents,~~ or the Public Service  
 1822 Commission, it is the duty of the division, in addition to its  
 1823 duties under s. 257.05, to:

1824 (a) Regularly compile and update bibliographic information  
 1825 on such reports for distribution as provided in paragraph (b).  
 1826 Such bibliographic information may be included in the  
 1827 bibliographies prepared by the division pursuant to s.  
 1828 257.05(3)(c).

1829 (b) Provide for at least quarterly distribution of  
 1830 bibliographic information on reports to:

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1831 1. Agencies and officers within the executive,  
 1832 legislative, and judicial branches of state government, the  
 1833 State Board of Education, the Board of Governors of the State  
 1834 University System ~~Community Colleges, the Board of Regents,~~ and  
 1835 the Public Service Commission, free of charge; and

1836 2. Other interested parties upon request properly made and  
 1837 upon payment of the actual cost of duplication pursuant to s.  
 1838 119.07(1).

1839 (3) As soon as practicable, the administrative head of  
 1840 each executive, legislative, or judicial agency and each agency  
 1841 of the State Board of Education, the Board of Governors of the  
 1842 State University System ~~Community Colleges, the Board of~~  
 1843 ~~Regents,~~ and the Public Service Commission required by law to  
 1844 make reports periodically shall ensure that those reports are  
 1845 created, stored, managed, updated, retrieved, and disseminated  
 1846 through electronic means.

1847 (4) Nothing in this section shall be construed to waive or  
 1848 modify the requirement in s. 257.05(2) pertaining to the  
 1849 provision of copies of public documents to the division.

1850 Section 38. Subsection (1) of section 287.012, Florida  
 1851 Statutes, is amended to read:

1852 287.012 Definitions.--As used in this part, the term:

1853 (1) "Agency" means any of the various state officers,  
 1854 departments, boards, commissions, divisions, bureaus, and  
 1855 councils and any other unit of organization, however designated,  
 1856 of the executive branch of state government. "Agency" includes  
 1857 the Board of Governors of the State University System which is  
 1858 responsible for appropriate procurement policies for the state

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1859 universities and, therefore, does not include the university ~~and~~  
 1860 ~~college~~ boards of trustees or the state universities ~~and~~  
 1861 ~~colleges~~.

1862 Section 39. Subsection (1) of section 287.064, Florida  
 1863 Statutes, is amended to read:

1864 287.064 Consolidated financing of deferred-payment  
 1865 purchases.--

1866 (1) The Division of Bond Finance of the State Board of  
 1867 Administration and the Chief Financial Officer shall plan and  
 1868 coordinate deferred-payment purchases made by or on behalf of  
 1869 the state or its agencies or by or on behalf of state  
 1870 universities or state community colleges participating under  
 1871 this section pursuant to s. 1001.74 (6) ~~(5)~~ or s. 1001.64(26),  
 1872 respectively. The Division of Bond Finance shall negotiate and  
 1873 the Chief Financial Officer shall execute agreements and  
 1874 contracts to establish master equipment financing agreements for  
 1875 consolidated financing of deferred-payment, installment sale, or  
 1876 lease purchases with a financial institution or a consortium of  
 1877 financial institutions. As used in this act, the term "deferred-  
 1878 payment" includes installment sale and lease-purchase.

1879 (a) The period during which equipment may be acquired  
 1880 under any one master equipment financing agreement shall be  
 1881 limited to not more than 3 years.

1882 (b) Repayment of the whole or a part of the funds drawn  
 1883 pursuant to the master equipment financing agreement may  
 1884 continue beyond the period established pursuant to paragraph  
 1885 (a).

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1886 (c) The interest rate component of any master equipment  
 1887 financing agreement shall be deemed to comply with the interest  
 1888 rate limitation imposed in s. 287.063 so long as the interest  
 1889 rate component of every interagency, state university, or  
 1890 community college agreement entered into under such master  
 1891 equipment financing agreement complies with the interest rate  
 1892 limitation imposed in s. 287.063. Such interest rate limitation  
 1893 does not apply when the payment obligation under the master  
 1894 equipment financing agreement is rated by a nationally  
 1895 recognized rating service in any one of the three highest  
 1896 classifications, which rating services and classifications are  
 1897 determined pursuant to rules adopted by the Chief Financial  
 1898 Officer.

1899 Section 40. Subsection (1) of section 287.155, Florida  
 1900 Statutes, is amended to read:

1901 287.155 Motor vehicles; purchase by state universities  
 1902 ~~Division of Universities~~, Department of Children and Family  
 1903 Services, Department of Health, Department of Juvenile Justice,  
 1904 and Department of Corrections.--

1905 (1) The state universities ~~Division of Universities of the~~  
 1906 ~~Department of Education~~, the Department of Children and Family  
 1907 Services, the Department of Health, the Department of Juvenile  
 1908 Justice, and the Department of Corrections are hereby  
 1909 authorized, subject to the approval of the Department of  
 1910 Management Services, to purchase automobiles, trucks, tractors,  
 1911 and other automotive equipment for the use of institutions under  
 1912 the management of the Board of Governors of the State University  
 1913 System ~~Division of Universities~~, the Department of Children and

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1914 Family Services, the Department of Health, and the Department of  
 1915 Corrections, and for the use of residential facilities managed  
 1916 or contracted by the Department of Juvenile Justice.

1917 Section 41. Paragraph (d) of subsection (5) of section  
 1918 288.15, Florida Statutes, is amended to read:

1919 288.15 Powers of Division of Bond Finance.--There is  
 1920 hereby granted to and vested in the Division of Bond Finance of  
 1921 the State Board of Administration the power, right, franchise,  
 1922 and authority:

1923 (5) In order to carry out the objectives and purposes of  
 1924 this chapter, the division is authorized to acquire, own,  
 1925 construct, operate, maintain, improve, and extend public  
 1926 buildings, facilities, or works within the state which are of  
 1927 the character hereinafter specifically mentioned. All public  
 1928 buildings, facilities, and works which the division is  
 1929 authorized to own, construct, operate, and maintain must be such  
 1930 as can ultimately be owned and operated by an agency,  
 1931 department, board, bureau, or commission of the state. All or  
 1932 any such buildings, facilities, or works may be of a revenue-  
 1933 producing character in order that the cost of the same or some  
 1934 part of improvements or extensions thereto may be paid from  
 1935 receipts therefrom, including in Tallahassee only rentals,  
 1936 leases, and sales to both public and nonpublic agencies through  
 1937 the issue and sales or disposition of revenue bonds, notes, or  
 1938 certificates of the division. The buildings, facilities, and  
 1939 works which the division is hereby authorized to acquire,  
 1940 construct, operate, maintain, improve, and extend are:

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1941 (d) Public buildings, facilities, and additions or  
 1942 improvements to existing buildings and facilities for ultimate  
 1943 use in connection with any of the several state institutions,  
 1944 departments, bureaus, boards, or commissions; and, in  
 1945 furtherance of this paragraph, the Department of Management  
 1946 Services, the Board of Governors of the State University System,  
 1947 and the State Board of Education are authorized to cooperate  
 1948 with the Division of Bond Finance and to do and perform all acts  
 1949 and things necessary thereto. Any property acquired by the  
 1950 Division of Bond Finance under the provisions of this chapter  
 1951 may ultimately be conveyed to the state free and clear of all  
 1952 debt or other encumbrance.

1953 Section 42. Section 288.17, Florida Statutes, is amended  
 1954 to read:

1955 288.17 Revenue certificates.--The Division of Bond Finance  
 1956 of the State Board of Administration is authorized to issue  
 1957 interest-bearing revenue certificates for construction of all  
 1958 state buildings approved by the Legislature in its appropriation  
 1959 acts and requested by the Department of Management Services or  
 1960 by the Board of Governors of the State University System ~~Board~~  
 1961 ~~of Regents.~~

1962 Section 43. Subsection (7) of section 288.7091, Florida  
 1963 Statutes, is amended to read:

1964 288.7091 Duties of the Florida Black Business Investment  
 1965 Board, Inc.--The Florida Black Business Investment Board, Inc.,  
 1966 shall:

1967 (7) Develop memoranda of understanding with the  
 1968 Departments of Education, Transportation, Community Affairs, and

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1969 Management Services, as well as with Workforce Florida, Inc.,  
 1970 the Board of Governors of the State University System, and the  
 1971 State Board of Education, detailing efforts of common interest  
 1972 and collaborations to expand black business development;

1973 Section 44. Subsection (3) of section 288.8175, Florida  
 1974 Statutes, is amended to read:

1975 288.8175 Linkage institutes between postsecondary  
 1976 institutions in this state and foreign countries.--

1977 (3) Each institute must be governed by an agreement,  
 1978 ~~approved by the department,~~ between the Board of Governors of  
 1979 the State University System and the State Board of Education  
 1980 ~~Florida Community College System~~ with the counterpart  
 1981 organization in a foreign country. Each institute must report to  
 1982 the department regarding its program activities, expenditures,  
 1983 and policies.

1984 Section 45. Paragraph (a) of subsection (4) of section  
 1985 295.07, Florida Statutes, is amended to read:

1986 295.07 Preference in appointment and retention.--

1987 (4) The following positions are exempt from this section:

1988 (a) Those positions that are exempt from the state Career  
 1989 Service System under s. 110.205(2); however, all positions under  
 1990 the University Support Personnel System of the State University  
 1991 System as well as all Career Service System positions under the  
 1992 Florida Community College System and the School for the Deaf and  
 1993 the Blind, or the equivalent of such positions at state  
 1994 universities, community colleges, or the School for the Deaf and  
 1995 the Blind, are included.



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1996 Section 46. Paragraph (b) of subsection (3) of section  
 1997 320.08058, Florida Statutes, is amended to read:  
 1998 320.08058 Specialty license plates.--  
 1999 (3) COLLEGIATE LICENSE PLATES.--  
 2000 (b) A collegiate plate annual use fee is to be distributed  
 2001 to the state or independent university foundation designated by  
 2002 the purchaser for deposit in an unrestricted account. The Board  
 2003 of Governors of the State University System ~~Board of Regents~~  
 2004 shall require each state university to submit a plan for  
 2005 approval of the expenditure of all funds so designated. These  
 2006 funds may be used only for academic enhancement, including  
 2007 scholarships and private fundraising activities.  
 2008 Section 47. Subsection (4) of section 381.79, Florida  
 2009 Statutes, is amended to read:  
 2010 381.79 Brain and Spinal Cord Injury Program Trust Fund.--  
 2011 (4) The Board of Governors of the State University System  
 2012 ~~Board of Regents~~ shall establish a program administration  
 2013 process which shall include: an annual prospective program plan  
 2014 with goals, research design, proposed outcomes, a proposed  
 2015 budget, an annual report of research activities and findings,  
 2016 and an annual end-of-year financial statement. Prospective  
 2017 program plans shall be submitted to the Board of Governors ~~Board~~  
 2018 ~~of Regents~~, and funds shall be released upon acceptance of the  
 2019 proposed program plans. The annual report of research activities  
 2020 and findings shall be submitted to the Board of Governors ~~Board~~  
 2021 ~~of Regents~~, with the executive summaries submitted to the  
 2022 President of the Senate, the Speaker of the House of  
 2023 Representatives, and the Secretary of Health.

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2024 Section 48. Subsection (1) of section 403.073, Florida  
 2025 Statutes, is amended to read:

2026 403.073 Pollution prevention; state goal; agency programs;  
 2027 public education.--

2028 (1) It is a goal of the state that all its agencies, the  
 2029 State University System, community colleges ~~the State Board of~~  
 2030 ~~Community Colleges~~, and all municipalities, counties, regional  
 2031 agencies, and special districts develop and implement strategies  
 2032 to prevent pollution, including public information programs and  
 2033 education programs.

2034 Section 49. Subsection (2) of section 403.074, Florida  
 2035 Statutes, is amended to read:

2036 403.074 Technical assistance by the department.--

2037 (2) The program shall include onsite, nonregulatory  
 2038 technical assistance and shall promote and sponsor conferences  
 2039 on pollution prevention techniques. The program may be conducted  
 2040 in cooperation with trade associations, trade schools, the State  
 2041 University System, community colleges ~~the State Board of~~  
 2042 ~~Community Colleges~~, or other appropriate entities.

2043 Section 50. Paragraph (b) of subsection (1) of section  
 2044 409.908, Florida Statutes, is amended to read:

2045 409.908 Reimbursement of Medicaid providers.--Subject to  
 2046 specific appropriations, the agency shall reimburse Medicaid  
 2047 providers, in accordance with state and federal law, according  
 2048 to methodologies set forth in the rules of the agency and in  
 2049 policy manuals and handbooks incorporated by reference therein.  
 2050 These methodologies may include fee schedules, reimbursement  
 2051 methods based on cost reporting, negotiated fees, competitive

2052 bidding pursuant to s. 287.057, and other mechanisms the agency  
 2053 considers efficient and effective for purchasing services or  
 2054 goods on behalf of recipients. If a provider is reimbursed based  
 2055 on cost reporting and submits a cost report late and that cost  
 2056 report would have been used to set a lower reimbursement rate  
 2057 for a rate semester, then the provider's rate for that semester  
 2058 shall be retroactively calculated using the new cost report, and  
 2059 full payment at the recalculated rate shall be effected  
 2060 retroactively. Medicare-granted extensions for filing cost  
 2061 reports, if applicable, shall also apply to Medicaid cost  
 2062 reports. Payment for Medicaid compensable services made on  
 2063 behalf of Medicaid eligible persons is subject to the  
 2064 availability of moneys and any limitations or directions  
 2065 provided for in the General Appropriations Act or chapter 216.  
 2066 Further, nothing in this section shall be construed to prevent  
 2067 or limit the agency from adjusting fees, reimbursement rates,  
 2068 lengths of stay, number of visits, or number of services, or  
 2069 making any other adjustments necessary to comply with the  
 2070 availability of moneys and any limitations or directions  
 2071 provided for in the General Appropriations Act, provided the  
 2072 adjustment is consistent with legislative intent.

2073 (1) Reimbursement to hospitals licensed under part I of  
 2074 chapter 395 must be made prospectively or on the basis of  
 2075 negotiation.

2076 (b) Reimbursement for hospital outpatient care is limited  
 2077 to \$1,500 per state fiscal year per recipient, except for:

2078 1. Such care provided to a Medicaid recipient under age  
 2079 21, in which case the only limitation is medical necessity.

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- 2080 2. Renal dialysis services.
- 2081 3. Other exceptions made by the agency.

2082

2083 The agency is authorized to receive funds from state entities,  
 2084 including, but not limited to, the Department of Health, the  
 2085 Board of Governors of the State University System ~~Board of~~  
 2086 ~~Regents~~, local governments, and other local political  
 2087 subdivisions, for the purpose of making payments, including  
 2088 federal matching funds, through the Medicaid outpatient  
 2089 reimbursement methodologies. Funds received from state entities  
 2090 and local governments for this purpose shall be separately  
 2091 accounted for and shall not be commingled with other state or  
 2092 local funds in any manner.

2093 Section 51. Paragraph (d) of subsection (2) of section  
 2094 413.051, Florida Statutes, is amended to read:

2095 413.051 Eligible blind persons; operation of vending  
 2096 stands.--

2097 (2) As used in this section, the term:

2098 (d) "State property" means any building or land owned,  
 2099 leased, or otherwise controlled by the state, but does not  
 2100 include any building or land under the control of a state  
 2101 university board of trustees ~~the Board of Regents~~, a community  
 2102 college district board of trustees, or any state correctional  
 2103 institution as defined in s. 944.02.

2104 Section 52. Paragraph (a) of subsection (6) of section  
 2105 440.491, Florida Statutes, is amended to read:

2106 440.491 Reemployment of injured workers; rehabilitation.--

2107 (6) TRAINING AND EDUCATION.--

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2108 (a) Upon referral of an injured employee by the carrier,  
 2109 or upon the request of an injured employee, the department shall  
 2110 conduct a training and education screening to determine whether  
 2111 it should refer the employee for a vocational evaluation and, if  
 2112 appropriate, approve training and education or other vocational  
 2113 services for the employee. The department may not approve formal  
 2114 training and education programs unless it determines, after  
 2115 consideration of the reemployment assessment, pertinent  
 2116 reemployment status reviews or reports, and such other relevant  
 2117 factors as it prescribes by rule, that the reemployment plan is  
 2118 likely to result in return to suitable gainful employment. The  
 2119 department is authorized to expend moneys from the Workers'  
 2120 Compensation Administration Trust Fund, established by s.  
 2121 440.50, to secure appropriate training and education at a  
 2122 community college as designated in s. 1000.21(4)~~(3)~~ or at a  
 2123 career center established under s. 1001.44, or to secure other  
 2124 vocational services when necessary to satisfy the recommendation  
 2125 of a vocational evaluator. As used in this paragraph,  
 2126 "appropriate training and education" includes securing a general  
 2127 education diploma (GED), if necessary. The department shall  
 2128 establish training and education standards pertaining to  
 2129 employee eligibility, course curricula and duration, and  
 2130 associated costs.

2131 Section 53. Subsection (2), paragraph (a) of subsection  
 2132 (4), and subsection (10) of section 447.203, Florida Statutes,  
 2133 are amended to read:

2134 447.203 Definitions.--As used in this part:

2135           (2) "Public employer" or "employer" means the state or any  
 2136 county, municipality, or special district or any subdivision or  
 2137 agency thereof which the commission determines has sufficient  
 2138 legal distinctiveness properly to carry out the functions of a  
 2139 public employer. With respect to all public employees determined  
 2140 by the commission as properly belonging to a statewide  
 2141 bargaining unit composed of State Career Service System  
 2142 employees or Selected Professional Service employees, the  
 2143 Governor shall be deemed to be the public employer; and the  
 2144 Board of Governors of the State University System, or the  
 2145 board's designee, ~~university board of trustees~~ shall be deemed  
 2146 to be the public employer with respect to all public employees  
 2147 of each constituent ~~the respective~~ state university. The board  
 2148 of trustees of a community college shall be deemed to be the  
 2149 public employer with respect to all employees of the community  
 2150 college. The district school board shall be deemed to be the  
 2151 public employer with respect to all employees of the school  
 2152 district. The Board of Trustees of the Florida School for the  
 2153 Deaf and the Blind shall be deemed to be the public employer  
 2154 with respect to the academic and academic administrative  
 2155 personnel of the Florida School for the Deaf and the Blind. The  
 2156 Governor shall be deemed to be the public employer with respect  
 2157 to all employees in the Correctional Education Program of the  
 2158 Department of Corrections established pursuant to s. 944.801.

2159           (4) "Managerial employees" are those employees who:  
 2160           (a) Perform jobs that are not of a routine, clerical, or  
 2161 ministerial nature and require the exercise of independent  
 2162 judgment in the performance of such jobs and to whom one or more

2163 of the following applies:

2164 1. They formulate or assist in formulating policies which  
2165 are applicable to bargaining unit employees.

2166 2. They may reasonably be required on behalf of the  
2167 employer to assist in the preparation for the conduct of  
2168 collective bargaining negotiations.

2169 3. They have a role in the administration of agreements  
2170 resulting from collective bargaining negotiations.

2171 4. They have a significant role in personnel  
2172 administration.

2173 5. They have a significant role in employee relations.

2174 ~~6. They are included in the definition of administrative  
2175 personnel contained in s. 1012.01(3).~~

2176 6.7. They have a significant role in the preparation or  
2177 administration of budgets for any public agency or institution  
2178 or subdivision thereof.

2179

2180 However, in determining whether an individual is a managerial  
2181 employee pursuant to either paragraph (a) or paragraph (b),  
2182 above, the commission may consider historic relationships of the  
2183 employee to the public employer and to coemployees.

2184 (10) "Legislative body" means the State Legislature, the  
2185 board of county commissioners, the district school board, the  
2186 governing body of a municipality, or the governing body of an  
2187 instrumentality or unit of government having authority to  
2188 appropriate funds and establish policy governing the terms and  
2189 conditions of employment and which, as the case may be, is the  
2190 appropriate legislative body for the bargaining unit. For

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2191 | purposes of s. 447.403, the Board of Governors of the State  
 2192 | University System, or the board's designee, ~~state university~~  
 2193 | ~~board of trustees~~ shall be deemed to be the legislative body  
 2194 | with respect to all employees of each constituent ~~the~~ state  
 2195 | university. For purposes of s. 447.403 the board of trustees of  
 2196 | a community college shall be deemed to be the legislative body  
 2197 | with respect to all employees of the community college.

2198 |         Section 54. Section 455.2125, Florida Statutes, is amended  
 2199 | to read:

2200 |             455.2125 Consultation with postsecondary education boards  
 2201 | prior to adoption of changes to training requirements.--Any  
 2202 | state agency or board that has jurisdiction over the regulation  
 2203 | of a profession or occupation shall consult with the Commission  
 2204 | for Independent Education, the Board of Governors of the State  
 2205 | University System ~~Board of Regents~~, and the State Board of  
 2206 | Education prior to adopting any changes to training requirements  
 2207 | relating to entry into the profession or occupation. This  
 2208 | consultation must allow the educational board to provide advice  
 2209 | regarding the impact of the proposed changes in terms of the  
 2210 | length of time necessary to complete the training program and  
 2211 | the fiscal impact of the changes. The educational board must be  
 2212 | consulted only when an institution offering the training program  
 2213 | falls under its jurisdiction.

2214 |         Section 55. Section 456.028, Florida Statutes, is amended  
 2215 | to read:

2216 |             456.028 Consultation with postsecondary education boards  
 2217 | prior to adoption of changes to training requirements.--Any  
 2218 | state agency or board that has jurisdiction over the regulation



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2219 of a profession or occupation shall consult with the Commission  
 2220 for Independent Education, the Board of Governors of the State  
 2221 University System ~~Board of Regents~~, and the State Board of  
 2222 Education prior to adopting any changes to training requirements  
 2223 relating to entry into the profession or occupation. This  
 2224 consultation must allow the educational board to provide advice  
 2225 regarding the impact of the proposed changes in terms of the  
 2226 length of time necessary to complete the training program and  
 2227 the fiscal impact of the changes. The educational board must be  
 2228 consulted only when an institution offering the training program  
 2229 falls under its jurisdiction.

2230 Section 56. Subsection (3) of section 489.103, Florida  
 2231 Statutes, is amended to read:

2232 489.103 Exemptions.--This part does not apply to:

2233 (3) An authorized employee of the United States, this  
 2234 state, or any municipality, county, irrigation district,  
 2235 reclamation district, or any other municipal or political  
 2236 subdivision, except school boards, state university boards of  
 2237 trustees, and community college boards of trustees ~~the Board of~~  
 2238 ~~Regents, and community colleges~~, unless for the purpose of  
 2239 performing routine maintenance or repair or construction not  
 2240 exceeding \$200,000 to existing installations, if the employee  
 2241 does not hold himself or herself out for hire or otherwise  
 2242 engage in contracting except in accordance with his or her  
 2243 employment. If the construction, remodeling, or improvement  
 2244 exceeds \$200,000, school boards, state university boards of  
 2245 trustees, and community college boards of trustees ~~the Board of~~  
 2246 ~~Regents, and community colleges~~, shall not divide the project

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2247 into separate components for the purpose of evading this  
 2248 section.

2249 Section 57. Subsection (2) of section 489.503, Florida  
 2250 Statutes, is amended to read:

2251 489.503 Exemptions.--This part does not apply to:

2252 (2) An authorized employee of the United States, this  
 2253 state, or any municipality, county, irrigation district,  
 2254 reclamation district, or any other municipal or political  
 2255 subdivision of this state, except school boards, state  
 2256 university boards of trustees, and community college boards of  
 2257 trustees ~~the Board of Regents, and community colleges~~, unless  
 2258 for the purpose of performing routine maintenance or repair or  
 2259 construction not exceeding \$200,000 to existing installations,  
 2260 as long as the employee does not hold himself or herself out for  
 2261 hire or otherwise engage in contracting except in accordance  
 2262 with his or her employment. If the construction, remodeling, or  
 2263 improvement exceeds \$200,000, school boards, state university  
 2264 boards of trustees, and community college boards of trustees ~~the~~  
 2265 ~~Board of Regents, and community colleges~~, shall not divide the  
 2266 project into separate components for the purpose of evading this  
 2267 section.

2268 Section 58. Subsection (5) of section 553.71, Florida  
 2269 Statutes, is amended to read:

2270 553.71 Definitions.--As used in this part, the term:

2271 (5) "Local enforcement agency" means an agency of local  
 2272 government, a local school board, a community college board of  
 2273 trustees, or a university board of trustees in the State  
 2274 University System with jurisdiction to make inspections of

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2275 buildings and to enforce the codes which establish standards for  
 2276 design, construction, erection, alteration, repair,  
 2277 modification, or demolition of public or private buildings,  
 2278 structures, or facilities.

2279 Section 59. Subsection (7) of section 633.01, Florida  
 2280 Statutes, is amended to read:

2281 633.01 State Fire Marshal; powers and duties; rules.--

2282 (7) The State Fire Marshal shall adopt and administer  
 2283 rules prescribing standards for the safety and health of  
 2284 occupants of educational and ancillary facilities pursuant to  
 2285 ss. 633.022, 1013.12, 1013.37, and 1013.371. In addition, in any  
 2286 county that does not employ or appoint a local fire official,  
 2287 the State Fire Marshal shall assume the duties of the local fire  
 2288 official with respect to firesafety inspections of educational  
 2289 property required under s. 1013.12(3)~~(2)~~(b), and the State Fire  
 2290 Marshal may take necessary corrective action as authorized under  
 2291 s. 1013.12(6)~~(5)~~.

2292 Section 60. Subsection (5) of section 650.03, Florida  
 2293 Statutes, is amended to read:

2294 650.03 Federal-state agreement; interstate  
 2295 instrumentalities.--

2296 (5) For purposes of this chapter, employees of the  
 2297 institutions of higher learning under the Board of Governors of  
 2298 the State University System ~~Board of Regents~~ who are covered by  
 2299 the Teachers' Retirement System shall be deemed to be covered by  
 2300 a separate retirement system for each institution.

2301 Section 61. Subsection (2) of section 943.1755, Florida  
 2302 Statutes, is amended to read:

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2303 943.1755 Florida Criminal Justice Executive Institute.--  
 2304 (2) The institute is established within the Department of  
 2305 Law Enforcement and affiliated with the State University System.  
 2306 The Board of Governors of the State University System ~~Board of~~  
 2307 ~~Regents~~ shall, in cooperation with the Department of Law  
 2308 Enforcement, determine the specific placement of the institute  
 2309 within the system.

2310 Section 62. Subsections (3) and (5) of section 1000.01,  
 2311 Florida Statutes, are amended to read:

2312 1000.01 The Florida K-20 education system; technical  
 2313 provisions.--

2314 (3) PURPOSE.--The purpose of the Florida K-20 Education  
 2315 Code is to provide by law for a state system of schools,  
 2316 courses, classes, and educational institutions and services  
 2317 adequate to allow, for all Florida's students, the opportunity  
 2318 to obtain a high quality education. This includes the  
 2319 establishment, maintenance, and operation of institutions of  
 2320 higher learning and other public education programs that the  
 2321 needs of the people may require. The Florida K-20 education  
 2322 system is established to accomplish this purpose; however,  
 2323 nothing in this code shall be construed to require the provision  
 2324 of free public education beyond grade 12.

2325 (5) EDUCATION GOVERNANCE TRANSFERS.--

2326 (a) Effective July 1, 2001:

- 2327 1. The Board of Regents is abolished.
- 2328 2. All of the powers, duties, functions, records,  
 2329 personnel, and property; unexpended balances of appropriations,  
 2330 allocations, and other funds; administrative authority;

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2331 administrative rules; pending issues; and existing contracts of  
 2332 the Board of Regents are transferred by a type two transfer,  
 2333 pursuant to s. 20.06(2), to the State Board of Education.

2334 3. The State Board of Community Colleges is abolished.

2335 4. All of the powers, duties, functions, records,  
 2336 personnel, and property; unexpended balances of appropriations,  
 2337 allocations, and other funds; administrative authority;  
 2338 administrative rules; pending issues; and existing contracts of  
 2339 the State Board of Community Colleges are transferred by a type  
 2340 two transfer, pursuant to s. 20.06(2), from the Department of  
 2341 Education to the State Board of Education.

2342 5. The Postsecondary Education Planning Commission is  
 2343 abolished.

2344 6. The Council for Education Policy Research and  
 2345 Improvement is created as an independent office under the Office  
 2346 of Legislative Services.

2347 7. All personnel, unexpended balances of appropriations,  
 2348 and allocations of the Postsecondary Education Planning  
 2349 Commission are transferred to the Council for Education Policy  
 2350 Research and Improvement.

2351 8. The Articulation Coordinating Committee and the  
 2352 Education Standards Commission are transferred by a type two  
 2353 transfer, pursuant to s. 20.06(2), from the Department of  
 2354 Education to the State Board of Education.

2355 (b) All rules of the State Board of Education, the  
 2356 Commissioner of Education, and the Department of Education, and  
 2357 all rules of the district school boards, the community college  
 2358 boards of trustees, and the state university boards of trustees,

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2359 in effect on January 2, 2003, remain in effect until  
 2360 specifically amended or repealed in the manner provided by law.

2361 (c) Effective January 7, 2003:

2362 1. The administrative rules of the Department of Education  
 2363 and the Commissioner of Education shall become the rules of the  
 2364 State Board of Education.

2365 2. The administrative rules of the State Board of  
 2366 Education shall become the rules of the appointed State Board of  
 2367 Education.

2368 (d) All administrative rules of the State Board of  
 2369 Education, the Commissioner of Education, and the Department of  
 2370 Education are transferred by a type two transfer, as defined in  
 2371 s. 20.06(2), to the appointed State Board of Education.

2372 (e) This act creating the Florida K-20 Education Code  
 2373 shall not affect the validity of any judicial or administrative  
 2374 action involving the Department of Education, pending on January  
 2375 7, 2003. This act shall not affect the validity of any judicial  
 2376 or administrative action involving the Commissioner of Education  
 2377 or the State Board of Education, pending on January 7, 2003, and  
 2378 the appointed State Board of Education shall be substituted as a  
 2379 party of interest in any such action.

2380 (f) Effective July 1, 2006, any remaining powers, duties,  
 2381 functions, records, property, unexpended balances of  
 2382 appropriations, allocations, and other funds; administrative  
 2383 authority; administrative rules; pending issues; and existing  
 2384 contracts of the Board of Regents that were previously  
 2385 transferred to the State Board of Education after the Board of  
 2386 Regents was abolished pursuant to paragraph (a) are transferred

2387 to the Board of Governors in accordance with s. 7(d), Art. IX of  
 2388 the State Constitution.

2389 Section 63. Subsection (1) and paragraphs (b) and (c) of  
 2390 subsection (2) of section 1000.03, Florida Statutes, are amended  
 2391 to read:

2392 1000.03 Function, mission, and goals of the Florida K-20  
 2393 education system.--

2394 (1) Florida's K-20 education system shall be a  
 2395 decentralized system without excess layers of bureaucracy. ~~The~~  
 2396 ~~State Board of Education may appoint on an ad hoc basis a~~  
 2397 ~~committee or committees to assist it on any and all issues~~  
 2398 ~~within the K-20 education system.~~ Florida's K-20 education  
 2399 system shall maintain a systemwide technology plan based on a  
 2400 common set of data definitions.

2401 (2)

2402 (b) With the exception of matters directly relating to the  
 2403 State University System, the State Board of Education shall  
 2404 oversee the enforcement of all laws and rules, and the timely  
 2405 provision of direction, resources, assistance, intervention when  
 2406 needed, and strong incentives and disincentives to force  
 2407 accountability for results.

2408 (c) The Board of Governors shall oversee the enforcement  
 2409 of all state university laws and rules and the timely provision  
 2410 of direction, resources, assistance, intervention when needed,  
 2411 and strong incentives and disincentives to force accountability  
 2412 for results. ~~The Commissioner of Education shall serve as chief~~  
 2413 ~~executive officer of the K-20 education system. The commissioner~~  
 2414 ~~shall be responsible for enforcing compliance with the mission~~

2415 ~~and goals of the K-20 education system. The commissioner's~~  
 2416 ~~office shall operate all statewide functions necessary to~~  
 2417 ~~support the State Board of Education and the K-20 education~~  
 2418 ~~system.~~

2419 Section 64. Paragraphs (d) and (e) of subsection (3) and  
 2420 subsections (4), (5), and (6) of section 1000.05, Florida  
 2421 Statutes, are amended to read:

2422 1000.05 Discrimination against students and employees in  
 2423 the Florida K-20 public education system prohibited; equality of  
 2424 access required.--

2425 (3)

2426 (d) A public K-20 educational institution which operates  
 2427 or sponsors interscholastic, intercollegiate, club, or  
 2428 intramural athletics shall provide equal athletic opportunity  
 2429 for members of both genders.

2430 1. The Board of Governors shall determine whether equal  
 2431 opportunities are available at state universities.

2432 2. The Commissioner of Education shall determine whether  
 2433 equal opportunities are available in school districts and  
 2434 community colleges. In determining whether equal opportunities  
 2435 are available in school districts and community colleges, the  
 2436 Commissioner of Education shall consider, among other factors:

2437 ~~a.1.~~ Whether the selection of sports and levels of  
 2438 competition effectively accommodate the interests and abilities  
 2439 of members of both genders.

2440 ~~b.2.~~ The provision of equipment and supplies.

2441 ~~c.3.~~ Scheduling of games and practice times.

2442 ~~d.4.~~ Travel and per diem allowances.



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- 2443 ~~e.5.~~ Opportunities to receive coaching and academic
- 2444 tutoring.
- 2445 ~~f.6.~~ Assignment and compensation of coaches and tutors.
- 2446 ~~g.7.~~ Provision of locker room, practice, and competitive
- 2447 facilities.
- 2448 ~~h.8.~~ Provision of medical and training facilities and
- 2449 services.
- 2450 ~~i.9.~~ Provision of housing and dining facilities and
- 2451 services.
- 2452 ~~j.10.~~ Publicity.

2453

2454 Unequal aggregate expenditures for members of each gender or

2455 unequal expenditures for male and female teams if a public

2456 school or community college ~~K-20 educational institution~~

2457 operates or sponsors separate teams do not constitute

2458 nonimplementation of this subsection, but the Commissioner of

2459 Education shall consider the failure to provide necessary funds

2460 for teams for one gender in assessing equality of opportunity

2461 for members of each gender.

2462 (e) A public school or community college ~~K-20 educational~~

2463 ~~institution~~ may provide separate toilet, locker room, and shower

2464 facilities on the basis of gender, but such facilities shall be

2465 comparable to such facilities provided for students of the other

2466 gender.

2467 (4) Public schools and community colleges ~~Educational~~

2468 ~~institutions within the state public K-20 education system~~ shall

2469 develop and implement methods and strategies to increase the

2470 participation of students of a particular race, ethnicity,

2471 national origin, gender, disability, or marital status in  
 2472 programs and courses in which students of that particular race,  
 2473 ethnicity, national origin, gender, disability, or marital  
 2474 status have been traditionally underrepresented, including, but  
 2475 not limited to, mathematics, science, computer technology,  
 2476 electronics, communications technology, engineering, and career  
 2477 education.

2478 (5) (a) The State Board of Education shall adopt rules to  
 2479 implement this section as it relates to school districts and  
 2480 community colleges.

2481 (b) The Board of Governors shall adopt rules to implement  
 2482 this section as it relates to state universities.

2483 (6) The functions of the Office of Equal Educational  
 2484 Opportunity of the Department of Education shall include, but  
 2485 are not limited to:

2486 (a) Requiring all district school boards and, community  
 2487 college boards of trustees, ~~and state university boards of~~  
 2488 ~~trustees~~ to develop and submit plans for the implementation of  
 2489 this section to the Department of Education.

2490 (b) Conducting periodic reviews of school districts and  
 2491 community colleges ~~public K-20 educational agencies~~ to determine  
 2492 compliance with this section and, after a finding that a school  
 2493 district or a community college ~~an educational agency~~ is not in  
 2494 compliance with this section, notifying the entity ~~agency~~ of the  
 2495 steps that it must take to attain compliance and performing  
 2496 followup monitoring.

2497 (c) Providing technical assistance, including assisting  
 2498 school districts or community colleges ~~public K-20 educational~~

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2499 ~~agencies~~ in identifying unlawful discrimination and instructing  
 2500 them in remedies for correction and prevention of such  
 2501 discrimination and performing followup monitoring.

2502 (d) Conducting studies of the effectiveness of methods and  
 2503 strategies designed to increase the participation of students in  
 2504 programs and courses in which students of a particular race,  
 2505 ethnicity, national origin, gender, disability, or marital  
 2506 status have been traditionally underrepresented and monitoring  
 2507 the success of students in such programs or courses, including  
 2508 performing followup monitoring.

2509 (e) Requiring all district school boards and, community  
 2510 college boards of trustees, ~~and state university boards of~~  
 2511 ~~trustees~~ to submit data and information necessary to determine  
 2512 compliance with this section. The Commissioner of Education  
 2513 shall prescribe the format and the date for submission of such  
 2514 data and any other educational equity data. If any board does  
 2515 not submit the required compliance data or other required  
 2516 educational equity data by the prescribed date, the commissioner  
 2517 shall notify the board of this fact and, if the board does not  
 2518 take appropriate action to immediately submit the required  
 2519 report, the State Board of Education shall impose monetary  
 2520 sanctions.

2521 (f) Based upon rules of the State Board of Education,  
 2522 developing and implementing enforcement mechanisms with  
 2523 appropriate penalties to ensure that public K-12 schools and,  
 2524 community colleges, ~~and state universities~~ comply with Title IX  
 2525 of the Education Amendments of 1972 and subsection (3) of this  
 2526 section. However, the State Board of Education may not force a

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2527 public school or community college ~~an educational agency~~ to  
 2528 conduct, nor penalize such entity ~~an educational agency~~ for not  
 2529 conducting, a program of athletic activity or athletic  
 2530 scholarship for female athletes unless it is an athletic  
 2531 activity approved for women by a recognized association whose  
 2532 purpose is to promote athletics and a conference or league  
 2533 exists to promote interscholastic or intercollegiate competition  
 2534 for women in that athletic activity.

2535 (g) Reporting to the Commissioner of Education any  
 2536 district school board or ~~community college board of trustees,~~  
 2537 ~~or state university board of trustees~~ found to be out of  
 2538 compliance with rules of the State Board of Education adopted as  
 2539 required by paragraph (f) or paragraph (3)(d). To penalize the  
 2540 board, the State Board of Education shall:

2541 1. Declare the school district or community college  
 2542 ~~educational agency~~ ineligible for competitive state grants.

2543 2. Notwithstanding the provisions of s. 216.192, direct  
 2544 the Chief Financial Officer to withhold general revenue funds  
 2545 sufficient to obtain compliance from the school district or  
 2546 community college ~~educational agency~~.

2547  
 2548 The school district or community college ~~educational agency~~  
 2549 shall remain ineligible and the funds shall not be paid until  
 2550 the institution ~~agency~~ comes into compliance or the State Board  
 2551 of Education approves a plan for compliance.

2552 Section 65. Subsections (2) through (7) of section  
 2553 1000.21, Florida Statutes, are renumbered as subsections (3)

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2554 through (8), respectively, and a new subsection (2) is added to  
 2555 that section to read:

2556 1000.21 Systemwide definitions.--As used in the Florida K-  
 2557 20 Education Code:

2558 (2) "Board of Governors" is the Board of Governors of the  
 2559 State University System.

2560 Section 66. Section 1001.02, Florida Statutes, is amended  
 2561 to read:

2562 1001.02 General powers of State Board of Education.--

2563 (1) The State Board of Education is the chief implementing  
 2564 and coordinating body of public education in Florida, and it  
 2565 shall focus on high-level policy decisions. It has authority to  
 2566 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement  
 2567 the provisions of law conferring duties upon it for the  
 2568 improvement of the state system of K-20 public education. Except  
 2569 as otherwise provided herein, it may, as it finds appropriate,  
 2570 delegate its general powers to the Commissioner of Education or  
 2571 the directors of the divisions of the department.

2572 (2) The State Board of Education has the following duties:

2573 (a) To adopt comprehensive educational objectives for  
 2574 public education.

2575 (b) To adopt comprehensive long-range plans and short-  
 2576 range programs for the development of the state system of public  
 2577 education.

2578 (c) To exercise general supervision over the divisions of  
 2579 the Department of Education as necessary to ensure coordination  
 2580 of educational plans and programs and resolve controversies and  
 2581 to minimize problems of articulation and student transfers, to

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2582 ensure that students moving from one level of education to the  
 2583 next have acquired competencies necessary for satisfactory  
 2584 performance at that level, and to ensure maximum utilization of  
 2585 facilities.

2586 (d) To adopt, in conjunction with the Board of Governors  
 2587 ~~for state universities and community colleges,~~ and from time to  
 2588 time modify, minimum and uniform standards of college-level  
 2589 communication and computation skills generally associated with  
 2590 successful performance and progression through the baccalaureate  
 2591 level and to identify college-preparatory high school coursework  
 2592 and postsecondary-level coursework that prepares students with  
 2593 the academic skills necessary to succeed in postsecondary  
 2594 education.

2595 (e) To adopt and submit to the Governor and Legislature,  
 2596 as provided in s. 216.023 ~~on or before September 1 of each year,~~  
 2597 a coordinated K-20 education budget that estimates the  
 2598 expenditure requirements for the Board of Governors, the State  
 2599 Board of Education, including the Department of Education and  
 2600 the Commissioner of Education, and all of the boards,  
 2601 institutions, agencies, and services under the general  
 2602 supervision of the Board of Governors or the State Board of  
 2603 Education for the ensuing fiscal year. Any program recommended  
 2604 by the Board of Governors or the State Board of Education which  
 2605 will require increases in state funding for more than 1 year  
 2606 must be presented in a multiyear budget plan.

2607 (f) To hold meetings, transact business, keep records,  
 2608 adopt a seal, and, except as otherwise provided by law, perform

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2609 such other duties as may be necessary for the enforcement of ~~all~~  
 2610 laws and rules relating to the state system of public education.

2611 (g) To approve plans for cooperating with the Federal  
 2612 Government.

2613 (h) To approve plans for cooperating with other public  
 2614 agencies in the development of rules and in the enforcement of  
 2615 laws for which the state board and such agencies are jointly  
 2616 responsible.

2617 (i) To review plans for cooperating with appropriate  
 2618 nonpublic agencies for the improvement of conditions relating to  
 2619 the welfare of schools.

2620 (j) To create such subordinate advisory bodies as are  
 2621 required by law or as it finds necessary for the improvement of  
 2622 education.

2623 (k) To constitute any education bodies or other structures  
 2624 as required by federal law.

2625 (l) To assist in the economic development of the state by  
 2626 developing a state-level planning process to identify future  
 2627 training needs for industry, especially high-technology  
 2628 industry.

2629 (m) To assist in the planning and economic development of  
 2630 the state by establishing a clearinghouse for information on  
 2631 educational programs of value to economic development.

2632 (n) To adopt cohesive rules pursuant to ss. 120.536(1) and  
 2633 120.54, within statutory authority, for education systemwide  
 2634 issues.

2635 (o) To authorize the allocation of resources in accordance  
 2636 with law and rule.

2637 (p) To contract with independent institutions accredited  
 2638 by an agency whose standards are comparable to the minimum  
 2639 standards required to operate a postsecondary educational  
 2640 institution at that level in the state. The purpose of the  
 2641 contract is to provide those educational programs and facilities  
 2642 which will meet needs unfulfilled by the state system of public  
 2643 postsecondary education.

2644 (q) To recommend that a district school board take action  
 2645 consistent with the state board's decision relating to an appeal  
 2646 of a charter school application.

2647 (r) To enforce systemwide education goals and policies  
 2648 except as otherwise provided by law.

2649 (s) To establish a detailed procedure for the  
 2650 implementation and operation of a systemwide K-20 technology  
 2651 plan that is based on a common set of data definitions.

2652 (t) To establish accountability standards for existing  
 2653 legislative performance goals, standards, and measures, and  
 2654 order the development of mechanisms to implement new legislative  
 2655 goals, standards, and measures.

2656 (u) To adopt criteria and implementation plans for future  
 2657 growth issues, such as new community colleges and ~~universities~~  
 2658 ~~and~~ campus mergers, and to provide for cooperative agreements  
 2659 between and within public and private education sectors.

2660 (v) To develop, in conjunction with the Board of  
 2661 Governors, and periodically review for adjustment, a coordinated  
 2662 5-year plan for postsecondary enrollment and annually submit the  
 2663 plan to the Legislature.



2664 ~~(w) To approve a new program at the professional level or~~  
 2665 ~~doctoral level, if:~~

2666 ~~1. The university has taken into account the need and~~  
 2667 ~~demand for the program, the university's mission, and similar~~  
 2668 ~~program offerings by public and nonpublic counterparts.~~

2669 ~~2. The addition of the program will not alter the~~  
 2670 ~~university's emphasis on undergraduate education.~~

2671 ~~(x) To review, and approve or disapprove, degree programs~~  
 2672 ~~identified as unique pursuant to s. 1007.25.~~

2673 ~~(y) To recommend to the Legislature a plan for~~  
 2674 ~~implementing block tuition programs and providing other~~  
 2675 ~~incentives to encourage students to graduate within 4 years.~~

2676 ~~(3) The State Board of Education shall adopt rules to~~  
 2677 ~~establish the criteria for assigning, reviewing, and removing~~  
 2678 ~~limited access status to an educational program. The State Board~~  
 2679 ~~of Education shall monitor the extent of limited access programs~~  
 2680 ~~within the state universities and report to the Legislature~~  
 2681 ~~admissions and enrollment data for limited access programs. Such~~  
 2682 ~~report shall be submitted annually by December 1 and shall~~  
 2683 ~~assist in determining the potential need for academic program~~  
 2684 ~~contracts with independent institutions pursuant to paragraph~~  
 2685 ~~(2)(p). The report must specify, for each limited access program~~  
 2686 ~~within each institution, the following categories, by race and~~  
 2687 ~~gender:~~

2688 ~~(a) The number of applicants.~~

2689 ~~(b) The number of applicants granted admission.~~

2690 ~~(c) The number of applicants who are granted admission and~~  
 2691 ~~enroll.~~

2692           ~~(d) The number of applicants denied admission.~~  
 2693           ~~(e) The number of applicants neither granted admission nor~~  
 2694 ~~denied admission.~~

2695  
 2696 ~~Each category must be reported for each term. Each category must~~  
 2697 ~~be reported by type of student, including the following~~  
 2698 ~~subcategories: native students, community college associate in~~  
 2699 ~~arts degree transfer students, and other students. Each category~~  
 2700 ~~and subcategory must further be reported according to the number~~  
 2701 ~~of students who meet or exceed the minimum eligibility~~  
 2702 ~~requirements for admission to the program and the number of~~  
 2703 ~~students who do not meet or exceed the minimum eligibility~~  
 2704 ~~requirements for admission to the program.~~

2705           ~~(4) The State Board of Education shall review, and approve~~  
 2706 ~~or disapprove, baccalaureate degree programs that exceed 120~~  
 2707 ~~semester hours, after considering accreditation requirements,~~  
 2708 ~~employment and earnings of graduates, comparative program~~  
 2709 ~~lengths nationally, and comparisons with similar programs~~  
 2710 ~~offered by independent institutions. By December 31 of each~~  
 2711 ~~year, the State Board of Education must report to the~~  
 2712 ~~Legislature any degrees in the state universities that require~~  
 2713 ~~more than 120 hours, along with appropriate evidence of need. At~~  
 2714 ~~least every 5 years, the State Board of Education must determine~~  
 2715 ~~whether the programs still require more than the standard length~~  
 2716 ~~of 120 hours.~~

2717           ~~(3)-(5)~~ (a) The State Board of Education shall adopt a  
 2718 systemwide strategic plan that specifies goals and objectives  
 2719 for the state's public schools ~~state universities~~ and community

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2720 colleges. ~~In developing this plan, the State Board of Education~~  
2721 ~~shall consider the role of individual public and independent~~  
2722 ~~institutions within the state.~~ The plan shall be formulated in  
2723 conjunction with plans of the Board of Governors in order to  
2724 provide for the roles of the universities and community colleges  
2725 to be coordinated to best meet state needs and reflect cost-  
2726 effective use of state resources. The strategic plan must  
2727 clarify mission statements and identify degree programs to be  
2728 offered at each ~~university and~~ community college in accordance  
2729 with the objectives provided in this subsection. The ~~systemwide~~  
2730 strategic plan must cover a period of 5 years, with modification  
2731 of the program lists after 2 years. Development of each 5-year  
2732 plan must be coordinated with and initiated after completion of  
2733 the master plan. The ~~systemwide and university and community~~  
2734 ~~college~~ strategic plans must specifically include programs and  
2735 procedures for responding to the educational needs of teachers  
2736 and students in the public schools of this state. The state  
2737 board shall submit a report to the President of the Senate and  
2738 the Speaker of the House of Representatives upon modification of  
2739 the ~~system~~ plan.

2740 (b) The State Board of Education shall develop long-range  
2741 plans and annual reports for financial aid in this state. The  
2742 long-range plans shall establish goals and objectives for a  
2743 comprehensive program of financial aid for Florida students and  
2744 shall be updated every 5 years. The annual report shall include  
2745 programs administered by the department as well as awards made  
2746 from financial aid fee revenues, any other funds appropriated by  
2747 the Legislature for financial assistance, and the value of

2748 tuition and fees waived for students enrolled in a dual  
 2749 enrollment course at a public postsecondary educational  
 2750 institution. The annual report shall include an assessment of  
 2751 progress made in achieving goals and objectives established in  
 2752 the long-range plans and recommendations for repealing or  
 2753 modifying existing financial aid programs or establishing new  
 2754 programs. A long-range plan shall be submitted by January 1,  
 2755 2004, and every 5 years thereafter. An annual report shall be  
 2756 submitted on January 1, 2004, and in each successive year that a  
 2757 long-range plan is not submitted, to the President of the  
 2758 Senate, and the Speaker of the House of Representatives, and the  
 2759 Board of Governors.

2760 ~~(6) The State Board of Education shall coordinate the~~  
 2761 ~~programs with the Council for Education Policy Research and~~  
 2762 ~~Improvement, including doctoral programs. The programs shall be~~  
 2763 ~~reviewed every 5 years or whenever the state board determines~~  
 2764 ~~that the effectiveness or efficiency of a program is~~  
 2765 ~~jeopardized. The State Board of Education shall define the~~  
 2766 ~~indicators of quality and the criteria for program review for~~  
 2767 ~~every program. Such indicators include need, student demand,~~  
 2768 ~~industry driven competencies for advanced technology and related~~  
 2769 ~~programs, and resources available to support continuation. The~~  
 2770 ~~results of the program reviews must be tied to the university~~  
 2771 ~~and community college budget requests.~~

2772 (4)~~(7)~~ The State Board of Education shall:

2773 (a) Provide for each community college to offer  
 2774 educational training and service programs designed to meet the  
 2775 needs of both students and the communities served.

2776 (b) Specify, by rule, procedures to be used by the  
 2777 community college boards of trustees in the annual evaluations  
 2778 of presidents and review the evaluations of presidents by the  
 2779 boards of trustees.

2780 (c) Establish, in conjunction with the Board of Governors,  
 2781 an effective information system that will provide composite data  
 2782 concerning the community colleges and state universities and  
 2783 ensure that special analyses and studies concerning the  
 2784 institutions are conducted, as necessary, for provision of  
 2785 accurate and cost-effective information concerning the  
 2786 institutions.

2787 (d) Establish criteria for making recommendations for  
 2788 modifying district boundary lines for community colleges.

2789 (e) Establish criteria for making recommendations  
 2790 concerning all proposals for the establishment of additional  
 2791 centers or campuses for community colleges ~~and state~~  
 2792 ~~universities.~~

2793 (f) Examine the annual administrative review of each  
 2794 community college ~~and state university.~~

2795 (g) Specify, by rule, the college-credit ~~degree program~~  
 2796 courses that may be taken by community college students  
 2797 concurrently enrolled in college-preparatory instruction.

2798 (h) Adopt and submit to the Legislature a 3-year list of  
 2799 priorities for fixed-capital-outlay projects.

2800 ~~(5)-(8)~~ The State Board of Education is responsible for  
 2801 reviewing and administering the state program of support for the  
 2802 community colleges and, subject to existing law, shall establish  
 2803 the tuition and out-of-state fees for college-preparatory

2804 instruction and for credit instruction that may be counted  
 2805 toward an associate in arts degree, an associate in applied  
 2806 science degree, or an associate in science degree.

2807 (6)~~(9)~~ The State Board of Education shall prescribe  
 2808 minimum standards, definitions, and guidelines for community  
 2809 colleges ~~and state universities~~ that will ensure the quality of  
 2810 education, coordination among the community colleges and state  
 2811 universities, and efficient progress toward accomplishing the  
 2812 community college ~~and state university~~ mission. At a minimum,  
 2813 these rules must address:

2814 (a) Personnel.

2815 (b) Contracting.

2816 (c) Program offerings and classification, including  
 2817 college-level communication and computation skills associated  
 2818 with successful performance in college and with tests and other  
 2819 assessment procedures that measure student achievement of those  
 2820 skills. The performance measures must provide that students  
 2821 moving from one level of education to the next acquire the  
 2822 necessary competencies for that level.

2823 (d) Provisions for curriculum development, graduation  
 2824 requirements, college calendars, and program service areas.

2825 These provisions must include rules that:

2826 1. Provide for the award of an associate in arts degree to  
 2827 a student who successfully completes 60 semester credit hours at  
 2828 the community college.

2829 2. Require all of the credits accepted for the associate  
 2830 in arts degree to be in the statewide course numbering system as

2831 credits toward a baccalaureate degree offered by a state  
 2832 university or a community college.

2833 3. Require no more than 36 semester credit hours in  
 2834 general education courses in the subject areas of communication,  
 2835 mathematics, social sciences, humanities, and natural sciences.

2836  
 2837 The rules should encourage community colleges to enter into  
 2838 agreements with state universities that allow community college  
 2839 students to complete upper-division-level courses at a community  
 2840 college. An agreement may provide for concurrent enrollment at  
 2841 the community college and the state university and may authorize  
 2842 the community college to offer an upper-division-level course or  
 2843 distance learning.

2844 (e) Student admissions, conduct and discipline,  
 2845 nonclassroom activities, and fees.

2846 (f) Budgeting.

2847 (g) Business and financial matters.

2848 (h) Student services.

2849 (i) Reports, surveys, and information systems, including  
 2850 forms and dates of submission.

2851 Section 67. Subsections (8), (9), (10), and (13) of  
 2852 section 1001.03, Florida Statutes, are amended to read:

2853 1001.03 Specific powers of State Board of Education.--

2854 (8) SYSTEMWIDE ENFORCEMENT.--Except as otherwise provided  
 2855 by law, the State Board of Education shall enforce compliance  
 2856 with law and state board rule by all school districts and public  
 2857 postsecondary educational institutions, in accordance with the  
 2858 provisions of s. 1008.32.

2859           (9) MANAGEMENT INFORMATION DATABASES.--To facilitate  
 2860 oversight by the Legislature of the expenditure of public funds,  
 2861 the State Board of Education, in conjunction with the Board of  
 2862 Governors, shall continue to collect and maintain, at a minimum,  
 2863 the management information databases for state universities, and  
 2864 all other components of the public K-20 education system as such  
 2865 databases existed on June 30, 2002.

2866           (10) COMMON PLACEMENT TESTING FOR PUBLIC POSTSECONDARY  
 2867 EDUCATION.--The State Board of Education, in conjunction with  
 2868 the Board of Governors, shall develop and implement a common  
 2869 placement test to assess the basic computation and communication  
 2870 skills of students who intend to enter a degree program at any  
 2871 community college or state university.

2872           (13) CYCLIC REVIEW OF POSTSECONDARY ACADEMIC  
 2873 PROGRAMS.--The State Board of Education shall provide for the  
 2874 cyclic review of all academic programs in community colleges ~~and~~  
 2875 ~~state universities~~ at least every 7 years. Program reviews shall  
 2876 document how individual academic programs are achieving stated  
 2877 student learning and program objectives within the context of  
 2878 the institution's mission. The results of the program reviews  
 2879 shall inform strategic planning, program development, and  
 2880 budgeting decisions at the institutional level.

2881           Section 68. Section 1001.10, Florida Statutes, is amended  
 2882 to read:

2883           1001.10 Commissioner of Education; general powers and  
 2884 duties.--

2885           (1) The Commissioner of Education is the chief educational  
 2886 officer of the state, and is responsible for giving full



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2887 assistance to the State Board of Education in enforcing  
2888 compliance with the mission and goals of the seamless K-20  
2889 education system.

2890 (2) The commissioner's office shall operate all statewide  
2891 functions necessary to support the State Board of Education,  
2892 including strategic planning and budget development, general  
2893 administration, assessment, and accountability.

2894 (3) To facilitate innovative practices and to allow local  
2895 selection of educational methods, the State Board of Education  
2896 may authorize the commissioner to waive, upon the request of a  
2897 district school board, State Board of Education rules that  
2898 relate to district school instruction and school operations,  
2899 except those rules pertaining to civil rights, and student  
2900 health, safety, and welfare. The Commissioner of Education is  
2901 not authorized to grant waivers for any provisions in rule  
2902 pertaining to the allocation and appropriation of state and  
2903 local funds for public education; the election, compensation,  
2904 and organization of school board members and superintendents;  
2905 graduation and state accountability standards; financial  
2906 reporting requirements; reporting of out-of-field teaching  
2907 assignments under s. 1012.42; public meetings; public records;  
2908 or due process hearings governed by chapter 120. No later than  
2909 January 1 of each year, the commissioner shall report to the  
2910 Legislature and the State Board of Education all approved waiver  
2911 requests in the preceding year.

2912 (4) Additionally, the commissioner has the following  
2913 general powers and duties:

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2914        (a)~~(1)~~ To appoint staff necessary to carry out his or her  
 2915 powers and duties.

2916        (b)~~(2)~~ To advise and counsel with the State Board of  
 2917 Education on all matters pertaining to education; to recommend  
 2918 to the State Board of Education actions and policies as, in the  
 2919 commissioner's opinion, should be acted upon or adopted; and to  
 2920 execute or provide for the execution of all acts and policies as  
 2921 are approved.

2922        (c)~~(3)~~ To keep such records as are necessary to set forth  
 2923 clearly all acts and proceedings of the State Board of  
 2924 Education.

2925        (d)~~(4)~~ To have a seal for his or her office with which, in  
 2926 connection with his or her own signature, the commissioner shall  
 2927 authenticate true copies of decisions, acts, or documents.

2928        (e)~~(5)~~ To recommend to the State Board of Education  
 2929 policies and steps designed to protect and preserve the  
 2930 principal of the State School Fund; to provide an assured and  
 2931 stable income from the fund; to execute such policies and  
 2932 actions as are approved; and to administer the State School  
 2933 Fund.

2934        (f)~~(6)~~ To take action on the release of mineral rights  
 2935 based upon the recommendations of the Board of Trustees of the  
 2936 Internal Improvement Trust Fund.

2937        (g)~~(7)~~ To submit to the State Board of Education, on or  
 2938 before October 1 ~~August 1~~ of each year, recommendations for a  
 2939 coordinated K-20 education budget that estimates the  
 2940 expenditures for the Board of Governors, the State Board of  
 2941 Education, including the Department of Education and~~7~~ the

2942 Commissioner of Education, and all of the boards, institutions,  
 2943 agencies, and services under the general supervision of the  
 2944 Board of Governors or the State Board of Education for the  
 2945 ensuing fiscal year. Any program recommended to the State Board  
 2946 of Education that will require increases in state funding for  
 2947 more than 1 year must be presented in a multiyear budget plan.

2948 (h)~~(8)~~ To develop and implement a plan for cooperating  
 2949 with the Federal Government in carrying out any or all phases of  
 2950 the educational program and to recommend policies for  
 2951 administering funds that are appropriated by Congress and  
 2952 apportioned to the state for any or all educational purposes.

2953 (i)~~(9)~~ To develop and implement policies for cooperating  
 2954 with other public agencies in carrying out those phases of the  
 2955 program in which such cooperation is required by law or is  
 2956 deemed by the commissioner to be desirable and to cooperate with  
 2957 public and nonpublic agencies in planning and bringing about  
 2958 improvements in the educational program.

2959 (j)~~(10)~~ To prepare forms and procedures as are necessary  
 2960 to be used by district school boards and all other educational  
 2961 agencies to assure uniformity, accuracy, and efficiency in the  
 2962 keeping of records, the execution of contracts, the preparation  
 2963 of budgets, or the submission of reports; and to furnish at  
 2964 state expense, when deemed advisable by the commissioner, those  
 2965 forms that can more economically and efficiently be provided.

2966 (k)~~(11)~~ To implement a program of school improvement and  
 2967 education accountability designed to provide all students the  
 2968 opportunity to make adequate learning gains in each year of  
 2969 school as provided by statute and State Board of Education rule

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2970 based upon the achievement of the state education goals,  
 2971 recognizing the following:

2972 ~~(a) The State Board of Education is the body corporate~~  
 2973 ~~responsible for the supervision of the system of public~~  
 2974 ~~education.~~

2975 1.(b) The district school board is responsible for school  
 2976 and student performance.

2977 2.(e) The individual school is the unit for education  
 2978 accountability.

2979 3.(d) The community college board of trustees is  
 2980 responsible for community college performance and student  
 2981 performance.

2982 ~~(e) The university board of trustees is responsible for~~  
 2983 ~~university performance and student performance.~~

2984 (1)(12) To maintain ~~establish~~ a Citizen Information Center  
 2985 responsible for the preparation, publication, and dissemination  
 2986 ~~distribution~~ of user-friendly materials relating to the state's  
 2987 ~~state system of seamless K-20 public education system, including~~  
 2988 the state's K-12 scholarship programs and the Voluntary  
 2989 Prekindergarten Education Program.

2990 (m)(13) To prepare and publish annually reports giving  
 2991 statistics and other useful information pertaining to the  
 2992 state's K-12 scholarship programs and the Voluntary  
 2993 Prekindergarten Education Program ~~Opportunity Scholarship~~  
 2994 ~~Program.~~

2995 (n)(14) To have printed or electronic copies of school  
 2996 laws, forms, instruments, instructions, and rules of the State  
 2997 Board of Education and provide for their distribution.

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2998        (o) ~~(15)~~ To develop criteria for use by state instructional  
 2999 materials committees in evaluating materials submitted for  
 3000 adoption consideration. The criteria shall, as appropriate, be  
 3001 based on instructional expectations reflected in curriculum  
 3002 frameworks and student performance standards. The criteria for  
 3003 each subject or course shall be made available to publishers of  
 3004 instructional materials pursuant to the requirements of chapter  
 3005 1006.

3006        (p) ~~(16)~~ To prescribe procedures for evaluating  
 3007 instructional materials submitted by publishers and  
 3008 manufacturers in each adoption.

3009  
 3010 ~~The commissioner's office shall operate all statewide functions~~  
 3011 ~~necessary to support the State Board of Education and the K-20~~  
 3012 ~~education system, including strategic planning and budget~~  
 3013 ~~development, general administration, and assessment and~~  
 3014 ~~accountability.~~

3015        Section 69. Subsection (2) of section 1001.11, Florida  
 3016 Statutes, is amended to read:

3017        1001.11 Commissioner of Education; other duties.--

3018        (2) ~~(a)~~ The Commissioner of Education shall annually report  
 3019 the state's educational performance on state and national  
 3020 measures and shall recommend to the State Board of Education  
 3021 performance goals addressing the educational needs of the state  
 3022 ~~for the K-20 education system. The Council for Education Policy~~  
 3023 ~~Research and Improvement, as an independent entity, shall~~  
 3024 ~~develop a report card assigning grades to indicate Florida's~~  
 3025 ~~progress toward meeting those goals. The annual report card~~

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3026 ~~shall contain information showing Florida's performance relative~~  
 3027 ~~to other states on selected measures, as well as Florida's~~  
 3028 ~~ability to meet the need for postsecondary degrees and programs~~  
 3029 ~~and how well the Legislature has provided resources to meet this~~  
 3030 ~~need. The information shall include the results of the National~~  
 3031 ~~Assessment of Educational Progress or a similar national~~  
 3032 ~~assessment program administered to students in Florida. By~~  
 3033 ~~January 1 of each year, the Council for Education Policy~~  
 3034 ~~Research and Improvement shall submit the report card to the~~  
 3035 ~~Legislature, the Governor, and the public.~~

3036 ~~(b) Prior to the regular legislative session, the~~  
 3037 ~~Commissioner of Education shall present to the Legislature a~~  
 3038 ~~plan for correcting any deficiencies identified in the report~~  
 3039 ~~card.~~

3040 Section 70. Paragraph (e) of subsection (4) of section  
 3041 1001.20, Florida Statutes, is amended to read:

3042 1001.20 Department under direction of state board.--

3043 (4) The Department of Education shall establish the  
 3044 following offices within the Office of the Commissioner of  
 3045 Education which shall coordinate their activities with all other  
 3046 divisions and offices:

3047 (e) Office of Inspector General.--Organized using existing  
 3048 resources and funds and responsible for promoting  
 3049 accountability, efficiency, and effectiveness and detecting  
 3050 fraud and abuse within school districts, the Florida School for  
 3051 the Deaf and the Blind , community colleges, and state  
 3052 universities in Florida. If the Commissioner of Education  
 3053 determines that a district school board, the Board of Trustees

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3054 for the Florida School for the Deaf and the Blind, or a  
 3055 community college ~~public postsecondary educational institution~~  
 3056 board of trustees is unwilling or unable to address  
 3057 substantiated allegations made by any person relating to waste,  
 3058 fraud, or financial mismanagement within the school district,  
 3059 the Florida School for the Deaf and the Blind, or the community  
 3060 college, the office shall conduct, coordinate, or request  
 3061 investigations into such substantiated allegations ~~made by any~~  
 3062 ~~person relating to waste, fraud, or financial mismanagement~~  
 3063 ~~within school districts, the Florida School for the Deaf and the~~  
 3064 ~~Blind, community colleges, and state universities in Florida.~~  
 3065 If the Chancellor of the State University System determines that  
 3066 a state university board of trustees is unwilling or unable to  
 3067 address substantiated allegations made by any person relating to  
 3068 waste, fraud, or financial mismanagement within the state  
 3069 university, the office shall conduct, coordinate, or request  
 3070 investigations into such substantiated allegations. The office  
 3071 shall have access to all information and personnel necessary to  
 3072 perform its duties and shall have all of its current powers,  
 3073 duties, and responsibilities authorized in s. 20.055.

3074 Section 71. Paragraph (b) of subsection (2) of section  
 3075 1001.25, Florida Statutes, is amended to read:

3076 1001.25 Educational television.--

3077 (2) POWERS OF DEPARTMENT.--

3078 (b) The department shall provide through educational  
 3079 television and other electronic media a means of extending  
 3080 educational services to all the state system of public  
 3081 education, except the state universities, which provision by the

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3082 department is limited by paragraph (c) and by s. 1001.26(1)  
 3083 ~~1006.26(1)~~. The department shall recommend to the State Board of  
 3084 Education rules necessary to provide such services.

3085 Section 72. Section 1001.28, Florida Statutes, is amended  
 3086 to read:

3087 1001.28 Distance learning duties.--The duties of the  
 3088 Department of Education concerning distance learning include,  
 3089 but are not limited to, the duty to:

3090 (1) Facilitate the implementation of a statewide  
 3091 coordinated system and resource system for cost-efficient  
 3092 advanced telecommunications services and distance education  
 3093 which will increase overall student access to education.

3094 (2) Coordinate the use of existing resources, including,  
 3095 but not limited to, the state's satellite transponders on the  
 3096 education satellites, the SUNCOM Network, the Florida  
 3097 Information Resource Network (FIRN), the Department of  
 3098 Management Services, the Department of Corrections, and the  
 3099 Department of Children and Family Services' satellite  
 3100 communication facilities to support a statewide advanced  
 3101 telecommunications services and distance learning network.

3102 (3) Assist in the coordination of the utilization of the  
 3103 production and uplink capabilities available through Florida's  
 3104 public television stations, eligible facilities, independent  
 3105 colleges and universities, private firms, and others as needed.

3106 (4) Seek the assistance and cooperation of Florida's cable  
 3107 television providers in the implementation of the statewide  
 3108 advanced telecommunications services and distance learning  
 3109 network.



3110 (5) Seek the assistance and cooperation of Florida's  
 3111 telecommunications carriers to provide affordable student access  
 3112 to advanced telecommunications services and to distance  
 3113 learning.

3114 (6) Coordinate partnerships for development, acquisition,  
 3115 use, and distribution of distance learning.

3116 (7) Secure and administer funding for programs and  
 3117 activities for distance learning from federal, state, local, and  
 3118 private sources and from fees derived from services and  
 3119 materials.

3120 (8) Manage the state's satellite transponder resources and  
 3121 enter into lease agreements to maximize the use of available  
 3122 transponder time. All net revenue realized through the leasing  
 3123 of available transponder time, after deducting the costs of  
 3124 performing the management function, shall be recycled to support  
 3125 the public education distance learning in this state based upon  
 3126 an allocation formula of one-third to the Department of  
 3127 Education, one-third to community colleges, and one-third to  
 3128 state universities.

3129 (9) Hire appropriate staff which may include a position  
 3130 that shall be exempt from part II of chapter 110 and is included  
 3131 in the Senior Management Service in accordance with s. 110.205.

3132  
 3133 Nothing in this section shall be construed to abrogate,  
 3134 supersede, alter, or amend the powers and duties of any state  
 3135 agency, district school board, community college board of  
 3136 trustees, university board of trustees, the Board of Governors,  
 3137 or the State Board of Education.

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3138 Section 73. Subsection (17) of section 1001.64, Florida  
 3139 Statutes, is amended to read:

3140 1001.64 Community college boards of trustees; powers and  
 3141 duties.--

3142 (17) Each board of trustees is accountable for performance  
 3143 in certificate career education and diploma programs pursuant to  
 3144 s. 1008.43 ~~1008.44~~.

3145 Section 74. Section 1001.70, Florida Statutes, is amended  
 3146 to read:

3147 1001.70 Board of Governors of the State University  
 3148 System.--

3149 (1) Pursuant to s. 7(d), Art. IX of the State  
 3150 Constitution, the Board of Governors is established as a body  
 3151 corporate comprised of 17 members as follows: 14 citizen members  
 3152 appointed by the Governor subject to confirmation by the Senate;  
 3153 the Commissioner of Education; the chair of the advisory council  
 3154 of faculty senates or the equivalent; and the president of the  
 3155 Florida student association or the equivalent. The appointed  
 3156 members shall serve staggered 7-year terms. In order to achieve  
 3157 staggered terms, beginning July 1, 2003, of the initial  
 3158 appointments, 4 members shall serve 2-year terms, 5 members  
 3159 shall serve 3-year terms, and 5 members shall serve 7-year  
 3160 terms.

3161 (2) Members of the Board of Governors shall receive no  
 3162 compensation but may be reimbursed for travel and per diem  
 3163 expenses as provided in s. 112.061.

3164 (3) The Board of Governors, in exercising its authority  
 3165 under the State Constitution and statutes, shall exercise its

3166 authority in a manner that supports, promotes, and enhances a K-  
 3167 20 education system that provides affordable access to  
 3168 postsecondary educational opportunities for residents of the  
 3169 state to the extent authorized by the State Constitution and  
 3170 state law.

3171 Section 75. Section 1001.706, Florida Statutes, is created  
 3172 to read:

3173 1001.706 Powers and duties of the Board of Governors.--

3174 (1) GENERAL PROVISIONS.--

3175 (a) For each constituent university, the Board of  
 3176 Governors, or the board's designee, shall be responsible for  
 3177 cost-effective policy decisions appropriate to the university's  
 3178 mission, the implementation and maintenance of high-quality  
 3179 education programs within law, the measurement of performance,  
 3180 the reporting of information, and the provision of input  
 3181 regarding state policy, budgeting, and education standards.

3182 (b) The Board of Governors shall adopt rules pursuant to  
 3183 chapter 120 when acting pursuant to statutory authority derived  
 3184 from the Legislature. The Board of Governors may adopt rules  
 3185 pursuant to chapter 120 when exercising the powers, duties, and  
 3186 authority granted by s. 7, Art. IX of the State Constitution.

3187 (2) POWERS AND DUTIES RELATING TO ORGANIZATION AND  
 3188 OPERATION OF STATE UNIVERSITIES.--

3189 (a) The Board of Governors, or the board's designee, shall  
 3190 develop guidelines and procedures related to data and  
 3191 technology, including information systems, communications  
 3192 systems, computer hardware and software, and networks.

3193           (b) The Board of Governors shall develop guidelines  
3194 relating to divisions of sponsored research, pursuant to the  
3195 provisions of s. 1004.22, to serve the function of  
3196 administration and promotion of the programs of research.

3197           (c) The Board of Governors shall prescribe conditions for  
3198 direct-support organizations and university health services  
3199 support organizations to be certified and to use university  
3200 property and services. Conditions relating to certification must  
3201 provide for audit review and oversight by the Board of  
3202 Governors.

3203           (d) The Board of Governors shall develop guidelines for  
3204 supervising faculty practice plans for the academic health  
3205 science centers.

3206           (e) The Board of Governors shall ensure that students at  
3207 state universities have access to general education courses.

3208           (f) The Board of Governors shall approve baccalaureate  
3209 degree programs that require more than 120 semester credit hours  
3210 of coursework prior to such programs being offered by a state  
3211 university. At least half of the required coursework for any  
3212 baccalaureate degree must be offered at the lower-division  
3213 level, except in program areas approved by the Board of  
3214 Governors.

3215           (g) The Board of Governors, or the board's designee, shall  
3216 adopt a written antihazing policy, appropriate penalties for  
3217 violations of such policy, and a program for enforcing such  
3218 policy.

3219           (h) The Board of Governors, or the board's designee, may  
3220 establish a uniform code of conduct and appropriate penalties

3221 for violations of its rules by students and student  
 3222 organizations, including rules governing student academic  
 3223 honesty. Such penalties, unless otherwise provided by law, may  
 3224 include reasonable fines, the withholding of diplomas or  
 3225 transcripts pending compliance with rules or payment of fines,  
 3226 and the imposition of probation, suspension, or dismissal.

3227 (3) POWERS AND DUTIES RELATING TO FINANCE.--

3228 (a) The Board of Governors, or the board's designee, shall  
 3229 account for expenditures of all state, local, federal, and other  
 3230 funds. Such accounting systems shall have appropriate audit and  
 3231 internal controls in place that will enable the constituent  
 3232 universities to satisfactorily and timely perform all accounting  
 3233 and reporting functions required by state and federal law and  
 3234 rules.

3235 (b) The Board of Governors shall prepare the legislative  
 3236 budget requests for the State University System, including a  
 3237 request for fixed capital outlay, and submit them to the State  
 3238 Board of Education for inclusion in the K-20 legislative budget  
 3239 request. The Board of Governors shall provide the state  
 3240 universities with fiscal policy guidelines, formats, and  
 3241 instruction for the development of individual university budget  
 3242 requests.

3243 (c) The Board of Governors, or the board's designee, shall  
 3244 establish tuition and fees pursuant to ss. 1009.24 and 1009.26.

3245 (d) The Board of Governors, or the board's designee, is  
 3246 authorized to secure comprehensive general liability insurance  
 3247 pursuant to s. 1004.24.

3248 (4) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.--

3249           (a) The Board of Governors shall develop a strategic plan  
 3250 specifying goals and objectives for the State University System  
 3251 and each constituent university.

3252           (b) The Board of Governors shall develop an accountability  
 3253 plan for the State University System and each constituent  
 3254 university.

3255           (c) The Board of Governors shall maintain an effective  
 3256 information system to provide accurate, timely, and cost-  
 3257 effective information about each university. The board shall  
 3258 continue to collect and maintain, at a minimum, the management  
 3259 information databases as such databases existed on June 30,  
 3260 2002.

3261           (5) POWERS AND DUTIES RELATING TO PERSONNEL.--

3262           (a) The Board of Governors, or the board's designee, shall  
 3263 establish the personnel program for all employees of a state  
 3264 university, including the president.

3265           (b) The Department of Management Services shall retain  
 3266 authority over state university employees for programs  
 3267 established in ss. 110.123, 110.161, 110.1232, 110.1234, and  
 3268 110.1238 and in chapters 121, 122, and 238. Unless specifically  
 3269 authorized by law, neither the Board of Governors nor a state  
 3270 university may offer group insurance programs for employees as a  
 3271 substitute for or as an alternative to the health insurance  
 3272 programs offered pursuant to chapter 110.

3273           (c) Except as otherwise provided by law, university  
 3274 employees are public employees for purposes of chapter 112 and  
 3275 any payment for travel and per diem expenses shall not exceed  
 3276 the level specified in s. 112.061.

3277           (6) POWERS AND DUTIES RELATING TO PROPERTY.--  
 3278           (a) The Board of Governors shall develop guidelines for  
 3279 university boards of trustees relating to the acquisition of  
 3280 real and personal property and the sale and disposal thereof and  
 3281 the approval and execution of contracts for the purchase, sale,  
 3282 lease, license, or acquisition of commodities, goods, equipment,  
 3283 contractual services, leases of real and personal property, and  
 3284 construction. The acquisition may include purchase by  
 3285 installment or lease-purchase. Such contracts may provide for  
 3286 payment of interest on the unpaid portion of the purchase price.  
 3287 Title to all real property acquired prior to January 7, 2003,  
 3288 and to all real property acquired with funds appropriated by the  
 3289 Legislature shall be vested in the Board of Trustees of the  
 3290 Internal Improvement Trust Fund and shall be transferred and  
 3291 conveyed by it. Notwithstanding any other provisions of this  
 3292 subsection, each board of trustees shall comply with the  
 3293 provisions of s. 287.055 for the procurement of professional  
 3294 services as defined therein. Any acquisition pursuant to this  
 3295 paragraph is subject to the provisions of s. 1010.62.  
 3296           (b) The Board of Governors shall develop guidelines for  
 3297 university boards of trustees relating to the use, maintenance,  
 3298 protection, and control of university-owned or university-  
 3299 controlled buildings and grounds, property and equipment, name,  
 3300 trademarks and other proprietary marks, and the financial and  
 3301 other resources of the university. Such authority may include  
 3302 placing restrictions on activities and on access to facilities,  
 3303 firearms, food, tobacco, alcoholic beverages, distribution of  
 3304 printed materials, commercial solicitation, animals, and sound.

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3305 The authority provided the board of trustees in this subsection  
3306 includes the prioritization of the use of space, property,  
3307 equipment, and resources and the imposition of charges for those  
3308 items.

3309 (c) The Board of Governors, or the board's designee, shall  
3310 administer a program for the maintenance and construction of  
3311 facilities pursuant to chapter 1013.

3312 (d) The Board of Governors, or the board's designee, shall  
3313 ensure compliance with the provisions of s. 287.09451 for all  
3314 procurement and ss. 255.101 and 255.102 for construction  
3315 contracts, and rules adopted pursuant thereto, relating to the  
3316 utilization of minority business enterprises, except that  
3317 procurements costing less than the amount provided for in  
3318 CATEGORY FIVE as provided in s. 287.017 shall not be subject to  
3319 s. 287.09451.

3320 (e) Notwithstanding the provisions of s. 253.025 but  
3321 subject to the provisions of s. 1010.62, the Board of Governors,  
3322 or the board's designee, may, with the consent of the Board of  
3323 Trustees of the Internal Improvement Trust Fund, sell, convey,  
3324 transfer, exchange, trade, or purchase real property and related  
3325 improvements necessary and desirable to serve the needs and  
3326 purposes of the university.

3327 1. The Board of Governors, or the board's designee, may  
3328 secure appraisals and surveys. The Board of Governors, or the  
3329 board's designee, shall comply with the rules of the Board of  
3330 Trustees of the Internal Improvement Trust Fund in securing  
3331 appraisals. Whenever the Board of Governors, or the board's  
3332 designee, finds it necessary for timely property acquisition, it



3333 may contract, without the need for competitive selection, with  
 3334 one or more appraisers whose names are contained on the list of  
 3335 approved appraisers maintained by the Division of State Lands in  
 3336 the Department of Environmental Protection.

3337 2. The Board of Governors, or the board's designee, may  
 3338 negotiate and enter into an option contract before an appraisal  
 3339 is obtained. The option contract must state that the final  
 3340 purchase price may not exceed the maximum value allowed by law.  
 3341 The consideration for such an option contract may not exceed 10  
 3342 percent of the estimate obtained by the Board of Governors, or  
 3343 the board's designee, or 10 percent of the value of the parcel,  
 3344 whichever is greater, unless otherwise authorized by the Board  
 3345 of Governors or the board's designee.

3346 3. This paragraph is not intended to abrogate in any  
 3347 manner the authority delegated to the Board of Trustees of the  
 3348 Internal Improvement Trust Fund or the Division of State Lands  
 3349 to approve a contract for purchase of state lands or to require  
 3350 policies and procedures to obtain clear legal title to parcels  
 3351 purchased for state purposes. Title to property acquired by a  
 3352 university board of trustees prior to January 7, 2003, and to  
 3353 property acquired with funds appropriated by the Legislature  
 3354 shall vest in the Board of Trustees of the Internal Improvement  
 3355 Trust Fund.

3356 (f) The Board of Governors, or the board's designee, shall  
 3357 prepare and adopt a campus master plan pursuant to s. 1013.30.

3358 (g) The Board of Governors, or the board's designee, shall  
 3359 prepare, adopt, and execute a campus development agreement  
 3360 pursuant to s. 1013.30.

3361           (h) Notwithstanding the provisions of s. 216.351, the  
 3362 Board of Governors, or the board's designee, may authorize the  
 3363 rent or lease of parking facilities provided that such  
 3364 facilities are funded through parking fees or parking fines  
 3365 imposed by a university. The Board of Governors, or the board's  
 3366 designee, may authorize a university board of trustees to charge  
 3367 fees for parking at such rented or leased parking facilities.

3368           (i) Notwithstanding the provisions of s. 267.062, the  
 3369 Board of Governors may approve a request from a university board  
 3370 of trustees to name a state building, road, bridge, park,  
 3371 recreational complex, or similar facility on the campus of a  
 3372 state university for a living person. The Board of Governors  
 3373 shall develop minimum criteria to be used in evaluating such  
 3374 requests, including, but not limited to, significant  
 3375 contributions by the person or persons being honored to the  
 3376 institution, the community, and the state.

3377           (7) COMPLIANCE WITH LAWS, RULES, REGULATIONS, AND  
 3378 REQUIREMENTS.--The Board of Governors has responsibility for  
 3379 compliance with state and federal laws, rules, regulations, and  
 3380 requirements.

3381           (8) COOPERATION WITH OTHER BOARDS.--The Board of Governors  
 3382 shall implement a plan for working on a regular basis with the  
 3383 State Board of Education, the Commission for Independent  
 3384 Education, the university boards of trustees, representatives of  
 3385 the community college boards of trustees, representatives of the  
 3386 private colleges and universities, and representatives of the  
 3387 district school boards to achieve a seamless education system.

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3388 Section 76. Subsections (3) and (4) of section 1001.71,  
 3389 Florida Statutes, are amended to read:

3390 1001.71 University boards of trustees; membership.--

3391 (3) In accordance with s. 3, Art. II of the State  
 3392 Constitution, university boards of trustees are a part of the  
 3393 executive branch of state government. ~~Each board of trustees~~  
 3394 ~~shall select its chair and vice chair from the appointed members~~  
 3395 ~~at its first regular meeting after July 1. The chair shall serve~~  
 3396 ~~for 2 years and may be reelected for one additional consecutive~~  
 3397 ~~term. The duties of the chair shall include presiding at all~~  
 3398 ~~meetings of the board of trustees, calling special meetings of~~  
 3399 ~~the board of trustees, and attesting to actions of the board of~~  
 3400 ~~trustees. The duty of the vice chair is to act as chair during~~  
 3401 ~~the absence or disability of the chair.~~

3402 ~~(4) The university president shall serve as executive~~  
 3403 ~~officer and corporate secretary of the board of trustees and~~  
 3404 ~~shall be responsible to the board of trustees for all operations~~  
 3405 ~~of the university and for setting the agenda for meetings of the~~  
 3406 ~~board of trustees in consultation with the chair.~~

3407 Section 77. Subsections (2) and (4) of section 1001.73,  
 3408 Florida Statutes, are amended to read:

3409 1001.73 University board empowered to act as trustee.--

3410 (2) Deeds, mortgages, leases, and other contracts of the  
 3411 university board of trustees relating to real property of any  
 3412 such trust or any interest therein may be executed by the  
 3413 university board of trustees, as trustee, in the same manner as  
 3414 is provided by the laws of the state for the execution of  
 3415 similar documents by other corporations or may be executed by

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3416 the signatures of a majority of the members of the board of  
 3417 trustees; however, to be effective, any such deed, mortgage, or  
 3418 lease contract for more than 10 years of any trust property,  
 3419 executed hereafter by the university board of trustees, shall be  
 3420 approved by a resolution of the Board of Governors ~~State Board~~  
 3421 ~~of Education~~; and such approving resolution may be evidenced by  
 3422 the signature of either the chair or the secretary of the Board  
 3423 ~~of Governors~~ ~~State Board of Education~~ to an endorsement on the  
 3424 instrument approved, reciting the date of such approval, and  
 3425 bearing the seal of the Board of Governors ~~State Board of~~  
 3426 ~~Education~~. Such signed and sealed endorsement shall be a part of  
 3427 the instrument and entitled to record without further proof.

3428 (4) Nothing herein shall be construed to authorize a  
 3429 university board of trustees to contract a debt on behalf of, or  
 3430 in any way to obligate, the state; and the satisfaction of any  
 3431 debt or obligation incurred by the university board as trustee  
 3432 under the provisions of this section shall be exclusively from  
 3433 the trust property, mortgaged or encumbered; and nothing herein  
 3434 shall in any manner affect or relate to the provisions of ~~ss.~~  
 3435 ~~1010.61 1010.619~~ ~~or~~ s. 1013.78; and any mortgage, lease, or  
 3436 other agreement entered into pursuant to this section is subject  
 3437 to the provisions of s. 1010.62.

3438 Section 78. Section 1001.74, Florida Statutes, is amended  
 3439 to read:

3440 (Substantial rewording of section. See s. 1001.74, F.S.,  
 3441 for present text.)  
 3442 1001.74 Powers and duties of university boards of  
 3443 trustees.--

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3444 (1) GENERAL PROVISIONS.--

3445 (a) Pursuant to s. 7(c), Art. IX of the State Constitution  
3446 and except as otherwise provided by law, the Board of Governors  
3447 shall establish the powers and duties of the university boards  
3448 of trustees.

3449 (b) To the extent delegated by the Board of Governors  
3450 pursuant to s. 1001.706, the boards of trustees shall be  
3451 responsible for cost-effective policy decisions appropriate to  
3452 the university's mission, the implementation and maintenance of  
3453 high-quality education programs within law and guidelines of the  
3454 Board of Governors, the measurement of performance, the  
3455 reporting of information, and the provision of input regarding  
3456 state policy, budgeting, and education standards.

3457 (c) Each board of trustees is vested with the authority to  
3458 govern its university as necessary to provide proper governance  
3459 and improvement of the university in accordance with law and  
3460 with guidelines of the Board of Governors.

3461 (d) Each board of trustees shall perform all duties  
3462 assigned by law or by the Board of Governors.

3463 (e) A board of trustees shall have the power to take  
3464 action without a recommendation from the president and shall  
3465 have the power to require the president to deliver to the board  
3466 of trustees all data and information required by the board of  
3467 trustees in the performance of its duties.

3468 (f) Each board of trustees shall adopt rules pursuant to  
3469 chapter 120 when acting pursuant to statutory authority derived  
3470 from the Legislature. Each board of trustees may adopt rules

3471 pursuant to chapter 120 when exercising the powers, duties, and  
 3472 authority granted by s. 7, Art. IX of the State Constitution.

3473 (2) POWERS AND DUTIES RELATING TO ORGANIZATION AND  
 3474 OPERATION OF STATE UNIVERSITIES.--

3475 (a) Each board of trustees constitutes the contracting  
 3476 agent of the university. Each university shall comply with the  
 3477 provisions of s. 287.055 for the procurement of professional  
 3478 services and may approve and execute all contracts for planning,  
 3479 construction, and equipment. For the purpose of a university's  
 3480 contracting authority, a "continuing contract" for professional  
 3481 services under the provisions of s. 287.055 is one in which  
 3482 construction costs do not exceed \$1 million or the fee for study  
 3483 activity does not exceed \$100,000. Contracts executed pursuant  
 3484 to this paragraph are subject to the requirements of s. 1010.62.

3485 (b) Each board of trustees shall submit to the Board of  
 3486 Governors, for approval, all new campuses and instructional  
 3487 centers.

3488 (c) Each board of trustees has responsibility for  
 3489 requiring no more than 120 semester hours of coursework for  
 3490 baccalaureate degree programs unless approved by the Board of  
 3491 Governors. At least half of the required coursework for any  
 3492 baccalaureate degree must be offered at the lower-division  
 3493 level, except in program areas approved by the Board of  
 3494 Governors.

3495 (d) Each board of trustees has responsibility for ensuring  
 3496 that students have access to general education courses as  
 3497 identified by the university.

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3498       (e) To the extent delegated by the Board of Governors  
3499 pursuant to s. 1001.706, each board of trustees shall adopt a  
3500 written antihazing policy, appropriate penalties for violations  
3501 of such policy, and a program for enforcing such policy.

3502       (f) To the extent delegated by the Board of Governors  
3503 pursuant to s. 1001.706, each board of trustees may establish a  
3504 uniform code of conduct and appropriate penalties for violations  
3505 of its rules by students and student organizations, including  
3506 rules governing student academic honesty. Such penalties, unless  
3507 otherwise provided by law, may include reasonable fines, the  
3508 withholding of diplomas or transcripts pending compliance with  
3509 rules or payment of fines, and the imposition of probation,  
3510 suspension, or dismissal.

3511       (g) Each board of trustees is authorized to create  
3512 divisions of sponsored research pursuant to the provisions of s.  
3513 1004.22 and guidelines of the Board of Governors to serve the  
3514 function of administration and promotion of the programs of  
3515 research.

3516       (h) Each board of trustees may develop and produce work  
3517 products relating to educational endeavors that are subject to  
3518 trademark, copyright, or patent statutes pursuant to s. 1004.23.

3519       (i) To the extent delegated by the Board of Governors  
3520 pursuant to s. 1001.706, each board of trustees shall develop  
3521 guidelines and procedures related to data and technology,  
3522 including information systems, communications systems, computer  
3523 hardware and software, and networks.

3524       (j) Each board of trustees may govern traffic on its  
3525 campus pursuant to s. 1006.66.

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3526 (k) A board of trustees has responsibility for supervising  
3527 faculty practice plans for the academic health science centers  
3528 pursuant to guidelines of the Board of Governors.

3529 (l) Each board of trustees may certify direct-support  
3530 organizations and university health services support  
3531 organizations to use university property and services in  
3532 accordance with guidelines of the Board of Governors.

3533 (m) Each board of trustees may establish educational  
3534 research centers for child development pursuant to s. 1011.48.

3535 (3) POWERS AND DUTIES RELATING TO FINANCE.--

3536 (a) To the extent delegated by the Board of Governors  
3537 pursuant to s. 1001.706, each board of trustees shall account  
3538 for expenditures of all state, local, federal, and other funds.  
3539 Such accounting systems shall have appropriate audit and  
3540 internal controls in place that will enable the university to  
3541 satisfactorily and timely perform all accounting and reporting  
3542 functions required by state and federal law and rules.

3543 (b) Each board of trustees shall submit an institutional  
3544 budget request, including a request for fixed capital outlay,  
3545 and an operating budget to the Board of Governors for approval  
3546 in accordance with guidelines established by the Board of  
3547 Governors.

3548 (c) To the extent delegated by the Board of Governors  
3549 pursuant to s. 1001.706, each board of trustees shall establish  
3550 tuition and fees pursuant to ss. 1009.24 and 1009.26.

3551 (d) To the extent delegated by the Board of Governors  
3552 pursuant to s. 1001.706, each board of trustees is authorized to



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3553 secure comprehensive general liability insurance pursuant to s.  
3554 1004.24.

3555 (e) Each board of trustees may provide for payment of the  
3556 costs of civil actions against officers, employees, or agents of  
3557 the board pursuant to s. 1012.965.

3558 (f) Each board of trustees may enter into agreements for,  
3559 and accept, credit card payments as compensation for goods,  
3560 services, tuition, and fees.

3561 (4) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.--

3562 (a) Each board of trustees shall develop a strategic plan  
3563 specifying institutional goals and objectives for the university  
3564 for recommendation to and approval by the Board of Governors.

3565 (b) Each board of trustees shall develop an accountability  
3566 plan pursuant to guidelines established by the Board of  
3567 Governors.

3568 (c) Each board of trustees shall maintain an effective  
3569 information system to provide accurate, timely, and cost-  
3570 effective information about the university pursuant to  
3571 guidelines of the Board of Governors.

3572 (5) POWERS AND DUTIES RELATING TO PERSONNEL.--

3573 (a) To the extent delegated by the Board of Governors  
3574 pursuant to s. 1001.706, each board of trustees shall establish  
3575 the personnel program for all employees of the university,  
3576 including the president.

3577 (b) The Department of Management Services shall retain  
3578 authority over state university employees for programs  
3579 established in ss. 110.123, 110.161, 110.1232, 110.1234, and  
3580 110.1238 and in chapters 121, 122, and 238. Unless specifically

3581 authorized by law, neither the Board of Governors nor a state  
 3582 university may offer group insurance programs for employees as a  
 3583 substitute for or as an alternative to the health insurance  
 3584 programs offered pursuant to chapter 110.

3585 (c) Except as otherwise provided by law, university  
 3586 employees are public employees for purposes of chapter 112 and  
 3587 the payment for travel and per diem shall not exceed the level  
 3588 specified in s. 112.061.

3589 (6) POWERS AND DUTIES RELATING TO PROPERTY.--

3590 (a) Each board of trustees shall have the authority to  
 3591 acquire real and personal property and contract for its sale and  
 3592 disposal and approve and execute contracts for the purchase,  
 3593 sale, lease, license, or acquisition of commodities, goods,  
 3594 equipment, contractual services, leases of real and personal  
 3595 property, and construction in accordance with law and guidelines  
 3596 of the Board of Governors. The acquisition may include purchase  
 3597 by installment or lease-purchase. Such contracts may provide for  
 3598 payment of interest on the unpaid portion of the purchase price.  
 3599 Title to all real property acquired prior to January 7, 2003,  
 3600 and to all real property acquired with funds appropriated by the  
 3601 Legislature shall be vested in the Board of Trustees of the  
 3602 Internal Improvement Trust Fund and shall be transferred and  
 3603 conveyed by it. Notwithstanding any other provisions of this  
 3604 subsection, each board of trustees shall comply with the  
 3605 provisions of s. 287.055 for the procurement of professional  
 3606 services as defined therein. Any acquisition pursuant to this  
 3607 paragraph is subject to the provisions of s. 1010.62.

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3608        (b) Each board of trustees shall have responsibility for  
3609 the use, maintenance, protection, and control of university-  
3610 owned or university-controlled buildings and grounds, property  
3611 and equipment, name, trademarks and other proprietary marks, and  
3612 the financial and other resources of the university pursuant to  
3613 guidelines of the Board of Governors. Such authority may include  
3614 placing restrictions on activities and on access to facilities,  
3615 firearms, food, tobacco, alcoholic beverages, distribution of  
3616 printed materials, commercial solicitation, animals, and sound.  
3617 The authority vested in the board of trustees in this subsection  
3618 includes the prioritization of the use of space, property,  
3619 equipment, and resources and the imposition of charges for those  
3620 items.

3621        (c) To the extent delegated by the Board of Governors  
3622 pursuant to s. 1001.706, each board of trustees shall administer  
3623 a program for the maintenance and construction of facilities  
3624 pursuant to chapter 1013.

3625        (d) To the extent delegated by the Board of Governors  
3626 pursuant to s. 1001.706, each board of trustees shall ensure  
3627 compliance with the provisions of s. 287.09451 for all  
3628 procurement and ss. 255.101 and 255.102 for construction  
3629 contracts, and rules adopted pursuant thereto, relating to the  
3630 utilization of minority business enterprises, except that  
3631 procurements costing less than the amount provided for in  
3632 CATEGORY FIVE as provided in s. 287.017 shall not be subject to  
3633 s. 287.09451.

3634        (e) Each board of trustees may exercise the right of  
3635 eminent domain pursuant to the provisions of chapter 1013. Any

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3636 suits or actions brought by the board of trustees shall be  
3637 brought in the name of the board of trustees, and the Department  
3638 of Legal Affairs shall conduct the proceedings for, and act as  
3639 the counsel of, the board of trustees.

3640 (f) Notwithstanding the provisions of s. 253.025 but  
3641 subject to the provisions of s. 1010.62, each board of trustees  
3642 may, to the extent delegated by the Board of Governors pursuant  
3643 to s. 1001.706 and with the consent of the Board of Trustees of  
3644 the Internal Improvement Trust Fund, sell, convey, transfer,  
3645 exchange, trade, or purchase real property and related  
3646 improvements necessary and desirable to serve the needs and  
3647 purposes of the university.

3648 1. To the extent delegated by the Board of Governors  
3649 pursuant to s. 1001.706, each board of trustees may secure  
3650 appraisals and surveys. The board of trustees shall comply with  
3651 the rules of the Board of Trustees of the Internal Improvement  
3652 Trust Fund in securing appraisals. Whenever the board of  
3653 trustees finds it necessary for timely property acquisition, it  
3654 may contract, without the need for competitive selection, with  
3655 one or more appraisers whose names are contained on the list of  
3656 approved appraisers maintained by the Division of State Lands in  
3657 the Department of Environmental Protection.

3658 2. To the extent delegated by the Board of Governors  
3659 pursuant to s. 1001.706, each board of trustees may negotiate  
3660 and enter into an option contract before an appraisal is  
3661 obtained. The option contract must state that the final purchase  
3662 price may not exceed the maximum value allowed by law. The  
3663 consideration for such an option contract may not exceed 10

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3664 percent of the estimate obtained by the board of trustees or 10  
3665 percent of the value of the parcel, whichever is greater, unless  
3666 otherwise authorized by the board of trustees.

3667 3. This paragraph is not intended to abrogate in any  
3668 manner the authority delegated to the Board of Trustees of the  
3669 Internal Improvement Trust Fund or the Division of State Lands  
3670 to approve a contract for purchase of state lands or to require  
3671 policies and procedures to obtain clear legal title to parcels  
3672 purchased for state purposes. Title to property acquired by a  
3673 university board of trustees prior to January 7, 2003, and to  
3674 property acquired with funds appropriated by the Legislature  
3675 shall vest in the Board of Trustees of the Internal Improvement  
3676 Trust Fund.

3677 (g) To the extent delegated by the Board of Governors  
3678 pursuant to s. 1001.706, each board of trustees shall prepare  
3679 and adopt a campus master plan pursuant to s. 1013.30.

3680 (h) To the extent delegated by the Board of Governors  
3681 pursuant to s. 1001.706, each board of trustees shall prepare,  
3682 adopt, and execute a campus development agreement pursuant to s.  
3683 1013.30.

3684 (i) Notwithstanding the provisions of s. 216.351 and to  
3685 the extent delegated by the Board of Governors pursuant to s.  
3686 1001.706, a board of trustees may authorize the rent or lease of  
3687 parking facilities, provided that such facilities are funded  
3688 through parking fees or parking fines imposed by a university.  
3689 With authorization from the Board of Governors, a board of  
3690 trustees may charge fees for parking at such rented or leased  
3691 parking facilities.

3692           (j) Each board of trustees shall adjust property records  
 3693 and dispose of state-owned tangible property in the university's  
 3694 custody in accordance with procedures established by the board  
 3695 of trustees in accordance with the provisions of chapter 273.  
 3696 Notwithstanding the provisions of s. 273.055(5), all moneys  
 3697 received from the disposition of state-owned tangible personal  
 3698 property shall be retained by the university and disbursed for  
 3699 the acquisition of tangible personal property and for all  
 3700 necessary operating expenditures. The university shall maintain  
 3701 records of the accounts into which such moneys are deposited.

3702           (7) COMPLIANCE WITH LAWS, RULES, REGULATIONS, AND  
 3703 REQUIREMENTS.--Each board of trustees has responsibility for  
 3704 compliance with state and federal laws, rules, regulations, and  
 3705 requirements.

3706           (8) OTHER POWERS AND DUTIES.--A board of trustees shall  
 3707 perform such other duties as are provided by law or at the  
 3708 direction of the Board of Governors.

3709           Section 79. Paragraph (a) of subsection (2) and subsection  
 3710 (4) of section 1002.35, Florida Statutes, are amended to read:

3711           1002.35 New World School of the Arts.--

3712           (2) (a) For purposes of governance, the New World School of  
 3713 the Arts is assigned to Miami-Dade ~~Community~~ College, the Dade  
 3714 County School District, and one or more universities designated  
 3715 by the State Board of Education. The State Board of Education,  
 3716 in consultation with the Board of Governors, shall assign to the  
 3717 New World School of the Arts a university partner or partners.  
 3718 In this selection, the State Board of Education and the Board of  
 3719 Governors shall consider the accreditation status of the core

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3720 programs. Florida International University, in its capacity as  
 3721 the provider of university services to Dade County, shall be a  
 3722 partner to serve the New World School of the Arts, upon meeting  
 3723 the accreditation criteria. The respective boards shall appoint  
 3724 members to an executive board for administration of the school.  
 3725 The executive board may include community members and shall  
 3726 reflect proportionately the participating institutions. Miami-  
 3727 Dade ~~Community~~ College shall serve as fiscal agent for the  
 3728 school.

3729 (4) The State Board of Education and the Board of  
 3730 Governors shall utilize resources, programs, and faculty from  
 3731 the various state universities in planning and providing the  
 3732 curriculum and courses at the New World School of the Arts,  
 3733 drawing on program strengths at each state university.

3734 Section 80. Subsection (8) of section 1002.41, Florida  
 3735 Statutes, is amended, subsection (9) is renumbered as subsection  
 3736 (10), and a new subsection (9) is added to that section, to  
 3737 read:

3738 1002.41 Home education programs.--

3739 (8) Home education students are eligible for admission to  
 3740 state universities in accordance with the policies and  
 3741 guidelines of the Board of Governors ~~provisions of s. 1007.261.~~

3742 (9) A home education student who has completed a home  
 3743 education program in accordance with this section shall not be  
 3744 required to document completion of a specified 18-credit college  
 3745 preparatory curriculum.

3746 Section 81. Subsections (1) and (3) of section 1004.03,  
 3747 Florida Statutes, are amended to read:

3748 1004.03 Program approval.--

3749 (1) The Board of Governors ~~State Board of Education~~ shall  
 3750 establish criteria for the approval of new programs at state  
 3751 universities that will receive any support from tuition and fees  
 3752 assessed pursuant to s. 1009.24 or from funds appropriated by  
 3753 the Legislature through the General Appropriations Act or other  
 3754 law. These, which criteria include, but are not limited to, the  
 3755 following:

3756 (a) New programs may not be approved unless the same  
 3757 objectives cannot be met through use of educational technology.

3758 (b) Unnecessary duplication of programs offered by public  
 3759 and independent institutions shall be avoided.

3760 (c) Cooperative programs, particularly within regions,  
 3761 should be encouraged.

3762 (d) New programs shall be approved only if they are  
 3763 consistent with the strategic plan ~~state master plans~~ adopted by  
 3764 the Board of Governors ~~State Board of Education~~.

3765 (e) A new graduate-level program or professional-level  
 3766 program may be approved if:

3767 1. The university has taken into account the offerings of  
 3768 its counterparts, including institutions in other sectors,  
 3769 particularly at the regional level.

3770 2. The addition of the program will not alter the emphasis  
 3771 on undergraduate education.

3772 3. The regional need and demand for the ~~graduate~~ program  
 3773 was addressed and the community needs are obvious.

3774 (3) New colleges, schools, or functional equivalents of  
 3775 any program that leads ~~leading~~ to a degree that is offered as a



3776 | credential for a specific license granted under the Florida  
 3777 | Statutes or the State Constitution and that will receive any  
 3778 | support from tuition and fees or from funds appropriated by the  
 3779 | Legislature through the General Appropriations Act or other law  
 3780 | shall not be established without the specific approval of the  
 3781 | Legislature.

3782 |         Section 82. Paragraph (b) of subsection (5) of section  
 3783 | 1004.04, Florida Statutes, is amended to read:

3784 |         1004.04 Public accountability and state approval for  
 3785 | teacher preparation programs.--

3786 |         (5) CONTINUED PROGRAM APPROVAL.--Notwithstanding  
 3787 | subsection (4), failure by a public or nonpublic teacher  
 3788 | preparation program to meet the criteria for continued program  
 3789 | approval shall result in loss of program approval. The  
 3790 | Department of Education, in collaboration with the departments  
 3791 | and colleges of education, shall develop procedures for  
 3792 | continued program approval that document the continuous  
 3793 | improvement of program processes and graduates' performance.

3794 |         (b) Additional criteria for continued program approval for  
 3795 | public institutions may be approved by the State Board of  
 3796 | Education. Such criteria must emphasize instruction in classroom  
 3797 | management and must provide for the evaluation of the teacher  
 3798 | candidates' performance in this area. The criteria shall also  
 3799 | require instruction in working with underachieving students.  
 3800 | Program evaluation procedures must include, but are not limited  
 3801 | to, program graduates' satisfaction with instruction and the  
 3802 | program's responsiveness to local school districts. Additional  
 3803 | criteria for continued program approval for nonpublic

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3804 institutions shall be developed in the same manner as for public  
3805 institutions; however, such criteria must be based upon  
3806 significant, objective, and quantifiable graduate performance  
3807 measures. Responsibility for collecting data on outcome measures  
3808 through survey instruments and other appropriate means shall be  
3809 shared by the postsecondary educational institutions and the  
3810 Department of Education. By January 1 of each year, the  
3811 Department of Education shall report this information for each  
3812 postsecondary educational institution that has state-approved  
3813 programs of teacher education to the Governor, the State Board  
3814 of Education, the Board of Governors, the Commissioner of  
3815 Education, the President of the Senate, the Speaker of the House  
3816 of Representatives, all Florida postsecondary teacher  
3817 preparation programs, and interested members of the public. This  
3818 report must analyze the data and make recommendations for  
3819 improving teacher preparation programs in the state.

3820 Section 83. Section 1004.07, Florida Statutes, is amended  
3821 to read:

3822 1004.07 Student withdrawal from courses due to military  
3823 service; effect.--

3824 (1) Each district school board, community college ~~district~~  
3825 board of trustees, and state university board of trustees shall  
3826 establish, ~~by rule and pursuant to guidelines of the State Board~~  
3827 ~~of Education~~, policies regarding currently enrolled students who  
3828 are called to, or enlist in, active military service.

3829 (2) Such policies shall provide that any student enrolled  
3830 in a postsecondary course or courses at a career center, a  
3831 public community college, a public college, or a state

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3832 university shall not incur academic or financial penalties by  
3833 virtue of performing military service on behalf of our country.  
3834 Such student shall be permitted the option of either completing  
3835 the course or courses at a later date without penalty or  
3836 withdrawing from the course or courses with a full refund of  
3837 fees paid. If the student chooses to withdraw, the student's  
3838 record shall reflect that the withdrawal is due to active  
3839 military service.

3840 (3) Policies of district school boards and community  
3841 college boards of trustees shall be established by rule and  
3842 pursuant to guidelines of the State Board of Education.

3843 (4) Policies of state university boards of trustees shall  
3844 be established by rule and pursuant to guidelines of the Board  
3845 of Governors.

3846 Section 84. Section 1004.21, Florida Statutes, is amended  
3847 to read:

3848 (Substantial rewording of section. See s. 1004.21, F.S.,  
3849 for present text.)

3850 1004.21 State universities; general provisions.--Pursuant  
3851 to s. 3, Art. II and s. 7, Art. IX of the State Constitution,  
3852 state universities are part of the executive branch of state  
3853 government and are administered by a board of trustees as  
3854 provided in s. 1001.74.

3855 Section 85. Subsections (1), (2), (6), and (7) of section  
3856 1004.22, Florida Statutes, are amended to read:

3857 1004.22 Divisions of sponsored research at state  
3858 universities.--

3859           (1) Each university is authorized to create, in accordance  
 3860 with guidelines of the Board of Governors ~~as it deems advisable,~~  
 3861 divisions of sponsored research which will serve the function of  
 3862 administration and promotion of the programs of research,  
 3863 including sponsored training programs, of the university at  
 3864 which they are located. ~~A division of sponsored research created~~  
 3865 ~~under the provisions of this section shall be under the~~  
 3866 ~~supervision of the president of that university.~~

3867           (2) The university shall set such policies to regulate the  
 3868 activities of the divisions of sponsored research as it may  
 3869 consider necessary ~~to effectuate the purposes of this act and to~~  
 3870 administer the research programs in a manner which assures  
 3871 efficiency and effectiveness, producing the maximum benefit for  
 3872 the educational programs and maximum service to the state. To  
 3873 this end, materials that relate to methods of manufacture or  
 3874 production, potential trade secrets, potentially patentable  
 3875 material, actual trade secrets, business transactions, or  
 3876 proprietary information received, generated, ascertained, or  
 3877 discovered during the course of research conducted within the  
 3878 state universities shall be confidential and exempt from the  
 3879 provisions of s. 119.07(1), except that a division of sponsored  
 3880 research shall make available upon request the title and  
 3881 description of a research project, the name of the researcher,  
 3882 and the amount and source of funding provided for such project.

3883           (6) (a) Each university shall submit to the Board of  
 3884 Governors ~~State Board of Education~~ a report of the activities of  
 3885 each division of sponsored research together with an estimated  
 3886 budget for the next fiscal year.

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3887 (b) Not less than 90 days prior to the convening of each  
 3888 regular session of the Legislature in which an appropriation  
 3889 shall be made, the Board of Governors ~~State Board of Education~~  
 3890 shall submit to the chair of the appropriations committee of  
 3891 each house of the Legislature a compiled report, together with a  
 3892 compiled estimated budget for the next fiscal year. A copy of  
 3893 such report and estimated budget shall be furnished to the  
 3894 Governor, as the chief budget officer of the state.

3895 (7) All purchases of a division of sponsored research  
 3896 shall be made in accordance with the policies and procedures of  
 3897 the university pursuant to guidelines of the Board of Governors;  
 3898 however, upon certification addressed to the university  
 3899 president that it is necessary for the efficient or expeditious  
 3900 prosecution of a research project, the president may exempt the  
 3901 purchase of material, supplies, equipment, or services for  
 3902 research purposes from the general purchasing requirement of the  
 3903 Florida Statutes.

3904 Section 86. Section 1004.24, Florida Statutes, is amended  
 3905 to read:

3906 1004.24 Board of Governors, or the board's designee, State  
 3907 ~~Board of Education~~ authorized to secure liability insurance.--

3908 (1) The Board of Governors, or the board's designee, State  
 3909 ~~Board of Education~~ is authorized to secure, or otherwise provide  
 3910 as a self-insurer, or by a combination thereof, comprehensive  
 3911 general liability insurance, including professional liability  
 3912 for health care and veterinary sciences, for:

3913 (a) The Board of Governors ~~State Board of Education~~ and  
 3914 its officers and members.

3915 (b) A university board of trustees and its officers and  
 3916 members.

3917 (c) The faculty and other employees and agents of a  
 3918 university board of trustees.

3919 (d) The students of a state university.

3920 (e) A state university or any college, school, institute,  
 3921 center, or program thereof.

3922 (f) Any not-for-profit corporation organized pursuant to  
 3923 chapter 617, and the directors, officers, employees, and agents  
 3924 thereof, which is affiliated with a state university, if the  
 3925 corporation is operated for the benefit of the state university  
 3926 in a manner consistent with the best interests of the state, and  
 3927 if such participation is approved by a self-insurance program  
 3928 council, the university president, and the board of trustees.

3929 (2) In the event the Board of Governors, or the board's  
 3930 designee, State Board of Education adopts a self-insurance  
 3931 program, a governing council chaired by the vice president for  
 3932 health affairs or his or her academic equivalent shall be  
 3933 established to administer the program and its duties and  
 3934 responsibilities, including the administration of self-insurance  
 3935 program assets and expenditure policies, which shall be defined  
 3936 in rules as authorized by this section. The council shall have  
 3937 an annual actuary review performed to establish funding  
 3938 requirements to maintain the fiscal integrity of the self-  
 3939 insurance program. The assets of a self-insurance program shall  
 3940 be deposited outside the State Treasury and shall be  
 3941 administered in accordance with rules as authorized by this  
 3942 section.

3943 (3) Any self-insurance program created under this section  
 3944 shall be funded by the entities and individuals protected by  
 3945 such program. There shall be no funds appropriated to any self-  
 3946 insurance program. The assets of the self-insurance program  
 3947 shall be the property of the board that adopts the self-  
 3948 insurance program ~~State Board of Education~~ and shall be used  
 3949 only to pay the administrative expenses of the self-insurance  
 3950 program and to pay any claim, judgment, or claims bill arising  
 3951 out of activities for which the self-insurance program was  
 3952 created. Investment income that is in excess of that income  
 3953 necessary to ensure the solvency of a self-insurance program as  
 3954 established by a casualty actuary may be used to defray the  
 3955 annual contribution paid into the program by the entities and  
 3956 individuals protected by the program.

3957 (4) No self-insurance program adopted by the Board of  
 3958 Governors, or the board's designee, ~~State Board of Education~~ may  
 3959 sue or be sued. The claims files of any such program are  
 3960 privileged and confidential, exempt from the provisions of s.  
 3961 119.07(1), and are only for the use of the program in fulfilling  
 3962 its duties. Any self-insurance trust fund and revenues generated  
 3963 by that fund shall only be used to pay claims and administration  
 3964 expenses.

3965 (5) Each self-insurance program council shall make  
 3966 provision for an annual financial audit pursuant to s. 11.45 of  
 3967 its accounts to be conducted by an independent certified public  
 3968 accountant. The annual audit report must include a management  
 3969 letter and shall be submitted to the Board of Governors and the  
 3970 university board of trustees ~~State Board of Education~~ for

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3971 review. The Board of Governors ~~State Board of Education~~ shall  
 3972 have the authority to require and receive from the self-  
 3973 insurance program council or from its independent auditor any  
 3974 detail or supplemental data relative to the operation of the  
 3975 self-insurance program.

3976 ~~(6) The State Board of Education may make such rules as~~  
 3977 ~~are necessary to carry out the provisions of this section.~~

3978 Section 87. Section 1004.25, Florida Statutes, is amended  
 3979 to read:

3980 1004.25 State universities; payment of costs of civil  
 3981 action.--

3982 (1) A university may defray all costs of defending any  
 3983 civil action brought against any officer or employee of the  
 3984 university for any act or omission arising out of and in the  
 3985 course of the performance of his or her duties and  
 3986 responsibilities, which costs may include reasonable attorney's  
 3987 fees and expenses together with costs of appeal, and may save  
 3988 harmless and protect such person from any financial loss  
 3989 resulting from the lawful performance of his or her duties and  
 3990 responsibilities. Claims based on such actions or omissions may  
 3991 be settled prior to or after the filing of suit thereon. The  
 3992 university may arrange for and pay the premium for appropriate  
 3993 insurance to cover all such losses and expenses. The university  
 3994 may use funds available, not subject to the obligation of  
 3995 contract, covenant, or trust, to carry out the purposes of this  
 3996 section in the amount necessary. However, any attorney's fees  
 3997 paid from public funds for any officer or employee who is found  
 3998 to be personally liable by virtue of acting outside the scope of



3999 his or her employment or acting in bad faith, with malicious  
 4000 purpose, or in a manner exhibiting wanton and willful disregard  
 4001 of human rights, safety, or property may be recovered by the  
 4002 state, county, municipality, or political subdivision in a civil  
 4003 action against such officer or employee.

4004 (2) Failure by the university to perform any act  
 4005 authorized by this section shall not constitute a cause of  
 4006 action against the university or its members, officers, or  
 4007 employees.

4008 Section 88. Paragraph (c) is added to subsection (1) of  
 4009 section 1004.28, Florida Statutes, and paragraph (b) of  
 4010 subsection (2) and subsections (5), (6), and (7) of that section  
 4011 are amended, to read:

4012 1004.28 Direct-support organizations; use of property;  
 4013 board of directors; activities; audit; facilities.--

4014 (1) DEFINITIONS.--For the purposes of this section:

4015 (c) "Property" does not include student fee revenues  
 4016 collected pursuant to s. 1009.24.

4017 (2) USE OF PROPERTY.--

4018 (b) The board of trustees, in accordance with rules and  
 4019 guidelines of the Board of Governors, shall prescribe by rule  
 4020 conditions with which a university direct-support organization  
 4021 must comply in order to use property, facilities, or personal  
 4022 services at any state university. Such rules shall provide for  
 4023 budget and audit review and oversight by the board of trustees.

4024 (5) ANNUAL AUDIT.--Each direct-support organization shall  
 4025 provide for an annual financial audit of its accounts and  
 4026 records to be conducted by an independent certified public

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4027 accountant in accordance with rules adopted by the Auditor  
 4028 General pursuant to s. 11.45(8) and by the university board of  
 4029 trustees. The annual audit report shall be submitted, within 9  
 4030 months after the end of the fiscal year, to the Auditor General  
 4031 and the Board of Governors ~~State Board of Education~~ for review.  
 4032 The Board of Governors ~~State Board of Education~~, the university  
 4033 board of trustees, the Auditor General, and the Office of  
 4034 Program Policy Analysis and Government Accountability shall have  
 4035 the authority to require and receive from the organization or  
 4036 from its independent auditor any records relative to the  
 4037 operation of the organization. The identity of donors who desire  
 4038 to remain anonymous shall be protected, and that anonymity shall  
 4039 be maintained in the auditor's report. All records of the  
 4040 organization other than the auditor's report, management letter,  
 4041 and any supplemental data requested by the Board of Governors  
 4042 ~~State Board of Education~~, the university board of trustees, the  
 4043 Auditor General, and the Office of Program Policy Analysis and  
 4044 Government Accountability shall be confidential and exempt from  
 4045 the provisions of s. 119.07(1).

4046 (6) FACILITIES.--~~In addition to issuance of indebtedness~~  
 4047 ~~pursuant to s. 1010.60(2)~~, Each direct-support organization is  
 4048 authorized to enter into agreements to finance, design and  
 4049 construct, lease, lease-purchase, purchase, or operate  
 4050 facilities necessary and desirable to serve the needs and  
 4051 purposes of the university, as determined by the systemwide  
 4052 strategic plan adopted by the Board of Governors ~~State Board of~~  
 4053 ~~Education~~. Such agreements are subject to the provisions of ss.  
 4054 ~~s.~~ 1013.171 and 1010.62.

4055 (7) ANNUAL BUDGETS AND REPORTS.--Each direct-support  
 4056 organization shall submit to the university president and the  
 4057 Board of Governors ~~State Board of Education~~ its federal Internal  
 4058 Revenue Service Application for Recognition of Exemption form  
 4059 (Form 1023) and its federal Internal Revenue Service Return of  
 4060 Organization Exempt from Income Tax form (Form 990).

4061 Section 89. Subsections (3) and (5) of section 1004.29,  
 4062 Florida Statutes, are amended to read:

4063 1004.29 University health services support  
 4064 organizations.--

4065 (3) A state university board of trustees, in accordance  
 4066 with rules and guidelines of the Board of Governors, may  
 4067 prescribe, by rule, conditions with which a university health  
 4068 services support organization must comply in order to be  
 4069 certified and to use property, facilities, or personal services  
 4070 at any state university. The rules must provide for budget,  
 4071 audit review, and oversight by the board of trustees. Such rules  
 4072 shall provide that the university health services support  
 4073 organization may provide salary supplements and other  
 4074 compensation or benefits for university faculty and staff  
 4075 employees only as set forth in the organization's budget, which  
 4076 shall be subject to approval by the university president.

4077 (5) Each university health services support organization  
 4078 shall provide for an annual financial audit in accordance with  
 4079 s. 1004.28(5). The auditor's report, management letter, and any  
 4080 supplemental data requested by the Board of Governors ~~State~~  
 4081 ~~Board of Education~~, the university board of trustees, and the

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4082 Auditor General shall be considered public records, pursuant to  
 4083 s. 119.07.

4084 Section 90. Subsection (5) of section 1004.39, Florida  
 4085 Statutes, is amended to read:

4086 1004.39 College of law at Florida International  
 4087 University.--

4088 (5) ~~The Florida International University Board of Trustees~~  
 4089 ~~shall commence the planning of a college of law at Florida~~  
 4090 ~~International University. In planning the college of law, The~~  
 4091 Florida International University Board of Trustees and the Board  
 4092 of Governors State Board of Education may accept grants,  
 4093 donations, gifts, and moneys available for this purpose,  
 4094 including moneys for planning and constructing the college. The  
 4095 Florida International University Board of Trustees may procure  
 4096 and accept any federal funds that are available for the  
 4097 planning, creation, and establishment of the college of law.  
 4098 ~~Classes must commence by the fall semester 2003.~~ If the American  
 4099 Bar Association or any other nationally recognized association  
 4100 for the accreditation of colleges of law issues a third  
 4101 disapproval of an application for provisional approval or for  
 4102 full approval or fails to grant, within 5 years following the  
 4103 graduation of the first class, a provisional approval, to the  
 4104 college of law at Florida International University, the Board of  
 4105 Governors State Board of Education shall make recommendations to  
 4106 the Governor and the Legislature as to whether the college of  
 4107 law will cease operations at the end of the full academic year  
 4108 subsequent to the receipt by the college of law of any such  
 4109 third disapproval, or whether the college of law will continue

4110 operations and any conditions for continued operations. If the  
 4111 college of law ceases operations pursuant to this section, the  
 4112 following conditions apply:

4113 (a) The authority for the college of law at Florida  
 4114 International University and the authority of the Florida  
 4115 International University Board of Trustees and the Board of  
 4116 Governors ~~State Board of Education~~ provided in this section  
 4117 shall terminate upon the cessation of operations of the college  
 4118 of law at Florida International University. The college of law  
 4119 at Florida International University shall receive no moneys  
 4120 allocated for the planning, construction, or operation of the  
 4121 college of law after its cessation of operations other than  
 4122 moneys to be expended for the cessation of operations of the  
 4123 college of law. Any moneys allocated to the college of law at  
 4124 Florida International University not expended prior to or  
 4125 scheduled to be expended after the date of the cessation of the  
 4126 college of law shall be appropriated for other use by the  
 4127 Legislature of the State of Florida.

4128 (b) Any buildings of the college of law at Florida  
 4129 International University constructed from the expenditure of  
 4130 capital outlay funds appropriated by the Legislature shall be  
 4131 owned by the Board of Trustees of the Internal Improvement Trust  
 4132 Fund and managed by the Florida International University Board  
 4133 of Trustees upon the cessation of the college of law.

4134  
 4135 Nothing in this section shall undermine commitments to current  
 4136 students receiving support as of the date of the enactment of  
 4137 this section from the law school scholarship program of the

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4138 Florida Education Fund as provided in s. 1009.70(8). Students  
 4139 attending the college of law at Florida International University  
 4140 shall be eligible for financial, academic, or other support from  
 4141 the Florida Education Fund as provided in s. 1009.70(8) without  
 4142 the college's obtaining accreditation by the American Bar  
 4143 Association.

4144 Section 91. Subsection (5) of section 1004.40, Florida  
 4145 Statutes, is amended to read:

4146 1004.40 College of law at Florida Agricultural and  
 4147 Mechanical University.--

4148 (5) ~~The Florida Agricultural and Mechanical University~~  
 4149 ~~Board of Trustees shall commence the planning of a college of~~  
 4150 ~~law under the auspices of Florida Agricultural and Mechanical~~  
 4151 ~~University to be located in the I 4 corridor area. In planning~~  
 4152 ~~the college of law,~~ The Florida Agricultural and Mechanical  
 4153 University Board of Trustees and the Board of Governors State  
 4154 ~~Board of Education~~ may accept grants, donations, gifts, and  
 4155 moneys available for this purpose, including moneys for planning  
 4156 and constructing the college. The Florida Agricultural and  
 4157 Mechanical University Board of Trustees may procure and accept  
 4158 any federal funds that are available for the planning, creation,  
 4159 and establishment of the college of law. ~~Classes must commence~~  
 4160 ~~by the fall semester 2003.~~ If the American Bar Association or  
 4161 any other nationally recognized association for the  
 4162 accreditation of colleges of law issues a third disapproval of  
 4163 an application for provisional approval or for full approval or  
 4164 fails to grant, within 5 years following the graduation of the  
 4165 first class, a provisional approval, to the college of law at

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4166 Florida Agricultural and Mechanical University, the Board of  
 4167 Governors State Board of Education shall make recommendations to  
 4168 the Governor and Legislature as to whether the college of law  
 4169 will cease operations at the end of the full academic year  
 4170 subsequent to the receipt by the college of law of any such  
 4171 third disapproval, or whether the college of law will continue  
 4172 operations and any conditions for continued operations. If the  
 4173 college of law ceases operations of the college of law pursuant  
 4174 to this section, the following conditions apply:

4175 (a) The authority for the college of law at Florida  
 4176 Agricultural and Mechanical University and the authority of the  
 4177 Florida Agricultural and Mechanical University Board of Trustees  
 4178 and the Board of Governors State Board of Education provided in  
 4179 this section shall terminate upon the cessation of operations of  
 4180 the college of law at Florida Agricultural and Mechanical  
 4181 University. The college of law at Florida Agricultural and  
 4182 Mechanical University shall receive no moneys allocated for the  
 4183 planning, construction, or operation of the college of law after  
 4184 its cessation of operations other than moneys to be expended for  
 4185 the cessation of operations of the college of law. Any moneys  
 4186 allocated to the college of law at Florida Agricultural and  
 4187 Mechanical University not expended prior to or scheduled to be  
 4188 expended after the date of the cessation of the college of law  
 4189 shall be appropriated for other use by the Legislature of the  
 4190 State of Florida.

4191 (b) Any buildings of the college of law at Florida  
 4192 Agricultural and Mechanical University constructed from the  
 4193 expenditure of capital outlay funds appropriated by the

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4194 Legislature shall be owned by the Board of Trustees of the  
 4195 Internal Improvement Trust Fund and managed by the Florida  
 4196 Agricultural and Mechanical University Board of Trustees upon  
 4197 the cessation of the college of law.

4198  
 4199 Nothing in this section shall undermine commitments to current  
 4200 students receiving support as of the date of the enactment of  
 4201 this section from the law school scholarship program of the  
 4202 Florida Education Fund as provided in s. 1009.70(8). Students  
 4203 attending the college of law at Florida Agricultural and  
 4204 Mechanical University shall be eligible for financial, academic,  
 4205 or other support from the Florida Education Fund as provided in  
 4206 s. 1009.70(8) without the college's obtaining accreditation by  
 4207 the American Bar Association.

4208 Section 92. Paragraph (e) of subsection (4) of section  
 4209 1004.41, Florida Statutes, is amended to read:

4210 1004.41 University of Florida; J. Hillis Miller Health  
 4211 Center.--

4212 (4)

4213 (e) In the event that the lease of the hospital facilities  
 4214 to the not-for-profit corporation is terminated for any reason,  
 4215 the University of Florida Board of Trustees shall resume  
 4216 management and operation of the hospital facilities. In such  
 4217 event, the University of Florida Board of Trustees  
 4218 ~~Administration Commission~~ is authorized to utilize ~~appropriate~~  
 4219 revenues generated from the operation of the hospital facilities  
 4220 ~~to the University of Florida Board of Trustees~~ to pay the costs



4221 and expenses of operating the hospital facility for the  
 4222 remainder of the fiscal year in which such termination occurs.

4223 Section 93. Subsections (1) through (4), paragraphs (a)  
 4224 and (g) of subsection (5), and paragraph (b) of subsection (8)  
 4225 of section 1004.43, Florida Statutes, are amended to read:

4226 1004.43 H. Lee Moffitt Cancer Center and Research  
 4227 Institute.--There is established the H. Lee Moffitt Cancer  
 4228 Center and Research Institute at the University of South  
 4229 Florida.

4230 (1) The Board of Governors ~~State Board of Education~~ shall  
 4231 enter into an agreement for the utilization of the facilities on  
 4232 the campus of the University of South Florida to be known as the  
 4233 H. Lee Moffitt Cancer Center and Research Institute, including  
 4234 all furnishings, equipment, and other chattels used in the  
 4235 operation of said facilities, with a Florida not-for-profit  
 4236 corporation organized solely for the purpose of governing and  
 4237 operating the H. Lee Moffitt Cancer Center and Research  
 4238 Institute. This not-for-profit corporation, acting as an  
 4239 instrumentality of the State of Florida, shall govern and  
 4240 operate the H. Lee Moffitt Cancer Center and Research Institute  
 4241 in accordance with the terms of the agreement between the Board  
 4242 of Governors ~~State Board of Education~~ and the not-for-profit  
 4243 corporation. The not-for-profit corporation may, with the prior  
 4244 approval of the Board of Governors ~~State Board of Education~~,  
 4245 create either for-profit or not-for-profit corporate  
 4246 subsidiaries, or both, to fulfill its mission. For-profit  
 4247 subsidiaries of the not-for-profit corporation may not compete  
 4248 with for-profit health care providers in the delivery of

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4249 radiation therapy services to patients. The not-for-profit  
4250 corporation and its subsidiaries are authorized to receive,  
4251 hold, invest, and administer property and any moneys received  
4252 from private, local, state, and federal sources, as well as  
4253 technical and professional income generated or derived from  
4254 practice activities of the institute, for the benefit of the  
4255 institute and the fulfillment of its mission. The affairs of the  
4256 corporation shall be managed by a board of directors who shall  
4257 serve without compensation. The President of the University of  
4258 South Florida and the chair of the Board of Governors State  
4259 ~~Board of Education~~, or his or her designee, shall be directors  
4260 of the not-for-profit corporation, together with 5  
4261 representatives of the state universities and no more than 14  
4262 nor fewer than 10 directors who are not medical doctors or state  
4263 employees. Each director shall have only one vote, shall serve a  
4264 term of 3 years, and may be reelected to the board. Other than  
4265 the President of the University of South Florida and the chair  
4266 of the Board of Governors State ~~Board of Education~~, directors  
4267 shall be elected by a majority vote of the board. The chair of  
4268 the board of directors shall be selected by majority vote of the  
4269 directors.

4270 (2) The Board of Governors State ~~Board of Education~~ shall  
4271 provide in the agreement with the not-for-profit corporation for  
4272 the following:

4273 (a) Approval of the articles of incorporation of the not-  
4274 for-profit corporation by the Board of Governors State ~~Board of~~  
4275 ~~Education~~.

4276 (b) Approval of the articles of incorporation of any not-  
 4277 for-profit corporate subsidiary created by the not-for-profit  
 4278 corporation.

4279 (c) Utilization of lands, facilities, and personnel by the  
 4280 not-for-profit corporation and its subsidiaries for research,  
 4281 education, treatment, prevention, and the early detection of  
 4282 cancer and for mutually approved teaching and research programs  
 4283 conducted by the University of South Florida or other accredited  
 4284 medical schools or research institutes.

4285 (d) Preparation of an annual financial audit of the not-  
 4286 for-profit corporation's accounts and records and the accounts  
 4287 and records of any subsidiaries to be conducted by an  
 4288 independent certified public accountant. The annual audit report  
 4289 shall include a management letter, as defined in s. 11.45, and  
 4290 shall be submitted to the Auditor General and the Board of  
 4291 Governors State Board of Education. The Board of Governors State  
 4292 Board of Education, the Auditor General, and the Office of  
 4293 Program Policy Analysis and Government Accountability shall have  
 4294 the authority to require and receive from the not-for-profit  
 4295 corporation and any subsidiaries or from their independent  
 4296 auditor any detail or supplemental data relative to the  
 4297 operation of the not-for-profit corporation or subsidiary.

4298 (e) Provision by the not-for-profit corporation and its  
 4299 subsidiaries of equal employment opportunities to all persons  
 4300 regardless of race, color, religion, sex, age, or national  
 4301 origin.

4302 (3) The Board of Governors State Board of Education is  
 4303 authorized to secure comprehensive general liability protection,

4304 including professional liability protection, for the not-for-  
 4305 profit corporation and its subsidiaries pursuant to s. 1004.24.  
 4306 The not-for-profit corporation and its subsidiaries shall be  
 4307 exempt from any participation in any property insurance trust  
 4308 fund established by law, including any property insurance trust  
 4309 fund established pursuant to chapter 284, so long as the not-  
 4310 for-profit corporation and its subsidiaries maintain property  
 4311 insurance protection with comparable or greater coverage limits.

4312 (4) In the event that the agreement between the not-for-  
 4313 profit corporation and the Board of Governors ~~State Board of~~  
 4314 ~~Education~~ is terminated for any reason, the Board of Governors  
 4315 ~~State Board of Education~~ shall resume governance and operation  
 4316 of said facilities.

4317 (5) The institute shall be administered by a chief  
 4318 executive officer who shall serve at the pleasure of the board  
 4319 of directors of the not-for-profit corporation and who shall  
 4320 have the following powers and duties subject to the approval of  
 4321 the board of directors:

4322 (a) The chief executive officer shall establish programs  
 4323 which fulfill the mission of the institute in research,  
 4324 education, treatment, prevention, and the early detection of  
 4325 cancer; however, the chief executive officer shall not establish  
 4326 academic programs for which academic credit is awarded and which  
 4327 terminate in the conference of a degree without prior approval  
 4328 of the Board of Governors ~~State Board of Education~~.

4329 (g) The chief executive officer shall provide a copy of  
 4330 the institute's annual report to the Governor and Cabinet, the  
 4331 President of the Senate, the Speaker of the House of

4332 Representatives, and the chair of the Board of Governors ~~State~~  
 4333 ~~Board of Education~~.

4334 (8)

4335 (b) Proprietary confidential business information is  
 4336 confidential and exempt from the provisions of s. 119.07(1) and  
 4337 s. 24(a), Art. I of the State Constitution. However, the Auditor  
 4338 General, the Office of Program Policy Analysis and Government  
 4339 Accountability, and the Board of Governors ~~State Board of~~  
 4340 ~~Education~~, pursuant to their oversight and auditing functions,  
 4341 must be given access to all proprietary confidential business  
 4342 information upon request and without subpoena and must maintain  
 4343 the confidentiality of information so received. As used in this  
 4344 paragraph, the term "proprietary confidential business  
 4345 information" means information, regardless of its form or  
 4346 characteristics, which is owned or controlled by the not-for-  
 4347 profit corporation or its subsidiaries; is intended to be and is  
 4348 treated by the not-for-profit corporation or its subsidiaries as  
 4349 private and the disclosure of which would harm the business  
 4350 operations of the not-for-profit corporation or its  
 4351 subsidiaries; has not been intentionally disclosed by the  
 4352 corporation or its subsidiaries unless pursuant to law, an order  
 4353 of a court or administrative body, a legislative proceeding  
 4354 pursuant to s. 5, Art. III of the State Constitution, or a  
 4355 private agreement that provides that the information may be  
 4356 released to the public; and which is information concerning:

- 4357 1. Internal auditing controls and reports of internal  
 4358 auditors;

4359           2. Matters reasonably encompassed in privileged attorney-  
4360 client communications;

4361           3. Contracts for managed-care arrangements, including  
4362 preferred provider organization contracts, health maintenance  
4363 organization contracts, and exclusive provider organization  
4364 contracts, and any documents directly relating to the  
4365 negotiation, performance, and implementation of any such  
4366 contracts for managed-care arrangements;

4367           4. Bids or other contractual data, banking records, and  
4368 credit agreements the disclosure of which would impair the  
4369 efforts of the not-for-profit corporation or its subsidiaries to  
4370 contract for goods or services on favorable terms;

4371           5. Information relating to private contractual data, the  
4372 disclosure of which would impair the competitive interest of the  
4373 provider of the information;

4374           6. Corporate officer and employee personnel information;

4375           7. Information relating to the proceedings and records of  
4376 credentialing panels and committees and of the governing board  
4377 of the not-for-profit corporation or its subsidiaries relating  
4378 to credentialing;

4379           8. Minutes of meetings of the governing board of the not-  
4380 for-profit corporation and its subsidiaries, except minutes of  
4381 meetings open to the public pursuant to subsection (9);

4382           9. Information that reveals plans for marketing services  
4383 that the corporation or its subsidiaries reasonably expect to be  
4384 provided by competitors;

4385           10. Trade secrets as defined in s. 688.002, including:

4386           a. Information relating to methods of manufacture or  
 4387 production, potential trade secrets, potentially patentable  
 4388 materials, or proprietary information received, generated,  
 4389 ascertained, or discovered during the course of research  
 4390 conducted by the not-for-profit corporation or its subsidiaries;  
 4391 and

4392           b. Reimbursement methodologies or rates;

4393           11. The identity of donors or prospective donors of  
 4394 property who wish to remain anonymous or any information  
 4395 identifying such donors or prospective donors. The anonymity of  
 4396 these donors or prospective donors must be maintained in the  
 4397 auditor's report; or

4398           12. Any information received by the not-for-profit  
 4399 corporation or its subsidiaries from an agency in this or  
 4400 another state or nation or the Federal Government which is  
 4401 otherwise exempt or confidential pursuant to the laws of this or  
 4402 another state or nation or pursuant to federal law.

4403  
 4404 As used in this paragraph, the term "managed care" means systems  
 4405 or techniques generally used by third-party payors or their  
 4406 agents to affect access to and control payment for health care  
 4407 services. Managed-care techniques most often include one or more  
 4408 of the following: prior, concurrent, and retrospective review of  
 4409 the medical necessity and appropriateness of services or site of  
 4410 services; contracts with selected health care providers;  
 4411 financial incentives or disincentives related to the use of  
 4412 specific providers, services, or service sites; controlled  
 4413 access to and coordination of services by a case manager; and

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4414 payor efforts to identify treatment alternatives and modify  
4415 benefit restrictions for high-cost patient care.

4416 Section 94. Subsections (2) through (5), paragraph (a) of  
4417 subsection (6), and paragraph (a) of subsection (9) of section  
4418 1004.445, Florida Statutes, are amended to read:

4419 1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and  
4420 Research Institute.--

4421 (2) (a) The Board of Governors ~~State Board of Education~~  
4422 shall enter into an agreement for the utilization of the  
4423 facilities on the campus of the University of South Florida to  
4424 be known as the Johnnie B. Byrd, Sr., Alzheimer's Center and  
4425 Research Institute, including all furnishings, equipment, and  
4426 other chattels used in the operation of those facilities, with a  
4427 Florida not-for-profit corporation organized solely for the  
4428 purpose of governing and operating the Johnnie B. Byrd, Sr.,  
4429 Alzheimer's Center and Research Institute. This not-for-profit  
4430 corporation, acting as an instrumentality of the state, shall  
4431 govern and operate the Johnnie B. Byrd, Sr., Alzheimer's Center  
4432 and Research Institute in accordance with the terms of the  
4433 agreement between the Board of Governors ~~State Board of~~  
4434 ~~Education~~ and the not-for-profit corporation. The not-for-profit  
4435 corporation may, with the prior approval of the Board of  
4436 Governors ~~State Board of Education~~, create either for-profit or  
4437 not-for-profit corporate subsidiaries, or both, to fulfill its  
4438 mission. The not-for-profit corporation and its subsidiaries are  
4439 authorized to receive, hold, invest, and administer property and  
4440 any moneys acquired from private, local, state, and federal  
4441 sources, as well as technical and professional income generated



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4442 or derived from practice activities of the institute, for the  
4443 benefit of the institute and the fulfillment of its mission.

4444 (b)1. The affairs of the not-for-profit corporation shall  
4445 be managed by a board of directors who shall serve without  
4446 compensation. The board of directors shall consist of the  
4447 President of the University of South Florida and the chair of  
4448 the Board of Governors ~~State Board of Education~~, or their  
4449 designees, 5 representatives of the state universities, and no  
4450 fewer than 9 nor more than 14 representatives of the public who  
4451 are neither medical doctors nor state employees. Each director  
4452 who is a representative of a state university or of the public  
4453 shall be appointed to serve a term of 3 years. The chair of the  
4454 board of directors shall be selected by a majority vote of the  
4455 directors. Each director shall have only one vote.

4456 2. The initial board of directors shall consist of the  
4457 President of the University of South Florida and the chair of  
4458 the Board of Governors ~~State Board of Education~~, or their  
4459 designees; the five university representatives, of whom one  
4460 shall be appointed by the Governor, two by the President of the  
4461 Senate, and two by the Speaker of the House of Representatives;  
4462 and nine public representatives, of whom three shall be  
4463 appointed by the Governor, three by the President of the Senate,  
4464 and three by the Speaker of the House of Representatives. Upon  
4465 the expiration of the terms of the initial appointed directors,  
4466 all directors subject to 3-year terms of office under this  
4467 paragraph shall be appointed by a majority vote of the directors  
4468 and the board may be expanded to include additional public  
4469 representative directors up to the maximum number allowed. Any

4470 vacancy in office shall be filled for the remainder of the term  
 4471 by majority vote of the directors. Any director may be  
 4472 reappointed.

4473 (3) The Board of Governors ~~State Board of Education~~ shall  
 4474 provide in the agreement with the not-for-profit corporation for  
 4475 the following:

4476 (a) Approval by the Board of Governors ~~State Board of~~  
 4477 ~~Education~~ of the articles of incorporation of the not-for-profit  
 4478 corporation.

4479 (b) Approval by the Board of Governors ~~State Board of~~  
 4480 ~~Education~~ of the articles of incorporation of any not-for-profit  
 4481 corporate subsidiary created by the not-for-profit corporation.

4482 (c) Utilization of lands, facilities, and personnel by the  
 4483 not-for-profit corporation and its subsidiaries for research,  
 4484 education, treatment, prevention, and the early detection of  
 4485 Alzheimer's disease and for mutually approved teaching and  
 4486 research programs conducted by the University of South Florida  
 4487 or other accredited medical schools or research institutes.

4488 (d) Preparation of an annual financial audit pursuant to  
 4489 s. 11.45 of the not-for-profit corporation's accounts and the  
 4490 accounts of any subsidiaries to be conducted by an independent  
 4491 certified public accountant. The annual audit report shall  
 4492 include management letters and shall be submitted to the Auditor  
 4493 General and the Board of Governors ~~State Board of Education~~ for  
 4494 review. The Board of Governors ~~State Board of Education~~, the  
 4495 Auditor General, and the Office of Program Policy Analysis and  
 4496 Government Accountability shall have the authority to require  
 4497 and receive from the not-for-profit corporation and any

4498 subsidiaries, or from their independent auditor, any detail or  
 4499 supplemental data relative to the operation of the not-for-  
 4500 profit corporation or subsidiary.

4501 (e) Provision by the not-for-profit corporation and its  
 4502 subsidiaries of equal employment opportunities for all persons  
 4503 regardless of race, color, religion, gender, age, or national  
 4504 origin.

4505 (4) The Board of Governors ~~State Board of Education~~ is  
 4506 authorized to secure comprehensive general liability protection,  
 4507 including professional liability protection, for the not-for-  
 4508 profit corporation and its subsidiaries, pursuant to s. 1004.24.  
 4509 The not-for-profit corporation and its subsidiaries shall be  
 4510 exempt from any participation in any property insurance trust  
 4511 fund established by law, including any property insurance trust  
 4512 fund established pursuant to chapter 284, so long as the not-  
 4513 for-profit corporation and its subsidiaries maintain property  
 4514 insurance protection with comparable or greater coverage limits.

4515 (5) In the event that the agreement between the not-for-  
 4516 profit corporation and the Board of Governors ~~State Board of~~  
 4517 ~~Education~~ is terminated for any reason, the Board of Governors  
 4518 ~~State Board of Education~~ shall assume governance and operation  
 4519 of the facilities.

4520 (6) The institute shall be administered by a chief  
 4521 executive officer, who shall be appointed by and serve at the  
 4522 pleasure of the board of directors of the not-for-profit  
 4523 corporation, and who shall exercise the following powers and  
 4524 duties, subject to the approval of the board of directors:

4525 (a) The chief executive officer shall establish programs  
 4526 that fulfill the mission of the institute in research,  
 4527 education, treatment, prevention, and early detection of  
 4528 Alzheimer's disease; however, the chief executive officer may  
 4529 not establish academic programs for which academic credit is  
 4530 awarded and which culminate in the conferring of a degree,  
 4531 without prior approval of the Board of Governors ~~State Board of~~  
 4532 ~~Education~~.

4533 (9) The following information is confidential and exempt  
 4534 from the provisions of s. 119.07(1) and s. 24, Art. I of the  
 4535 State Constitution:

4536 (a) Personal identifying information relating to clients  
 4537 of programs created or funded through the Johnnie B. Byrd, Sr.,  
 4538 Alzheimer's Center and Research Institute which is held by the  
 4539 institute, University of South Florida, or Board of Governors  
 4540 ~~State Board of Education~~ or by persons who provide services to  
 4541 clients of programs created or funded through contracts with the  
 4542 Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute;

4543  
 4544 Any governmental entity that demonstrates a need to access such  
 4545 confidential and exempt information in order to perform its  
 4546 duties and responsibilities shall have access to such  
 4547 information and shall otherwise keep such information  
 4548 confidential and exempt. This section is subject to the Open  
 4549 Government Sunset Review Act of 1995 in accordance with s.  
 4550 119.15 and shall stand repealed on October 2, 2006, unless  
 4551 reviewed and saved from repeal through reenactment by the  
 4552 Legislature.

4553 Section 95. Section 1004.58, Florida Statutes, is amended  
 4554 to read:

4555 (Substantial rewording of section. See s. 1004.58, F.S.,  
 4556 for present text.)

4557 1004.58 Leadership Board for Applied Research and Public  
 4558 Service.--

4559 (1) There is created the Leadership Board for Applied  
 4560 Research and Public Service to be staffed by the Department of  
 4561 Education.

4562 (2) The purpose of the board is to advise the Board of  
 4563 Governors, the State Board of Education, and the Legislature on  
 4564 how to focus, coordinate, and maximize university resources on  
 4565 current issues and events affecting the state's residents and  
 4566 elected officials. Emphasis shall be placed on being responsive  
 4567 to and providing accurate, timely, useful, and relevant  
 4568 information to decisionmakers in state and local governments.

4569 (3) The board shall provide counsel and advice for  
 4570 improving the types and quality of research and public service  
 4571 to be delivered by the state universities.

4572 (4) The board shall meet at least quarterly.

4573 (5) The board is responsible for, but is not limited to:

4574 (a) Providing advice that supports a coordinated applied  
 4575 public service and research approach in the state.

4576 (b) Addressing state university policy matters and making  
 4577 recommendations to the State Board of Education, the Board of  
 4578 Governors, and the Legislature as they relate to research and  
 4579 public service.

4580 (c) Serving as a clearinghouse for services requested by

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4581 public officials.

4582 (d) Providing input on funding and fiscal initiatives  
4583 involving research and public service.

4584 (6) Membership of the board shall consist of the following  
4585 persons or their designees:

4586 (a) The Commissioner of Education, who shall serve as  
4587 chair.

4588 (b) The director of the Office of Planning and Budgeting  
4589 of the Executive Office of the Governor.

4590 (c) The Secretary of Management Services.

4591 (d) The director of the Office of Economic and Demographic  
4592 Research.

4593 (e) The director of the Office of Program Policy Analysis  
4594 and Government Accountability.

4595 (f) The president of the Florida League of Cities.

4596 (g) The president of the Florida Association of Counties.

4597 (h) The president of the Florida School Boards  
4598 Association.

4599 (i) Five university president members, designated by the  
4600 Board of Governors, to rotate annually.

4601 (7) The board shall prepare a report for the Board of  
4602 Governors and the State Board of Education to be submitted to  
4603 the Governor, the President of the Senate, and the Speaker of  
4604 the House of Representatives by January 1 of each year that  
4605 summarizes the work and recommendations of the board in meeting  
4606 its purpose and mission.

4607 Section 96. Paragraph (d) of subsection (1) of section  
4608 1005.03, Florida Statutes, is amended to read:

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4609 1005.03 Designation "college" or "university".--

4610 (1) The use of the designation "college" or "university"  
 4611 in combination with any series of letters, numbers, or words is  
 4612 restricted in this state to colleges or universities as defined  
 4613 in s. 1005.02 that offer degrees as defined in s. 1005.02 and  
 4614 fall into at least one of the following categories:

4615 (d) A college that is ~~under the jurisdiction of the~~  
 4616 ~~Division of Colleges and Universities of the Department of~~  
 4617 ~~Education, whose students are eligible to participate in for~~ the  
 4618 William L. Boyd, IV, Florida Resident Access Grant Program, and  
 4619 that is a nonprofit independent college or university located  
 4620 and chartered in this state and accredited by the Commission on  
 4621 Colleges of the Southern Association of Colleges and Schools to  
 4622 grant baccalaureate degrees.

4623 Section 97. Paragraph (c) of subsection (1) of section  
 4624 1005.06, Florida Statutes, is amended to read:

4625 1005.06 Institutions not under the jurisdiction or purview  
 4626 of the commission.--

4627 (1) Except as otherwise provided in law, the following  
 4628 institutions are not under the jurisdiction or purview of the  
 4629 commission and are not required to obtain licensure:

4630 (c) Any institution that is ~~under the jurisdiction of the~~  
 4631 ~~Division of Colleges and Universities of the Department of~~  
 4632 ~~Education, whose students are eligible to participate in for~~ the  
 4633 William L. Boyd, IV, Florida Resident Access Grant Program, and  
 4634 that is a nonprofit independent college or university located  
 4635 and chartered in this state and accredited by the Commission on

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4636 Colleges of the Southern Association of Colleges and Schools to  
 4637 grant baccalaureate degrees.

4638 Section 98. Section 1005.21, Florida Statutes, is amended  
 4639 to read:

4640 (Substantial rewording of section. See s. 1005.21, F.S.,  
 4641 for present text.)

4642 1005.21 Commission for Independent Education.--

4643 (1) The Commission for Independent Education shall  
 4644 function in matters concerning independent postsecondary  
 4645 educational institutions in consumer protection, program  
 4646 improvement, and licensure for institutions under its purview.  
 4647 The commission shall authorize the granting of diplomas and  
 4648 degrees by any independent postsecondary educational institution  
 4649 under its jurisdiction.

4650 (2) The commission shall consist of seven members who are  
 4651 residents of this state. The Governor shall appoint the members  
 4652 of the commission subject to confirmation by the Senate. The  
 4653 membership of the commission shall consist of:

4654 (a) Two representatives of independent colleges or  
 4655 universities licensed by the commission.

4656 (b) Two representatives of independent, nondegree-granting  
 4657 schools licensed by the commission.

4658 (c) One member from a public school district or community  
 4659 college who is an administrator of career education.

4660 (d) One representative of a college that meets the  
 4661 criteria of s. 1005.06(1)(f).

4662 (e) One lay member who is not affiliated with an  
 4663 independent postsecondary educational institution.



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4664       (3) The members of the commission shall be appointed to 3-  
4665 year terms and until their successors are appointed and  
4666 qualified. If a vacancy on the commission occurs before the  
4667 expiration of a term, the Governor shall appoint a successor to  
4668 serve the unexpired portion of the term.

4669       (4) The commission shall meet at least four times each  
4670 fiscal year.

4671       (5) Members of the commission are entitled to  
4672 reimbursement for travel and per diem expenses, as provided in  
4673 s. 112.061, while performing their duties.

4674       (6) Each member is accountable to the Governor for the  
4675 proper performance of the duties of his or her office. The  
4676 Governor may remove from office any member for cause.

4677       (7) The commission shall be administratively housed within  
4678 the Department of Education.

4679       (a) The department shall provide support services for the  
4680 commission. At a minimum, the support services provided to the  
4681 commission shall include accounting, procurement, legal counsel,  
4682 printing, computer and Internet support, personnel and human  
4683 resources support, support for accountability initiatives,  
4684 support for agency inspector general activities, and  
4685 administrative support as needed for trust funds utilized for  
4686 commission activities.

4687       (b) The commission shall not be subject to control,  
4688 supervision, or direction by the Department of Education in any  
4689 manner, including, but not limited to, personnel, procurement,  
4690 transactions involving real or personal property, and budgetary  
4691 matters, thereby exercising independently all powers, duties,

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4692 and functions prescribed by law.

4693 (8) The commission shall appoint, review, and fix the  
 4694 salary of a person to serve as the executive director and have  
 4695 sole authority to remove such person at its pleasure. The  
 4696 executive director shall supervise, direct, coordinate, and  
 4697 administer all activities necessary to fulfill the commission's  
 4698 statutory responsibilities and have the authority to hire staff  
 4699 necessary to assist in fulfilling these responsibilities. The  
 4700 department shall allocate sufficient salary rate and authorized  
 4701 positions to the commission to enable the commission to expend  
 4702 salaries and benefits legislatively appropriated to administer  
 4703 this chapter.

4704 Section 99. Paragraphs (b) and (e) of subsection (1) and  
 4705 paragraph (e) of subsection (2) of section 1005.22, Florida  
 4706 Statutes, are amended to read:

4707 1005.22 Powers and duties of commission.--

4708 (1) The commission shall:

4709 (b) Annually select a chairperson and a vice chairperson,  
 4710 ~~appoint and review an executive director, and authorize the~~  
 4711 ~~executive director to appoint employees of the commission.~~

4712 (e) Administer the provisions of this chapter. To this  
 4713 end, the commission has the following administrative powers and  
 4714 responsibilities:

4715 1. The commission is authorized to ~~shall~~ adopt rules  
 4716 pursuant to ss. 120.536(1) and 120.54 to administer the  
 4717 provisions of this chapter ~~for the operation and establishment~~  
 4718 ~~of independent postsecondary educational institutions. The~~  
 4719 ~~commission shall submit the rules to the State Board of~~

4720 ~~Education for approval or disapproval. If the state board does~~  
 4721 ~~not act on a rule within 60 days after receiving it, the rule~~  
 4722 ~~shall be filed immediately with the Department of State.~~

4723         2. The commission shall prepare a legislative budget  
 4724 request and submit it to the State Board of Education for  
 4725 inclusion in the K-20 legislative budget request ~~submit an~~  
 4726 ~~annual budget to the State Board of Education.~~

4727         3. The commission shall transmit all fees, donations, and  
 4728 other receipts of money to the Institutional Assessment Trust  
 4729 Fund.

4730         4. The commission shall expend funds as necessary to  
 4731 assist in the application and enforcement of its powers and  
 4732 duties. The Chief Financial Officer shall pay out all moneys and  
 4733 funds as directed under this chapter upon vouchers approved by  
 4734 the executive director of the commission ~~Department of Education~~  
 4735 for all lawful purposes necessary to administering this chapter.  
 4736 The commission shall make annual reports to the Executive Office  
 4737 of the Governor, the President of the Senate, and the Speaker of  
 4738 the House of Representatives ~~State Board of Education~~ showing in  
 4739 detail amounts received and all expenditures. The commission  
 4740 shall include in its annual report ~~to the State Board of~~  
 4741 ~~Education~~ a statement of its major activities during the period  
 4742 covered by the report.

4743         (2) The commission may:

4744         (e) Advise the Governor, the Legislature, the State Board  
 4745 of Education, ~~the Council for Education Policy Research and~~  
 4746 ~~Improvement~~, and the Commissioner of Education on issues  
 4747 relating to private postsecondary education.

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4748 Section 100. Section 1006.53, Florida Statutes, is amended  
 4749 to read:

4750 1006.53 Religious observances.--Each public postsecondary  
 4751 educational institution shall adopt a policy ~~in accordance with~~  
 4752 ~~rules of the State Board of Education~~ which reasonably  
 4753 accommodates the religious observance, practice, and belief of  
 4754 individual students in regard to admissions, class attendance,  
 4755 and the scheduling of examinations and work assignments. Each  
 4756 policy shall include a grievance procedure by which a student  
 4757 who believes that he or she has been unreasonably denied an  
 4758 educational benefit due to his or her religious belief or  
 4759 practices may seek redress. Such policy shall be made known to  
 4760 faculty and students annually in inclusion in the institution's  
 4761 handbook, manual, or other similar document regularly provided  
 4762 to faculty and students.

4763 Section 101. Subsection (3) of section 1006.60, Florida  
 4764 Statutes, is amended to read:

4765 1006.60 Codes of conduct; disciplinary measures;  
 4766 rulemaking authority.--

4767 (3) Sanctions authorized by such codes of conduct may be  
 4768 imposed only for acts or omissions in violation of rules adopted  
 4769 by the institution, including rules adopted under this section,  
 4770 rules of the State Board of Education or the Board of Governors,  
 4771 county and municipal ordinances, and the laws of this state, the  
 4772 United States, or any other state.

4773 Section 102. Subsection (1) of section 1006.61, Florida  
 4774 Statutes, is amended to read:

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4775 1006.61 Participation by students in disruptive activities  
 4776 at public postsecondary educational institution; penalties.--

4777 (1) Any person who accepts the privilege extended by the  
 4778 laws of this state of attendance at any public postsecondary  
 4779 educational institution shall, by attending such institution, be  
 4780 deemed to have given his or her consent to the policies of that  
 4781 institution, the State Board of Education, and the Board of  
 4782 Governors and the laws of this state. Such policies shall  
 4783 include prohibition against disruptive activities at public  
 4784 postsecondary educational institutions.

4785 Section 103. Subsections (1) and (3) of section 1006.62,  
 4786 Florida Statutes, are amended to read:

4787 1006.62 Expulsion and discipline of students of community  
 4788 colleges and state universities.--

4789 (1) Each student in a community college or state  
 4790 university is subject to federal and state law, respective  
 4791 county and municipal ordinances, and all rules and regulations  
 4792 of the State Board of Education, the Board of Governors, or the  
 4793 board of trustees of the institution.

4794 (3) Each president of a community college or state  
 4795 university may, after notice to the student of the charges and  
 4796 after a hearing thereon, ~~to~~ expel, suspend, or otherwise  
 4797 discipline any student who is found to have violated any law,  
 4798 ordinance, or rule or regulation of the State Board of  
 4799 Education, the Board of Governors, or ~~of~~ the board of trustees  
 4800 of the institution. A student may be entitled to waiver of  
 4801 expulsion:

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4802 (a) If the student provides substantial assistance in the  
 4803 identification, arrest, or conviction of any of his or her  
 4804 accomplices, accessories, coconspirators, or principals or of  
 4805 any other person engaged in violations of chapter 893 within a  
 4806 state university or community college;

4807 (b) If the student voluntarily discloses his or her  
 4808 violations of chapter 893 prior to his or her arrest; or

4809 (c) If the student commits himself or herself, or is  
 4810 referred by the court in lieu of sentence, to a state-licensed  
 4811 drug abuse program and successfully completes the program.

4812 Section 104. Section 1006.65, Florida Statutes, is amended  
 4813 to read:

4814 1006.65 Safety issues in courses offered by public  
 4815 postsecondary educational institutions.--

4816 (1) The State Board of Education shall adopt rules to  
 4817 ensure that policies and procedures are in place to protect the  
 4818 health and safety of students, instructional personnel, and  
 4819 visitors who participate in courses offered by a community  
 4820 college ~~public postsecondary educational institution~~.

4821 (2) The Board of Governors shall adopt rules to ensure  
 4822 that policies and procedures are in place to protect the health  
 4823 and safety of students, instructional personnel, and visitors  
 4824 who participate in courses offered by a state university.

4825 (3) ~~(2)~~ Such policies and procedures shall be guided by  
 4826 industry standards for practices in the course content area and  
 4827 shall conform with all related and relevant state and federal  
 4828 health and safety requirements.

4829 Section 105. Section 1006.71, Florida Statutes, is amended  
 4830 to read:

4831 1006.71 Gender equity in intercollegiate athletics.--

4832 (1) GENDER EQUITY PLAN.--

4833 (a) Each community college and state university shall  
 4834 develop a gender equity plan pursuant to s. 1000.05.

4835 (b) The plan shall include consideration of equity in  
 4836 sports offerings, participation, availability of facilities,  
 4837 scholarship offerings, and funds allocated for administration,  
 4838 recruitment, comparable coaching, publicity and promotion, and  
 4839 other support costs.

4840 (c) The Commissioner of Education shall annually assess  
 4841 the progress of each community college's ~~institution's~~ plan and  
 4842 advise the State Board of Education and the Legislature  
 4843 regarding compliance.

4844 (d) The Chancellor of the State University System shall  
 4845 annually assess the progress of each state university's plan and  
 4846 advise the Board of Governors and the Legislature regarding  
 4847 compliance.

4848 (e) ~~(d)~~ Each board of trustees of a public community  
 4849 college or state university shall annually evaluate the  
 4850 presidents on the extent to which the gender equity goals have  
 4851 been achieved.

4852 (f) ~~(e)~~ To determine the proper level of support for  
 4853 women's athletic scholarships, an equity plan may determine,  
 4854 where appropriate, that support for women's scholarships may be  
 4855 disproportionate to the support of scholarships for men.

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4856            (g)1.~~(f)~~ If a community college ~~or state university~~ is not  
 4857 in compliance with Title IX of the Education Amendments of 1972  
 4858 and the Florida Educational Equity Act, the State Board of  
 4859 Education shall:

4860            a.1. Declare the community college institution ineligible  
 4861 for competitive state grants.

4862            b.2. Withhold funds sufficient to obtain compliance.  
 4863

4864 The community college institution shall remain ineligible and  
 4865 the funds shall not be paid until the community college  
 4866 ~~institution~~ comes into compliance or the Commissioner of  
 4867 Education approves a plan for compliance.

4868            2. If a state university is not in compliance with Title  
 4869 IX of the Education Amendments of 1972 and the Florida  
 4870 Educational Equity Act, the Board of Governors shall:

4871            a. Declare the state university ineligible for competitive  
 4872 state grants.

4873            b. Withhold funds sufficient to obtain compliance.  
 4874

4875 The state university shall remain ineligible and the funds shall  
 4876 not be paid until the state university comes into compliance or  
 4877 the Board of Governors approves a plan for compliance.

4878            (2) FUNDING.--

4879            (a) An equitable portion of all separate athletic fees  
 4880 shall be designated for women's intercollegiate athletics.

4881            (b) The level of funding and percentage share of support  
 4882 for women's intercollegiate athletics for community colleges  
 4883 shall be determined by the State Board of Education. The level



4884 of funding and percentage share of support for women's  
 4885 intercollegiate athletics for state universities shall be  
 4886 determined by the Board of Governors. The level of funding and  
 4887 percentage share attained in the 1980-1981 fiscal year shall be  
 4888 the minimum level and percentage maintained by each institution,  
 4889 except as the State Board of Education or the Board of Governors  
 4890 otherwise directs its respective institutions for the purpose of  
 4891 assuring equity. Consideration shall be given by the State Board  
 4892 of Education or the Board of Governors to emerging athletic  
 4893 programs at institutions which may not have the resources to  
 4894 secure external funds to provide athletic opportunities for  
 4895 women. It is the intent that the effect of any redistribution of  
 4896 funds among institutions shall not negate the requirements as  
 4897 set forth in this section.

4898 (c) In addition to the above amount, an amount equal to  
 4899 the sales taxes collected from admission to athletic events  
 4900 sponsored by a state university shall be retained and utilized  
 4901 by each university to support women's athletics.

4902 (3) STATE BOARD OF EDUCATION.--The State Board of  
 4903 Education shall assure equal opportunity for female athletes at  
 4904 community colleges and establish:

4905 (a) Guidelines for reporting of intercollegiate athletics  
 4906 data concerning financial, program, and facilities information  
 4907 for review by the State Board of Education annually.

4908 (b) Systematic audits for the evaluation of such data.

4909 (c) Criteria for determining and assuring equity.

4910           (4) BOARD OF GOVERNORS.--The Board of Governors shall  
 4911 ensure equal opportunity for female athletes at state  
 4912 universities and establish:

4913           (a) Guidelines for reporting of intercollegiate athletics  
 4914 data concerning financial, program, and facilities information  
 4915 for review by the Board of Governors annually.

4916           (b) Systematic audits for the evaluation of such data.

4917           (c) Criteria for determining and ensuring equity.

4918           Section 106. Subsection (2) of section 1007.01, Florida  
 4919 Statutes, is amended to read:

4920           1007.01 Articulation; legislative intent; purpose; role of  
 4921 the State Board of Education.--

4922           (2) To improve and facilitate articulation systemwide, the  
 4923 State Board of Education and the Board of Governors shall  
 4924 recommend ~~develop~~ policies and guidelines to the Legislature  
 4925 with input from statewide K-20 advisory groups established by  
 4926 the Commissioner of Education relating to:

4927           (a) The alignment between the exit requirements of one  
 4928 system and the admissions requirements of another system into  
 4929 which students typically transfer.

4930           (b) The identification of common courses, the level of  
 4931 courses, institutional participation in a statewide course  
 4932 numbering system, and the transferability of credits among such  
 4933 institutions.

4934           (c) Identification of courses that meet general education  
 4935 or common degree program prerequisite requirements at public  
 4936 postsecondary educational institutions.

4937           (d) Dual enrollment course equivalencies.

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4938 (e) Articulation agreements.

4939 Section 107. Subsection (1) of section 1007.22, Florida  
4940 Statutes, is amended to read:

4941 1007.22 Articulation; postsecondary institution  
4942 coordination and collaboration.--

4943 (1) The university boards of trustees, community college  
4944 boards of trustees, and district school boards are encouraged to  
4945 ~~may~~ establish intrainstitutional and interinstitutional programs  
4946 to maximize articulation. Programs may include upper-division-  
4947 level courses offered at the community college, distance  
4948 learning, transfer agreements that facilitate the transfer of  
4949 credits between public and nonpublic postsecondary institutions,  
4950 and the concurrent enrollment of students at a community college  
4951 and a state university to enable students to take any level of  
4952 baccalaureate degree coursework.

4953 Section 108. Subsections (1) and (2) of section 1007.23,  
4954 Florida Statutes, are amended, and subsection (6) is added to  
4955 that section, to read:

4956 1007.23 Statewide articulation agreement.--

4957 (1) To maximize the use of funds appropriated by the  
4958 Legislature to provide Florida residents with affordable access  
4959 to postsecondary education programs at public postsecondary  
4960 educational institutions, the State Board of Education and the  
4961 Board of Governors shall enter into ~~establish in rule~~ a  
4962 statewide articulation agreement that governs:

4963 (a) Articulation between secondary and postsecondary  
4964 education;

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4965 (b) Admission of associate in arts degree graduates from  
 4966 community colleges and state universities;

4967 (c) Admission of applied technology diploma program  
 4968 graduates from community colleges or career centers;

4969 (d) Admission of associate in science degree and associate  
 4970 in applied science degree graduates from community colleges;

4971 (e) The use of acceleration mechanisms, including  
 4972 nationally standardized examinations through which students may  
 4973 earn credit;

4974 (f) General education requirements and statewide course  
 4975 numbers as provided for in ss. 1007.24 and 1007.25; and

4976 (g) Articulation among programs in nursing.

4977 (2) The articulation agreement must specifically provide  
 4978 that every associate in arts graduate of a community college  
 4979 shall have met all general education requirements and must be  
 4980 granted admission to the upper division of a state university  
 4981 except to a limited access or teacher certification program or a  
 4982 major program requiring an audition. ~~After admission has been~~  
 4983 ~~granted to students under provisions of this section and to~~  
 4984 ~~university students who have successfully completed 60 credit~~  
 4985 ~~hours of coursework, including 36 hours of general education,~~  
 4986 ~~and met the requirements of s. 1008.29, admission shall be~~  
 4987 ~~granted to state university and community college students who~~  
 4988 ~~have successfully completed 60 credit hours of work, including~~  
 4989 ~~36 hours of general education.~~ Community college associate in  
 4990 arts graduates shall receive priority for admission to a state  
 4991 university over out-of-state students. Orientation programs and  
 4992 student handbooks provided to freshman enrollees and transfer

4993 students at state universities must include an explanation of  
 4994 this provision of the articulation agreement.

4995 (6) Complaints regarding an institution's failure to  
 4996 comply with the provisions of the statewide articulation  
 4997 agreement required by subsection (1) or legislative intent  
 4998 regarding the articulation of students as expressed in this  
 4999 chapter shall be forwarded to the State Board of Education and  
 5000 the Board of Governors for investigation and resolution. Each  
 5001 public postsecondary educational institution shall advise  
 5002 applicants and students of this process. The boards shall  
 5003 annually report to the Executive Office of the Governor, the  
 5004 President of the Senate, and the Speaker of the House of  
 5005 Representatives on the investigations conducted pursuant to this  
 5006 subsection and outcomes of such investigations. Any public  
 5007 postsecondary educational institution found to have violated the  
 5008 terms of the statewide articulation agreement required by  
 5009 subsection (1) or the legislative intent of articulation of  
 5010 students as expressed in this chapter may be penalized at a rate  
 5011 equal to 5 times the value of the funding level for upper-level  
 5012 full-time equivalent enrollment for each occurrence.

5013 Section 109. Subsections (1), (2), (3), (4), and (7) of  
 5014 section 1007.24, Florida Statutes, are amended to read:

5015 1007.24 Statewide course numbering system.--

5016 (1) To maximize the use of funds appropriated by the  
 5017 Legislature to provide Florida residents with affordable access  
 5018 to postsecondary education programs at public postsecondary  
 5019 educational institutions, the Department of Education shall  
 5020 develop, coordinate, and maintain a statewide course numbering

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5021 system for postsecondary and dual enrollment education in school  
5022 districts, public postsecondary educational institutions, and  
5023 participating nonpublic postsecondary educational institutions.  
5024 It is the intent of the Legislature that the statewide course  
5025 numbering system ~~that will~~ improve program planning, increase  
5026 communication among all delivery systems, and facilitate student  
5027 acceleration and the transfer of students and credits between  
5028 public school districts, public postsecondary educational  
5029 institutions, and participating nonpublic educational  
5030 institutions. The continuing maintenance of the system shall be  
5031 accomplished with the assistance of appropriate faculty  
5032 committees representing public and participating nonpublic  
5033 educational institutions.

5034 (2) The Commissioner of Education, in conjunction with the  
5035 Chancellor of the State University System, shall appoint faculty  
5036 committees representing faculties of participating institutions  
5037 to recommend a single level for each course, including  
5038 postsecondary career education courses, included in the  
5039 statewide course numbering system.

5040 (a) Any course designated as an upper-division-level  
5041 course must be characterized by a need for advanced academic  
5042 preparation and skills that a student would be unlikely to  
5043 achieve without significant prior coursework.

5044 (b) A course that is offered as part of an associate in  
5045 science degree program and as an upper-division course for a  
5046 baccalaureate degree shall be designated for both the lower and  
5047 upper division.

5048 (c) A course designated as lower-division may be offered

5049 | by any community college.

5050 |         (3) The Commissioner of Education shall recommend to the  
 5051 | State Board of Education the levels for the courses. The State  
 5052 | Board of Education, with input from the Board of Governors,  
 5053 | shall approve the levels for the courses.

5054 |         (4) The statewide course numbering system shall include  
 5055 | the courses at the approved ~~recommended~~ levels.

5056 |         (7) To maximize the use of funds appropriated by the  
 5057 | Legislature to provide access to a postsecondary education, any  
 5058 | student who transfers among postsecondary institutions that are  
 5059 | fully accredited by a regional or national accrediting agency  
 5060 | recognized by the United States Department of Education and that  
 5061 | participate in the statewide course numbering system shall be  
 5062 | awarded credit by the receiving institution for courses  
 5063 | satisfactorily completed by the student at the previous  
 5064 | institutions. Credit shall be awarded if the courses are judged  
 5065 | by the appropriate statewide course numbering system faculty  
 5066 | committees representing school districts, public postsecondary  
 5067 | educational institutions, and participating nonpublic  
 5068 | postsecondary educational institutions to be academically  
 5069 | equivalent to courses offered at the receiving institution,  
 5070 | including equivalency of faculty credentials, regardless of the  
 5071 | public or nonpublic control of the previous institution. The  
 5072 | Department of Education shall ensure that credits to be accepted  
 5073 | by a receiving institution are generated in courses for which  
 5074 | the faculty possess credentials that are comparable to those  
 5075 | required by the accrediting association of the receiving  
 5076 | institution. The award of credit may be limited to courses that

5077 are entered in the statewide course numbering system. Credits  
 5078 awarded pursuant to this subsection shall satisfy institutional  
 5079 requirements on the same basis as credits awarded to native  
 5080 students.

5081 Section 110. Subsections (3), (5), (6), (8), (9), and (11)  
 5082 of section 1007.25, Florida Statutes, are amended to read:

5083 1007.25 General education courses; common prerequisites;  
 5084 and other degree requirements.--

5085 (3) The department shall identify those courses that meet  
 5086 general education requirements within the subject areas of  
 5087 communication, mathematics, social sciences, humanities, and  
 5088 natural sciences. The courses shall be identified by their  
 5089 statewide course code number. To maximize the use of funds  
 5090 appropriated by the Legislature to provide Florida residents  
 5091 with affordable access to postsecondary education programs at  
 5092 public postsecondary educational institutions, all public  
 5093 postsecondary educational institutions shall accept these  
 5094 general education courses.

5095 (5) The department shall identify common prerequisite  
 5096 courses and course substitutions for degree programs across all  
 5097 institutions. To maximize the use of funds appropriated by the  
 5098 Legislature to provide Florida residents with affordable access  
 5099 to postsecondary education programs at public postsecondary  
 5100 educational institutions, common degree program prerequisites  
 5101 shall be offered and accepted by all state universities and  
 5102 community colleges, except in cases approved by the State Board  
 5103 of Education for community colleges and the Board of Governors  
 5104 for state universities pursuant to s. 1001.02(2)(x). The



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5105 department shall develop a centralized database containing the  
5106 list of courses and course substitutions that meet the  
5107 prerequisite requirements for each baccalaureate degree program.

5108 (6) The boards of trustees of the community colleges ~~and~~  
5109 ~~state universities~~ shall identify their core curricula, which  
5110 shall include courses required by the State Board of Education.  
5111 The boards of trustees of the state universities shall identify  
5112 their core curricula, which shall include courses required by  
5113 the Board of Governors. The universities and community colleges  
5114 shall work with their school districts to assure that high  
5115 school curricula coordinate with the core curricula and to  
5116 prepare students for college-level work. Core curricula for  
5117 associate in arts programs shall be adopted in rule by the State  
5118 Board of Education and shall include 36 semester hours of  
5119 general education courses in the subject areas of communication,  
5120 mathematics, social sciences, humanities, and natural sciences.

5121 (8) To maximize the use of funds appropriated by the  
5122 Legislature to provide Florida residents with affordable access  
5123 to undergraduate degree programs, a baccalaureate degree program  
5124 shall require no more than 120 semester hours of college credit,  
5125 including 36 semester hours of general education coursework,  
5126 unless prior approval has been granted by the Board of Governors  
5127 for baccalaureate degree programs offered by state universities  
5128 and by the State Board of Education for baccalaureate degree  
5129 programs offered by community colleges.

5130 (9) A student who received an associate in arts degree for  
5131 successfully completing 60 semester credit hours may continue to  
5132 earn additional credits at a community college. The university

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5133 must provide credit toward the student's baccalaureate degree  
 5134 for an additional community college course if, according to the  
 5135 statewide course numbering, the community college course is a  
 5136 course listed in the university catalog as required for the  
 5137 degree or as prerequisite to a course required for the degree.  
 5138 Of the courses required for the degree, at least half of the  
 5139 credit hours required for the degree shall be achievable through  
 5140 courses designated as lower division, except in degree programs  
 5141 approved by the State Board of Education for programs offered by  
 5142 community colleges and by the Board of Governors for programs  
 5143 offered by state universities.

5144 (11) The Commissioner of Education shall appoint faculty  
 5145 committees representing both community college and public school  
 5146 faculties to recommend to the commissioner for approval by the  
 5147 State Board of Education a standard program length and  
 5148 appropriate occupational completion points for each  
 5149 postsecondary career certificate program, diploma, and degree  
 5150 offered by a school district or a community college.

5151 Section 111. Section 1007.262, Florida Statutes, is  
 5152 amended to read:

5153 1007.262 Foreign language competence; equivalence  
 5154 determinations.--The Department of Education shall identify the  
 5155 competencies demonstrated by students upon the successful  
 5156 completion of 2 credits of sequential high school foreign  
 5157 language instruction. For the purpose of determining  
 5158 postsecondary equivalence ~~pursuant to s. 1007.261(1)(b)~~, the  
 5159 department shall develop rules through which community colleges  
 5160 correlate such competencies to the competencies required of

5161 students in the colleges' respective courses. Based on this  
 5162 correlation, each community college shall identify the minimum  
 5163 number of postsecondary credits that students must earn in order  
 5164 to demonstrate a level of competence in a foreign language at  
 5165 least equivalent to that of students who have completed 2  
 5166 credits of such instruction in high school. The department may  
 5167 also specify alternative means by which students can demonstrate  
 5168 equivalent foreign language competence, including means by which  
 5169 a student whose native language is not English may demonstrate  
 5170 proficiency in the native language. A student who demonstrates  
 5171 proficiency in a native language other than English may be ~~is~~  
 5172 exempt from a ~~the~~ requirement of completing foreign language  
 5173 courses at the secondary or postsecondary level.

5174 Section 112. Section 1007.264, Florida Statutes, is  
 5175 amended to read:

5176 1007.264 Impaired and learning disabled persons; admission  
 5177 to postsecondary educational institutions; substitute  
 5178 requirements; rules.--

5179 (1) Any student with a disability, as defined in s.  
 5180 1007.02(2), except those students who have been documented as  
 5181 having mental retardation, shall be eligible for reasonable  
 5182 substitution for any requirement for admission into a public  
 5183 postsecondary educational institution where documentation can be  
 5184 provided that the person's failure to meet the admission  
 5185 requirement is related to the disability.

5186 (2) The State Board of Education shall adopt rules to  
 5187 implement this section for community colleges and shall develop  
 5188 substitute admission requirements where appropriate.

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5189           (3) The Board of Governors shall adopt rules to implement  
5190 this section for state universities and shall develop substitute  
5191 admission requirements where appropriate.

5192           Section 113. Section 1007.265, Florida Statutes, is  
5193 amended to read:

5194           1007.265 Impaired and learning disabled persons;  
5195 graduation, study program admission, and upper-division entry;  
5196 substitute requirements; rules.--

5197           (1) Any student with a disability, as defined in s.  
5198 1007.02(2), in a public postsecondary educational institution,  
5199 except those students who have been documented as having mental  
5200 retardation, shall be eligible for reasonable substitution for  
5201 any requirement for graduation, for admission into a program of  
5202 study, or for entry into the upper division where documentation  
5203 can be provided that the person's failure to meet the  
5204 requirement is related to the disability and where failure to  
5205 meet the graduation requirement or program admission requirement  
5206 does not constitute a fundamental alteration in the nature of  
5207 the program.

5208           (2) The State Board of Education shall adopt rules to  
5209 implement this section for community colleges and shall develop  
5210 substitute requirements where appropriate.

5211           (3) The Board of Governors shall adopt rules to implement  
5212 this section for state universities and shall develop substitute  
5213 requirements where appropriate.

5214           Section 114. Subsections (3), (6), (7), (8), (9), and (11)  
5215 of section 1007.27, Florida Statutes, are amended to read:

5216           1007.27 Articulated acceleration mechanisms.--

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5217           (3) To maximize the use of funds appropriated by the  
5218 Legislature to provide Florida residents with affordable access  
5219 to postsecondary education programs at public postsecondary  
5220 educational institutions, each community college and state  
5221 university must award credit for specific courses for which  
5222 competency has been demonstrated by successful passage of one of  
5223 the examinations in subsection (2) unless the award of credit  
5224 duplicates credit already awarded. Community colleges and state  
5225 universities may not exempt students from courses without the  
5226 award of credit if competencies have been so demonstrated.

5227           (6) Advanced placement shall be the enrollment of an  
5228 eligible secondary student in a course offered through the  
5229 Advanced Placement Program administered by the College Board.  
5230 Postsecondary credit for an advanced placement course shall be  
5231 limited to students who score a minimum of 3, on a 5-point  
5232 scale, on the corresponding Advanced Placement Examination. The  
5233 specific courses for which students receive such credit shall be  
5234 identified in the statewide articulation agreement required by  
5235 s. 1007.23(1) ~~determined by the department~~. Students of Florida  
5236 public secondary schools enrolled pursuant to this subsection  
5237 shall be exempt from the payment of any fees for administration  
5238 of the examination regardless of whether or not the student  
5239 achieves a passing score on the examination.

5240           (7) Credit by examination shall be the program through  
5241 which secondary and postsecondary students generate  
5242 postsecondary credit based on the receipt of a specified minimum  
5243 score on nationally standardized general or subject-area  
5244 examinations. For the purpose of statewide application, such

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5245 examinations and the corresponding minimum scores required for  
5246 an award of credit shall be delineated by the State Board of  
5247 Education and the Board of Governors in the statewide  
5248 articulation agreement required by s. 1007.23(1). The maximum  
5249 credit generated by a student pursuant to this subsection shall  
5250 be mitigated by any related postsecondary credit earned by the  
5251 student prior to the administration of the examination. This  
5252 subsection shall not preclude community colleges and  
5253 universities from awarding credit by examination based on  
5254 student performance on examinations developed within and  
5255 recognized by the individual postsecondary institutions.

5256 (8) The International Baccalaureate Program shall be the  
5257 curriculum in which eligible secondary students are enrolled in  
5258 a program of studies offered through the International  
5259 Baccalaureate Program administered by the International  
5260 Baccalaureate Office. The State Board of Education and the Board  
5261 of Governors shall ~~establish rules which~~ specify in the  
5262 statewide articulation agreement required by s. 1007.23(1) the  
5263 cutoff scores and International Baccalaureate Examinations which  
5264 will be used to grant postsecondary credit at community colleges  
5265 and universities. Any changes to the cutoff scores ~~such rules,~~  
5266 which changes have the effect of raising the required cutoff  
5267 score or of changing the International Baccalaureate  
5268 Examinations which will be used to grant postsecondary credit,  
5269 shall only apply to students taking International Baccalaureate  
5270 Examinations after such changes ~~rules~~ are adopted by the State  
5271 Board of Education and the Board of Governors. Students shall be  
5272 awarded a maximum of 30 semester credit hours pursuant to this

5273 subsection. The specific course for which a student may receive  
 5274 ~~receives~~ such credit shall be specified in the statewide  
 5275 articulation agreement required by s. 1007.23(1) ~~determined by~~  
 5276 ~~the department~~. Students enrolled pursuant to this subsection  
 5277 shall be exempt from the payment of any fees for administration  
 5278 of the examinations regardless of whether or not the student  
 5279 achieves a passing score on the examination.

5280 (9) The Advanced International Certificate of Education  
 5281 Program and the International General Certificate of Secondary  
 5282 Education (pre-AICE) Program shall be the curricula in which  
 5283 eligible secondary students are enrolled in programs of study  
 5284 offered through the Advanced International Certificate of  
 5285 Education Program or the International General Certificate of  
 5286 Secondary Education (pre-AICE) Program administered by the  
 5287 University of Cambridge Local Examinations Syndicate. The State  
 5288 Board of Education and the Board of Governors shall ~~establish~~  
 5289 ~~rules which~~ specify in the statewide articulation agreement  
 5290 required by s. 1007.23(1) the cutoff scores and Advanced  
 5291 International Certificate of Education examinations which will  
 5292 be used to grant postsecondary credit at community colleges and  
 5293 universities. Any changes to the cutoff scores ~~such rules~~, which  
 5294 changes have the effect of raising the required cutoff score or  
 5295 of changing the Advanced International Certification of  
 5296 Education examinations which will be used to grant postsecondary  
 5297 credit, shall apply to students taking Advanced International  
 5298 Certificate of Education examinations after such changes ~~rules~~  
 5299 are adopted by the State Board of Education and the Board of  
 5300 Governors. Students shall be awarded a maximum of 30 semester

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5301 credit hours pursuant to this subsection. The specific course  
5302 for which a student may receive ~~receives~~ such credit shall be  
5303 determined by the community college or university that accepts  
5304 the student for admission. Students enrolled in either program  
5305 of study pursuant to this subsection shall be exempt from the  
5306 payment of any fees for administration of the examinations  
5307 regardless of whether the student achieves a passing score on  
5308 the examination.

5309 ~~(11) (a) The State Board of Education shall conduct a~~  
5310 ~~review of the extent to which the acceleration mechanisms~~  
5311 ~~authorized by this section are currently utilized by school~~  
5312 ~~districts and public postsecondary educational institutions and~~  
5313 ~~shall submit a report to the Governor and the Legislature by~~  
5314 ~~December 31, 2003.~~

5315 ~~(b) The report must include a summary of ongoing~~  
5316 ~~activities and a plan to increase and enhance the use of~~  
5317 ~~acceleration mechanisms as a way to shorten the length of time~~  
5318 ~~as well as the funding required for a student, including a~~  
5319 ~~student with a documented disability, to obtain a postsecondary~~  
5320 ~~degree.~~

5321 ~~(c) The review and plan shall address, but are not limited~~  
5322 ~~to, the following issues:~~

5323 ~~1. The manner in which students, including students with~~  
5324 ~~documented disabilities, are advised regarding the availability~~  
5325 ~~of acceleration mechanism options.~~

5326 ~~2. The availability of acceleration mechanism options to~~  
5327 ~~eligible students, including students with documented~~  
5328 ~~disabilities, who wish to participate.~~



5329           3. ~~The grading practices, including weighting of courses,~~  
 5330 ~~of school districts and public postsecondary educational~~  
 5331 ~~institutions with regard to credit earned through acceleration~~  
 5332 ~~mechanisms.~~

5333           4. ~~The extent to which credit earned through an~~  
 5334 ~~acceleration mechanism is used to meet the general education~~  
 5335 ~~requirements of a public postsecondary educational institution.~~

5336           5. ~~The extent to which the secondary instruction~~  
 5337 ~~associated with acceleration mechanism options could be offered~~  
 5338 ~~at sites other than public K through 12 school sites to assist~~  
 5339 ~~in meeting class size reduction needs.~~

5340           6. ~~The manner in which funding for instruction associated~~  
 5341 ~~with acceleration mechanism options is provided.~~

5342           7. ~~The feasibility of providing students, including~~  
 5343 ~~students with documented disabilities, the option of choosing~~  
 5344 ~~Advanced Placement credit or College Level Examination Program~~  
 5345 ~~(CLEP) credit as an alternative to dual enrollment credit upon~~  
 5346 ~~completion of a dual enrollment course.~~

5347           Section 115. Section 1007.28, Florida Statutes, is amended  
 5348 to read:

5349           1007.28 Computer-assisted student advising system.--The  
 5350 Department ~~State Board~~ of Education shall establish and maintain  
 5351 ~~within the Department of Education~~ a single, statewide computer-  
 5352 assisted student advising system, which must be an integral part  
 5353 of the process of advising, registering, and certifying students  
 5354 for graduation. ~~It is intended that an advising system be the~~  
 5355 ~~primary advising and tracking tool for students enrolled in~~  
 5356 ~~public postsecondary educational institutions and~~ must be

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5357 accessible to all Florida students. The state universities and  
5358 community colleges shall interface institutional systems with  
5359 the computer-assisted advising system required by this section.  
5360 The State Board of Education and the Board of Governors shall  
5361 specify in the statewide articulation agreement required by s.  
5362 1007.23(1) ~~prescribe by rule~~ the roles and responsibilities of  
5363 the department, the state universities, and the community  
5364 colleges in the design, implementation, promotion, development,  
5365 and analysis of the system. The system shall consist of a degree  
5366 audit and an articulation component that includes the following  
5367 characteristics:

5368 (1) The system shall constitute an integral part of the  
5369 process of advising students and assisting them in course  
5370 selection. The system shall be accessible to students in the  
5371 following ways:

5372 (a) A student must be able to access the system, at any  
5373 time, to identify course options that will meet the requirements  
5374 of a selected path toward a degree.

5375 (b) A status report from the system shall be generated and  
5376 sent with each grade report to each student enrolled in public  
5377 postsecondary educational institutions with a declared major.

5378 (2) The system shall be an integral part of the  
5379 registration process at public postsecondary educational  
5380 institutions. As part of the process, the system shall:

5381 (a) Provide reports that document each student's status  
5382 toward completion of a degree.

5383 (b) Verify that a student has completed requirements for  
5384 graduation.

5385 (3) The system must provide students information related  
 5386 to career descriptions and corresponding educational  
 5387 requirements, admissions requirements, and available sources of  
 5388 student financial assistance. Such advising must enable students  
 5389 to examine their interests and aptitudes for the purpose of  
 5390 curricular and career planning.

5391 (4) The system must provide management information to  
 5392 decisionmakers, including information relating student  
 5393 enrollment patterns and course demands to plans for  
 5394 corresponding course offerings and information useful in  
 5395 planning the student registration process.

5396 Section 116. Subsection (3) of section 1007.33, Florida  
 5397 Statutes, is amended to read:

5398 1007.33 Site-determined baccalaureate degree access.--

5399 (3) A community college may develop a proposal to deliver  
 5400 specified baccalaureate degree programs in its district to meet  
 5401 local workforce needs. The proposal must be submitted to the  
 5402 State Board of Education for approval. The community college's  
 5403 proposal must include the following information:

5404 (a) Demand for the baccalaureate degree program is  
 5405 identified by the workforce development board, local businesses  
 5406 and industry, local chambers of commerce, and potential  
 5407 students.

5408 (b) Unmet need for graduates of the proposed degree  
 5409 program is substantiated.

5410 (c) The community college has the facilities and academic  
 5411 resources to deliver the program.

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5413 ~~The proposal must be submitted to the Council for Education~~  
 5414 ~~Policy Research and Improvement for review and comment.~~ Upon  
 5415 approval of the State Board of Education for the specific degree  
 5416 program or programs, the community college shall pursue regional  
 5417 accreditation by the Commission on Colleges of the Southern  
 5418 Association of Colleges and Schools. Any additional  
 5419 baccalaureate degree programs the community college wishes to  
 5420 offer must be approved by the State Board of Education.

5421 Section 117. Subsections (2), (4), (8), and (9) of section  
 5422 1008.29, Florida Statutes, are amended to read:

5423 1008.29 College-level communication and mathematics skills  
 5424 examination (CLAST).--

5425 (2) To provide accountability for funds expended by public  
 5426 postsecondary educational institutions on college-level  
 5427 communication and mathematics instruction, public postsecondary  
 5428 educational institutions shall administer a minimum of two  
 5429 administrations, one of which may consist of an alternative  
 5430 administration, of the college-level communication and  
 5431 computation skills examination per academic term. Such  
 5432 administrations shall be available to all lower-division  
 5433 students seeking associate in arts or baccalaureate degrees upon  
 5434 completion of at least 18 semester hours or the equivalent.  
 5435 Public postsecondary educational institutions shall report at a  
 5436 minimum the examination scores of all students tested at each  
 5437 administration of the college-level communication and  
 5438 computation skills examination.

5439 (4) The State Board of Education, in conjunction with the  
 5440 Board of Governors ~~by rule,~~ shall set the minimum scores that

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5441 constitute successful completion of the examination. In  
5442 establishing the minimum scores that constitute successful  
5443 completion of the examination, the boards ~~State Board of~~  
5444 ~~Education~~ shall consider any possible negative impact of the  
5445 tests on minority students. Determinations regarding a student's  
5446 successful completion of the examination shall be based on the  
5447 minimum standards ~~prescribed by rule~~ for the date the student  
5448 initially takes the examination.

5449 (8) (a) The State Board of Education, by rule, shall  
5450 establish fees for the administration of the examination by  
5451 community colleges at times other than regularly scheduled dates  
5452 to accommodate examinees who are unable to be tested on those  
5453 dates. The state board shall establish the conditions under  
5454 which examinees may be admitted to the special administrations.

5455 (b) The Board of Governors may establish fees for the  
5456 administration of the examination by state universities at times  
5457 other than regularly scheduled dates to accommodate examinees  
5458 who are unable to be tested on those dates. The Board of  
5459 Governors may establish the conditions under which examinees may  
5460 be admitted to the special administrations.

5461 (9) Any student fulfilling one or both of the following  
5462 requirements before completion of associate in arts degree  
5463 requirements or baccalaureate degree requirements is exempt from  
5464 the testing requirements of this section:

5465 (a) Achieves a score that meets or exceeds a minimum score  
5466 on a nationally standardized examination, as established by the  
5467 State Board of Education in conjunction with the Board of  
5468 Governors; or

5469 (b) Demonstrates successful remediation of any academic  
 5470 deficiencies identified by the college placement test and  
 5471 achieves a cumulative grade point average of 2.5 or above, on a  
 5472 4.0 scale, in postsecondary-level coursework identified by the  
 5473 State Board of Education in conjunction with the Board of  
 5474 Governors. The Department of Education shall specify the means  
 5475 by which a student may demonstrate successful remediation.

5476  
 5477 Any student denied a degree prior to January 1, 1996, based on  
 5478 the failure of at least one subtest of the CLAST may use either  
 5479 of the alternatives specified in this subsection for receipt of  
 5480 a degree if such student meets all degree program requirements  
 5481 at the time of application for the degree under the exemption  
 5482 provisions of this subsection. This section does not require a  
 5483 student to take the CLAST before being given the opportunity to  
 5484 use any of the alternatives specified in this subsection. The  
 5485 exemptions provided herein do not apply to requirements for  
 5486 certification as provided in s. 1012.56.

5487 Section 118. Subsections (1) and (4) of section 1008.30,  
 5488 Florida Statutes, are amended to read:

5489 1008.30 Common placement testing for public postsecondary  
 5490 education.--

5491 (1) The State Board of Education shall develop and  
 5492 implement a common placement test for the purpose of assessing  
 5493 the basic computation and communication skills of students who  
 5494 intend to enter a degree program at any public postsecondary  
 5495 educational institution. ~~The State Board of Education shall~~  
 5496 ~~adopt rules which enable~~ Public postsecondary educational

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5497 | institutions shall provide ~~to implement~~ appropriate  
5498 | modifications of the test instruments or test procedures for  
5499 | students with disabilities.

5500 |       (4) (a) Public postsecondary educational institution  
5501 | students who have been identified as requiring additional  
5502 | preparation pursuant to subsection (1) shall enroll in college-  
5503 | preparatory or other adult education pursuant to s. 1004.93 in  
5504 | community colleges to develop needed college-entry skills. These  
5505 | students shall be permitted to take courses within their degree  
5506 | program concurrently in other curriculum areas for which they  
5507 | are qualified while enrolled in college-preparatory instruction  
5508 | courses. A student enrolled in a college-preparatory course may  
5509 | concurrently enroll only in college credit courses that do not  
5510 | require the skills addressed in the college-preparatory course.  
5511 | The State Board of Education, in conjunction with the Board of  
5512 | Governors, shall specify the college credit courses that are  
5513 | acceptable for students enrolled in each college-preparatory  
5514 | skill area, ~~pursuant to s. 1001.02(7)(g)~~. A student who wishes  
5515 | to earn an associate in arts or a baccalaureate degree, but who  
5516 | is required to complete a college-preparatory course, must  
5517 | successfully complete the required college-preparatory studies  
5518 | by the time the student has accumulated 12 hours of lower-  
5519 | division college credit degree coursework; however, a student  
5520 | may continue enrollment in degree-earning coursework provided  
5521 | the student maintains enrollment in college-preparatory  
5522 | coursework for each subsequent semester until college-  
5523 | preparatory coursework requirements are completed, and the  
5524 | student demonstrates satisfactory performance in degree-earning

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5525 coursework. A passing score on a standardized, institutionally  
 5526 developed test must be achieved before a student is considered  
 5527 to have met basic computation and communication skills  
 5528 requirements; however, no student shall be required to retake  
 5529 any test or subtest that was previously passed by said student.  
 5530 Credit awarded for college-preparatory instruction may not be  
 5531 counted toward fulfilling the number of credits required for a  
 5532 degree.

5533 (b) A The university board of trustees may contract with a  
 5534 community college board of trustees for the community college to  
 5535 provide such instruction on the state university campus. Any  
 5536 state university in which the percentage of incoming students  
 5537 requiring college-preparatory instruction equals or exceeds the  
 5538 average percentage of such students for the community college  
 5539 system may offer college-preparatory instruction without  
 5540 contracting with a community college; however, any state  
 5541 university offering college-preparatory instruction as of  
 5542 January 1, 1996, may continue to provide such services.

5543 Section 119. Section 1008.32, Florida Statutes, is amended  
 5544 to read:

5545 1008.32 State Board of Education oversight enforcement  
 5546 authority.--The State Board of Education shall oversee the  
 5547 performance of district school boards and community college  
 5548 boards of trustees ~~public postsecondary educational institution~~  
 5549 ~~boards~~ in enforcement of all laws and rules. District school  
 5550 boards and community college boards of trustees ~~public~~  
 5551 ~~postsecondary educational institution boards~~ shall be primarily  
 5552 responsible for compliance with law and state board rule.



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5553 (1) In order to ensure compliance with law or state board  
 5554 rule, the State Board of Education shall have the authority to  
 5555 request and receive information, data, and reports from school  
 5556 districts and community colleges ~~public postsecondary~~  
 5557 ~~educational institutions~~. District school superintendents and  
 5558 community college ~~public postsecondary educational institution~~  
 5559 presidents are responsible for the accuracy of the information  
 5560 and data reported to the state board.

5561 (2) The Commissioner of Education may investigate  
 5562 allegations of noncompliance with law or state board rule and  
 5563 determine probable cause. The commissioner shall report  
 5564 determinations of probable cause to the State Board of Education  
 5565 which shall require the district school board or community  
 5566 college board of trustees ~~public postsecondary educational~~  
 5567 ~~institution board~~ to document compliance with law or state board  
 5568 rule.

5569 (3) If the district school board or community college  
 5570 board of trustees ~~public postsecondary educational institution~~  
 5571 ~~board~~ cannot satisfactorily document compliance, the State Board  
 5572 of Education may order compliance within a specified timeframe.

5573 (4) If the State Board of Education determines that a  
 5574 district school board or community college board of trustees  
 5575 ~~public postsecondary educational institution board~~ is unwilling  
 5576 or unable to comply with law or state board rule within the  
 5577 specified time, the state board shall have the authority to  
 5578 initiate any of the following actions:

5579 (a) Report to the Legislature that the school district or  
 5580 community college ~~public postsecondary educational institution~~

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5581 has been unwilling or unable to comply with law or state board  
 5582 rule and recommend action to be taken by the Legislature.

5583 (b) Reduce the discretionary lottery appropriation until  
 5584 the school district or community college ~~public postsecondary~~  
 5585 ~~education institution~~ complies with the law or state board rule.

5586 (c) Withhold the transfer of state funds, discretionary  
 5587 grant funds, or any other funds specified as eligible for this  
 5588 purpose by the Legislature until the school district or  
 5589 community college ~~public postsecondary educational institution~~  
 5590 complies with the law or state board rule.

5591 (d) Declare the school district or community college  
 5592 ~~public postsecondary educational institution~~ ineligible for  
 5593 competitive grants.

5594 (e) Require monthly or periodic reporting on the situation  
 5595 related to noncompliance until it is remedied.

5596 (5) Nothing in this section shall be construed to create a  
 5597 private cause of action or create any rights for individuals or  
 5598 entities in addition to those provided elsewhere in law or rule.

5599 Section 120. Section 1008.321, Florida Statutes, is  
 5600 created to read:

5601 1008.321 Board of Governors oversight enforcement  
 5602 authority.--The Board of Governors shall oversee the performance  
 5603 of state university boards of trustees in enforcement of all  
 5604 laws, rules, regulations, and requirements. State university  
 5605 boards of trustees shall be primarily responsible for compliance  
 5606 with laws, rules, regulations, and requirements.

5607 (1) In order to ensure compliance, the Board of Governors  
 5608 shall have the authority to request and receive information,

5609 data, and reports from state universities. State university  
 5610 presidents are responsible for the accuracy of the information  
 5611 and data reported to the Board of Governors.

5612 (2) The Board of Governors may investigate allegations of  
 5613 noncompliance and determine probable cause. The Board of  
 5614 Governors may require the state university board of trustees to  
 5615 document compliance.

5616 (3) If the state university board of trustees cannot  
 5617 satisfactorily document compliance, the Board of Governors may  
 5618 order compliance within a specified timeframe.

5619 (4) If the Board of Governors determines that a state  
 5620 university board of trustees is unwilling or unable to comply  
 5621 within the specified time, the Board of Governors shall have the  
 5622 authority to initiate any of the following actions:

5623 (a) Report to the Legislature that the state university  
 5624 has been unwilling or unable to comply and recommend action to  
 5625 be taken by the Legislature.

5626 (b) Declare the state university ineligible for  
 5627 competitive grants.

5628 (c) Require monthly or periodic reporting on the situation  
 5629 related to noncompliance until it is remedied.

5630 (5) Nothing in this section shall be construed to create a  
 5631 private cause of action or create any rights for individuals or  
 5632 entities in addition to those provided elsewhere in law or rule.

5633 Section 121. Paragraphs (e) through (i) of subsection (8)  
 5634 of section 1008.345, Florida Statutes, are amended to read:

5635 1008.345 Implementation of state system of school  
 5636 improvement and education accountability.--

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5637 (8) As a part of the system of educational accountability,  
5638 the Department of Education shall:

5639 (e) Maintain a listing of college-level communication and  
5640 mathematics skills defined pursuant to s. 1008.29 ~~by the State~~  
5641 ~~Board of Education~~ as being associated with successful student  
5642 performance through the baccalaureate level and submit it ~~the~~  
5643 ~~same~~ to the State Board of Education and the Board of Governors  
5644 for approval.

5645 (f) Maintain a listing of tests and other assessment  
5646 procedures which measure and diagnose student achievement of  
5647 college-level communication and computation skills and submit it  
5648 ~~the same~~ to the State Board of Education and the Board of  
5649 Governors for approval.

5650 (g) Maintain for the information of the State Board of  
5651 Education, the Board of Governors, and the Legislature a file of  
5652 data to reflect achievement of college-level communication and  
5653 mathematics competencies by students in state universities and  
5654 community colleges.

5655 (h) Develop or contract for, and submit to the State Board  
5656 of Education and the Board of Governors for approval, tests  
5657 which measure and diagnose student achievement of college-level  
5658 communication and mathematics skills. Any tests and related  
5659 documents developed are exempt from the provisions of s.  
5660 119.07(1). The commissioner shall maintain statewide  
5661 responsibility for the administration of such tests and may  
5662 assign administrative responsibilities for the tests to any  
5663 state university or community college. The state board, upon  
5664 recommendation of the commissioner, may enter into contracts for

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5665 such services beginning in one fiscal year and continuing into  
5666 the next year which are paid from the appropriation for either  
5667 or both fiscal years.

5668 (i) Perform any other functions that may be involved in  
5669 educational planning, research, and evaluation or that may be  
5670 required by the commissioner, the State Board of Education, the  
5671 Board of Governors, or law.

5672 Section 122. Subsections (1) and (2) of section 1008.37,  
5673 Florida Statutes, are amended to read:

5674 1008.37 Postsecondary feedback of information to high  
5675 schools.--

5676 (1) ~~The State Board of Education shall adopt rules that~~  
5677 ~~require the~~ Commissioner of Education shall ~~to~~ report to the  
5678 State Board of Education, the Board of Governors, the  
5679 Legislature, and the district school boards on the performance  
5680 of each first-time-in-postsecondary education student from each  
5681 public high school in this state who is enrolled in a public  
5682 postsecondary institution or public career center. Such reports  
5683 must be based on information databases maintained by the  
5684 Department of Education. In addition, the public postsecondary  
5685 educational institutions and career centers shall provide  
5686 district school boards access to information on student  
5687 performance in regular and preparatory courses and shall  
5688 indicate students referred for remediation pursuant to s.  
5689 1004.91 or s. 1008.30.

5690 (2) The Commissioner of Education shall report, by high  
5691 school, to the State Board of Education, the Board of Governors,  
5692 and the Legislature, no later than November 30 of each year, on

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5693 the number of prior year Florida high school graduates who  
 5694 enrolled for the first time in public postsecondary education in  
 5695 this state during the previous summer, fall, or spring term,  
 5696 indicating the number of students whose scores on the common  
 5697 placement test indicated the need for remediation through  
 5698 college-preparatory or vocational-preparatory instruction  
 5699 pursuant to s. 1004.91 or s. 1008.30.

5700 Section 123. Section 1008.38, Florida Statutes, is amended  
 5701 to read:

5702 1008.38 Articulation accountability process.--The State  
 5703 Board of Education, in conjunction with the Board of Governors,  
 5704 shall develop articulation accountability measures which assess  
 5705 the status of systemwide articulation processes authorized under  
 5706 s. 1007.23 and. ~~The State Board of Education shall~~ establish an  
 5707 articulation accountability process which at a minimum shall  
 5708 address:

5709 (1) The impact of articulation processes on ensuring  
 5710 educational continuity and the orderly and unobstructed  
 5711 transition of students between public secondary and  
 5712 postsecondary education systems and facilitating the transition  
 5713 of students between the public and private sectors.

5714 (2) The adequacy of preparation of public secondary  
 5715 students to smoothly articulate to a public postsecondary  
 5716 institution.

5717 (3) The effectiveness of articulated acceleration  
 5718 mechanisms available to secondary students.

5719 (4) The smooth transfer of community college associate in  
 5720 arts degree graduates to a state university.

5721 (5) An examination of degree requirements that exceed the  
 5722 parameters of 60 credit hours for an associate degree and 120  
 5723 hours for a baccalaureate degree in public postsecondary  
 5724 programs.

5725 (6) The relationship between the College Level Academic  
 5726 Skills Test Program and articulation to the upper division in  
 5727 public postsecondary institutions.

5728 Section 124. Paragraph (h) of subsection (1) of section  
 5729 1008.45, Florida Statutes, is amended to read:

5730 1008.45 Community college accountability process.--

5731 (1) It is the intent of the Legislature that a management  
 5732 and accountability process be implemented which provides for the  
 5733 systematic, ongoing improvement and assessment of the  
 5734 improvement of the quality and efficiency of the Florida  
 5735 community colleges. Accordingly, the State Board of Education  
 5736 and the community college boards of trustees shall develop and  
 5737 implement an accountability plan to improve and evaluate the  
 5738 instructional and administrative efficiency and effectiveness of  
 5739 the Florida Community College System. This plan shall be  
 5740 designed in consultation with staff of the Governor and the  
 5741 Legislature and must address the following issues:

5742 (h) Other measures ~~as identified by the Council for~~  
 5743 ~~Education Policy Research and Improvement~~ and approved by the  
 5744 State Board of Education.

5745 Section 125. Section 1008.46, Florida Statutes, is amended  
 5746 to read:

5747 1008.46 State university accountability process.--It is  
 5748 the intent of the Legislature that an accountability process be

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5749 | implemented that provides for the systematic, ongoing evaluation  
5750 | of quality and effectiveness of state universities. It is  
5751 | further the intent of the Legislature that this accountability  
5752 | process monitor performance at the system level in each of the  
5753 | major areas of instruction, research, and public service, while  
5754 | recognizing the differing missions of each of the state  
5755 | universities. The accountability process shall provide for the  
5756 | adoption of systemwide performance standards and performance  
5757 | goals for each standard identified through a collaborative  
5758 | effort involving state universities, the Board of Governors, the  
5759 | Legislature, and the Governor's Office. These standards and  
5760 | goals shall be consistent with s. 216.011(1) to maintain  
5761 | congruity with the performance-based budgeting process. This  
5762 | process requires that university accountability reports reflect  
5763 | measures defined through performance-based budgeting. The  
5764 | performance-based budgeting measures must also reflect the  
5765 | elements of teaching, research, and service inherent in the  
5766 | missions of the state universities.

5767 |         (1) By December 31 of each year, the Board of Governors  
5768 | ~~State Board of Education~~ shall submit an annual accountability  
5769 | report providing information on the implementation of  
5770 | performance standards, actions taken to improve university  
5771 | achievement of performance goals, the achievement of performance  
5772 | goals during the prior year, and initiatives to be undertaken  
5773 | during the next year. The accountability reports shall be  
5774 | designed in consultation with the Governor's Office, the Office  
5775 | of Program Policy Analysis and Government Accountability, and  
5776 | the Legislature.



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5777           (2) The Board of Governors ~~State Board of Education~~ shall  
 5778 recommend in the annual accountability report any appropriate  
 5779 modifications to this section.

5780           Section 126. Subsection (2) of section 1009.01, Florida  
 5781 Statutes, is amended to read:

5782           1009.01 Definitions.--The term:

5783           (2) "Out-of-state fee" means the additional fee for  
 5784 instruction provided by a public postsecondary educational  
 5785 institution in this state, which fee is charged to a student who  
 5786 does not qualify for the in-state tuition rate pursuant to s.  
 5787 1009.21 non-Florida student as defined in rules of the State  
 5788 ~~Board of Education~~. A charge for any other purpose shall not be  
 5789 included within this fee.

5790           Section 127. Section 1009.21, Florida Statutes, is amended  
 5791 to read:

5792           1009.21 Determination of resident status for tuition  
 5793 purposes and student eligibility for state financial aid awards  
 5794 and tuition assistance grants.--Students shall be classified as  
 5795 residents or nonresidents for the purpose of assessing tuition  
 5796 in community colleges and state universities and for the purpose  
 5797 of determining student eligibility for state financial aid  
 5798 awards and tuition assistance grants.

5799           (1) As used in this section, the term:

5800           (a) ~~The term~~ "Dependent child" means any person, whether  
 5801 or not living with his or her parent, who is eligible to be  
 5802 claimed by his or her parent as a dependent under the federal  
 5803 income tax code.

5804            (b) "Initial enrollment" means the first day of class at  
 5805 an institution of higher education.

5806            ~~(c)(b) The term~~ "Institution of higher education" means  
 5807 any public community college or state university or any  
 5808 institution eligible to participate in a program established  
 5809 pursuant to s. 1009.50, s. 1009.51, s. 1009.52, s. 1009.53, s.  
 5810 1009.54, s. 1009.56, s. 1009.57, s. 1009.60, s. 1009.62, s.  
 5811 1009.63, s. 1009.68, s. 1009.72, s. 1009.73, s. 1009.76, s.  
 5812 1009.77, s. 1009.89, or s. 1009.891.

5813            ~~(d)(e)~~ A "Legal resident" or "resident" means is a person  
 5814 who has maintained his or her residence in this state for the  
 5815 preceding year, has purchased a home which is occupied by him or  
 5816 her as his or her residence, or has established a domicile in  
 5817 this state pursuant to s. 222.17.

5818            (e) "Nonresident for tuition purposes" means a person who  
 5819 does not qualify for the in-state tuition rate.

5820            ~~(f)(d)~~ The term "Parent" means the natural or adoptive  
 5821 parent or legal guardian of a dependent child.

5822            ~~(g)(e)~~ A "Resident for tuition purposes" means is a person  
 5823 who qualifies as provided in subsection (2) for the in-state  
 5824 tuition rate; ~~a "nonresident for tuition purposes" is a person~~  
 5825 ~~who does not qualify for the in state tuition rate.~~

5826            (2) (a) To qualify as a resident for tuition purposes:

- 5827            1. A person or, if that person is a dependent child, his  
 5828 or her parent or parents must have established legal residence  
 5829 in this state and must have maintained legal residence in this  
 5830 state for at least 12 consecutive months immediately prior to  
 5831 his or her initial enrollment in an institution of higher

5832 education qualification. Legal residence must be established by  
 5833 written or electronic verification that includes two or more of  
 5834 the following Florida documents that demonstrate clear and  
 5835 convincing evidence of continuous residence in the state for at  
 5836 least 12 consecutive months prior to the student's initial  
 5837 enrollment in an institution of higher education: a voter  
 5838 information card pursuant to s. 97.071; a driver's license; an  
 5839 identification card issued by the State of Florida; a vehicle  
 5840 registration; a declaration of domicile; proof of purchase of a  
 5841 permanent home; a transcript from a Florida high school; a  
 5842 Florida GED diploma and transcript; proof of permanent full-time  
 5843 employment; proof of 12 consecutive months of payment of utility  
 5844 bills; a domicile lease and proof of 12 consecutive months of  
 5845 payments; or other official state or court documents evidencing  
 5846 legal ties to Florida. No single piece of evidence shall be  
 5847 conclusive.

5848         2. Every applicant for admission to an institution of  
 5849 higher education shall be required to make a statement as to his  
 5850 or her length of residence in the state and, further, shall  
 5851 establish that his or her presence or, if the applicant is a  
 5852 dependent child, the presence of his or her parent or parents in  
 5853 the state currently is, and during the requisite 12-month  
 5854 qualifying period was, for the purpose of maintaining a bona  
 5855 fide domicile, rather than for the purpose of maintaining a mere  
 5856 temporary residence or abode incident to enrollment in an  
 5857 institution of higher education.

5858         (b) However, with respect to a dependent child living with  
 5859 an adult relative other than the child's parent, such child may

5860 | qualify as a resident for tuition purposes if the adult relative  
 5861 | is a legal resident who has maintained legal residence in this  
 5862 | state for at least 12 consecutive months immediately prior to  
 5863 | the child's initial enrollment in an institution of higher  
 5864 | education ~~qualification~~, provided the child has resided  
 5865 | continuously with such relative for the 5 years immediately  
 5866 | prior to the child's initial enrollment ~~qualification~~, during  
 5867 | which time the adult relative has exercised day-to-day care,  
 5868 | supervision, and control of the child.

5869 | (c) The legal residence of a dependent child whose parents  
 5870 | are divorced, separated, or otherwise living apart will be  
 5871 | deemed to be this state if either parent is a legal resident of  
 5872 | this state, regardless of which parent is entitled to claim, and  
 5873 | does in fact claim, the minor as a dependent pursuant to federal  
 5874 | individual income tax provisions.

5875 | (d) A person who is classified as a nonresident for  
 5876 | tuition purposes may become eligible for reclassification as a  
 5877 | resident for tuition purposes if that person or, if that person  
 5878 | is a dependent child, his or her parent presents clear and  
 5879 | convincing evidence that supports permanent residency in this  
 5880 | state rather than temporary residency for the purpose of  
 5881 | pursuing an education, such as documentation of full-time  
 5882 | permanent employment for the prior 12 months or the purchase of  
 5883 | a home in this state and residence therein for the prior 12  
 5884 | months. If a person who is a dependent child and his or her  
 5885 | parent move to this state while such child is a high school  
 5886 | student and the child graduates from a high school in this  
 5887 | state, the child may become eligible for reclassification as a

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5888 resident for tuition purposes when the parent qualifies for  
5889 permanent residency.

5890 (3) (a) An individual shall not be classified as a resident  
5891 for tuition purposes and, thus, shall not be eligible to receive  
5892 the in-state tuition rate until he or she has provided such  
5893 evidence related to legal residence and its duration or, if that  
5894 individual is a dependent child, documentation of his or her  
5895 parent's legal residence and its duration, as well as  
5896 documentation confirming his or her status as a dependent child,  
5897 as ~~may be~~ required by law and by officials of the institution of  
5898 higher education from which he or she seeks the in-state tuition  
5899 rate. The documentation shall provide clear and convincing  
5900 evidence that residency in this state was for a minimum of 12  
5901 months prior to the student's initial enrollment in an  
5902 institution of higher education. No single piece of evidence  
5903 shall be conclusive.

5904 (b) Each institution of higher education must:

5905 1. Determine whether an applicant who has been granted  
5906 admission to that institution is a dependent child.

5907 2. Affirmatively determine that an applicant who has been  
5908 granted admission to that institution as a Florida resident  
5909 meets the residency requirements of this section at the time of  
5910 initial enrollment.

5911 (4) With respect to a dependent child, the legal residence  
5912 of such individual's parent or parents is prima facie evidence  
5913 of the individual's legal residence, which evidence may be  
5914 reinforced or rebutted, relative to the age and general  
5915 circumstances of the individual, by the other evidence of legal

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5916 residence required of or presented by the individual. However,  
5917 the legal residence of an individual whose parent or parents are  
5918 domiciled outside this state is not prima facie evidence of the  
5919 individual's legal residence if that individual has lived in  
5920 this state for 5 consecutive years prior to enrolling or  
5921 reregistering at the institution of higher education at which  
5922 resident status for tuition purposes is sought.

5923 (5) In making a domiciliary determination related to the  
5924 classification of a person as a resident or nonresident for  
5925 tuition purposes, the domicile of a married person, irrespective  
5926 of sex, shall be determined, as in the case of an unmarried  
5927 person, by reference to all relevant evidence of domiciliary  
5928 intent. For the purposes of this section:

5929 (a) A person shall not be precluded from establishing or  
5930 maintaining legal residence in this state and subsequently  
5931 qualifying or continuing to qualify as a resident for tuition  
5932 purposes solely by reason of marriage to a person domiciled  
5933 outside this state, even when that person's spouse continues to  
5934 be domiciled outside of this state, provided such person  
5935 maintains his or her legal residence in this state.

5936 (b) A person shall not be deemed to have established or  
5937 maintained a legal residence in this state and subsequently to  
5938 have qualified or continued to qualify as a resident for tuition  
5939 purposes solely by reason of marriage to a person domiciled in  
5940 this state.

5941 (c) In determining the domicile of a married person,  
5942 irrespective of sex, the fact of the marriage and the place of

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5943 domicile of such person's spouse shall be deemed relevant  
5944 evidence to be considered in ascertaining domiciliary intent.

5945 (6) Any nonresident person, irrespective of sex, who  
5946 marries a legal resident of this state or marries a person who  
5947 later becomes a legal resident may, upon becoming a legal  
5948 resident of this state, accede to the benefit of the spouse's  
5949 immediately precedent duration as a legal resident for purposes  
5950 of satisfying the 12-month durational requirement of this  
5951 section.

5952 (7) A person shall not lose his or her resident status for  
5953 tuition purposes solely by reason of serving, or, if such person  
5954 is a dependent child, by reason of his or her parent's or  
5955 parents' serving, in the Armed Forces outside this state.

5956 (8) A person who has been properly classified as a  
5957 resident for tuition purposes but who, while enrolled in an  
5958 institution of higher education in this state, loses his or her  
5959 resident tuition status because the person or, if he or she is a  
5960 dependent child, the person's parent or parents establish  
5961 domicile or legal residence elsewhere shall continue to enjoy  
5962 the in-state tuition rate for a statutory grace period, which  
5963 period shall be measured from the date on which the  
5964 circumstances arose that culminated in the loss of resident  
5965 tuition status and shall continue for 12 months. However, if the  
5966 12-month grace period ends during a semester or academic term  
5967 for which such former resident is enrolled, such grace period  
5968 shall be extended to the end of that semester or academic term.

5969 (9) Any person who ceases to be enrolled at or who  
5970 graduates from an institution of higher education while

5971 classified as a resident for tuition purposes and who  
 5972 subsequently abandons his or her domicile in this state shall be  
 5973 permitted to reenroll at an institution of higher education in  
 5974 this state as a resident for tuition purposes without the  
 5975 necessity of meeting the 12-month durational requirement of this  
 5976 section if that person has reestablished his or her domicile in  
 5977 this state within 12 months of such abandonment and continuously  
 5978 maintains the reestablished domicile during the period of  
 5979 enrollment. The benefit of this subsection shall not be accorded  
 5980 more than once to any one person.

5981 (10) The following persons shall be classified as  
 5982 residents for tuition purposes:

5983 (a) Active duty members of the Armed Services of the  
 5984 United States residing or stationed in this state, their  
 5985 spouses, and dependent children, and active members of the  
 5986 Florida National Guard who qualify under s. 250.10(7) and (8)  
 5987 for the tuition assistance program. In the event that such  
 5988 active duty personnel are redeployed outside of the state while  
 5989 such personnel, their spouses, or their dependent children are  
 5990 enrolled as degree-seeking students at a Florida institution of  
 5991 higher education, such persons shall continue to be residents  
 5992 for tuition purposes until the completion of the degree.

5993 (b) Active duty members of the Armed Services of the  
 5994 United States and their spouses and dependents attending a  
 5995 public community college or state university within 50 miles of  
 5996 the military establishment where they are stationed, if such  
 5997 military establishment is within a county contiguous to Florida.



5998 (c) United States citizens living on the Isthmus of  
 5999 Panama, who have completed 12 consecutive months of college work  
 6000 at the Florida State University Panama Canal Branch, and their  
 6001 spouses and dependent children.

6002 (d) Full-time instructional and administrative personnel  
 6003 employed by state public schools, community colleges, and  
 6004 institutions of higher education, as defined in s. 1000.04, and  
 6005 their spouses and dependent children.

6006 (e) Students from Latin America and the Caribbean who  
 6007 receive scholarships from the federal or state government. Any  
 6008 student classified pursuant to this paragraph shall attend, on a  
 6009 full-time basis, a Florida institution of higher education.

6010 (f) Southern Regional Education Board's Academic Common  
 6011 Market graduate students attending Florida's state universities.

6012 (g) Full-time employees of state agencies or political  
 6013 subdivisions of the state when the student fees are paid by the  
 6014 state agency or political subdivision for the purpose of job-  
 6015 related law enforcement or corrections training.

6016 (h) McKnight Doctoral Fellows and Finalists who are United  
 6017 States citizens.

6018 (i) United States citizens living outside the United  
 6019 States who are teaching at a Department of Defense Dependent  
 6020 School or in an American International School and who enroll in  
 6021 a graduate level education program which leads to a Florida  
 6022 teaching certificate.

6023 (j) Active duty members of the Canadian military residing  
 6024 or stationed in this state under the North American Air Defense  
 6025 (NORAD) agreement, and their spouses and dependent children,

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6026 attending a community college or state university within 50  
6027 miles of the military establishment where they are stationed.

6028 (k) Active duty members of a foreign nation's military who  
6029 are serving as liaison officers and are residing or stationed in  
6030 this state, and their spouses and dependent children, attending  
6031 a community college or state university within 50 miles of the  
6032 military establishment where the foreign liaison officer is  
6033 stationed.

6034 ~~(11) The State Board of Education shall by rule designate~~  
6035 ~~classifications of students as residents or nonresidents for~~  
6036 ~~tuition purposes at community colleges and state universities.~~

6037 Section 128. Section 1009.24, Florida Statutes, is amended  
6038 to read:

6039 (Substantial rewording of section. See s. 1009.24, F.S.,  
6040 for present text.)

6041 1009.24 State university student fees.--

6042 (1) GENERAL PROVISIONS.--

6043 (a) This section applies to students enrolled in college  
6044 credit programs at state universities.

6045 (b) All students shall be charged fees except students who  
6046 are exempt from fees or students whose fees are waived.

6047 (c) Undergraduate tuition shall be established in the  
6048 General Appropriations Act.

6049 (d) Any tuition or fee established by a designee of the  
6050 Board of Governors pursuant to this section shall be established  
6051 in accordance with law and rules of the Board of Governors.

6052 (e) All moneys from tuition and fees shall be deposited  
6053 pursuant to s. 1011.42.

6054 (f) A state university may not charge any fee except as  
6055 specifically authorized by law.

6056 (2) GRADUATE AND PROFESSIONAL PROGRAMS.--

6057 (a) The Board of Governors, or the board's designee, shall  
6058 establish tuition for graduate and professional programs and  
6059 shall give full consideration to providing access for Florida  
6060 residents to such programs when setting tuition levels.

6061 (b) For each constituent university, the Board of  
6062 Governors shall establish a limit on graduate and professional  
6063 enrollments. In establishing such limits, the Board of Governors  
6064 shall strive to maintain adequate access to undergraduate  
6065 education.

6066 (c) Students who are enrolled in Programs in Medical  
6067 Sciences are considered graduate students for the purpose of  
6068 enrollment and student fees.

6069 (3) OUT-OF-STATE STUDENTS.--

6070 (a) The Board of Governors, or the board's designee, shall  
6071 establish the out-of-state fee for a student classified as a  
6072 nonresident for tuition purposes pursuant to s. 1009.21. Except  
6073 as otherwise provided by law, the sum of tuition plus the out-  
6074 of-state fee for a student classified as a nonresident for  
6075 tuition purposes pursuant to s. 1009.21 must be sufficient to  
6076 offset the full cost of instruction.

6077 (b) For each constituent university, the Board of  
6078 Governors shall establish a limit on nonresident enrollments. In  
6079 establishing such limits, the Board of Governors shall not allow  
6080 a university's nonresident enrollment to exceed 10 percent of  
6081 total enrollment or the university's actual nonresident

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6082 enrollment percentage during the 2004 fall term, whichever is  
6083 greater.

6084 (4) FINANCIAL AID FEE.--

6085 (a) The Board of Governors, or the board's designee, is  
6086 authorized to collect a financial aid fee in an amount not to  
6087 exceed 5 percent of the tuition and out-of-state fee. The  
6088 revenues from the financial aid fee shall remain at each campus  
6089 for disbursement to students as quickly as possible.

6090 (b) The minimum percentage of funds from student financial  
6091 aid fee revenues that shall be used to provide financial aid  
6092 based on need shall be as follows:

6093 1. For awards provided prior to the 2007-2008 academic  
6094 year, 75 percent.

6095 2. For awards provided for the 2007-2008 academic year, 80  
6096 percent.

6097 3. For awards provided for the 2008-2009 academic year, 85  
6098 percent.

6099 4. For awards provided for the 2009-2010 academic year and  
6100 thereafter, 90 percent.

6101 (c) The Board of Governors shall develop criteria for  
6102 making financial aid awards from financial aid fee revenues and  
6103 from funds appropriated by the Legislature to state universities  
6104 for student financial assistance.

6105 (d) Each university shall report annually to the Board of  
6106 Governors, the President of the Senate, and the Speaker of the  
6107 House of Representatives on the revenue collected pursuant to  
6108 this subsection, the amount carried forward, the criteria used  
6109 to make awards, the amount and number of awards for each

6110 criterion, and a delineation of the distribution of such awards.  
 6111 The report shall include an assessment by category of the  
 6112 financial need of every student who receives an award regardless  
 6113 of the purpose for which the award is received.

6114 (e) Awards that are based on financial need shall be  
 6115 distributed in accordance with a nationally recognized system of  
 6116 need analysis approved by the Board of Governors.

6117 (f) An award for academic merit shall require a minimum  
 6118 overall grade point average of 3.0 on a 4.0 scale or the  
 6119 equivalent for both initial receipt of the award and renewal of  
 6120 the award.

6121 (5) CAPITAL IMPROVEMENT AND BUILDING FEE.--The Capital  
 6122 Improvement Trust Fund fee is established as \$2.44 per credit  
 6123 hour per semester. The building fee is established as \$2.32 per  
 6124 credit hour per semester.

6125 (6) LOCAL FEE AUTHORITY.--For each constituent university,  
 6126 the Board of Governors, or the board's designee, is authorized  
 6127 to establish separate activity and service, health, and athletic  
 6128 fees pursuant to the provisions of this section. When duly  
 6129 established, the fees shall be collected as component parts of  
 6130 tuition and fees and shall be retained by the university and  
 6131 paid into the separate activity and service, health, and  
 6132 athletic funds. The sum of the activity and service, health, and  
 6133 athletic fees a student is required to pay to register for a  
 6134 course shall not exceed 40 percent of the tuition established  
 6135 pursuant to law or in the General Appropriations Act. No  
 6136 university shall be required to lower any fee in effect on July  
 6137 1, 2006, in order to comply with this subsection. Within the 40-

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6138 percent cap, universities may not increase the aggregate sum of  
6139 activity and service, health, and athletic fees more than 5  
6140 percent per year unless specifically authorized in law or in the  
6141 General Appropriations Act. This subsection does not prohibit a  
6142 university from increasing or assessing optional fees related to  
6143 specific activities if payment of such fees is not required as a  
6144 part of registration for courses.

6145 (7) ACTIVITY AND SERVICE FEE.--

6146 (a)1. For each constituent university, the Board of  
6147 Governors, or the board's designee, is authorized to establish a  
6148 student activity and service fee on the main campus of the  
6149 university. The Board of Governors, or the board's designee, may  
6150 also establish a student activity and service fee on any branch  
6151 campus or center.

6152 2. Any change to the activity and service fee must be  
6153 recommended by an activity and service fee committee, at least  
6154 one-half of whom are students appointed by the student body  
6155 president. The remainder of the committee shall be appointed by  
6156 the university president. A chair, appointed jointly by the  
6157 university president and the student body president, shall vote  
6158 only in the case of a tie. The recommendations of the committee  
6159 shall take effect only after approval by the university  
6160 president, after consultation with the student body president,  
6161 with final approval by the university board of trustees.

6162 3. An increase in the activity and service fee may occur  
6163 only once each fiscal year and must be implemented beginning  
6164 with the fall term.

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6165 4. The Board of Governors is responsible for establishing  
6166 the guidelines and timetables necessary to implement this fee.

6167 (b)1. The student activity and service fees shall be  
6168 expended for lawful purposes to benefit the student body in  
6169 general. This shall include, but shall not be limited to,  
6170 technology, student publications, and grants to duly recognized  
6171 student organizations the membership of which is open to all  
6172 students at the university without regard to race, gender, or  
6173 religion.

6174 2. The activity and service fund may not benefit  
6175 activities for which an admission fee is charged to students,  
6176 except for student government association sponsored concerts.

6177 3. The allocation and expenditure of the activity and  
6178 service fund shall be determined by the student government  
6179 association of the university, except that the president of the  
6180 university may veto any line item or portion thereof within the  
6181 budget when submitted by the student government association  
6182 legislative body.

6183 4. The university president shall have 15 school days from  
6184 the date of presentation of the budget to act on the allocation  
6185 and expenditure recommendations, which shall be deemed approved  
6186 if no action is taken within the 15 school days.

6187 5. If any line item or portion thereof within the budget  
6188 is vetoed, the student government association legislative body  
6189 shall within 15 school days make new budget recommendations for  
6190 expenditure of the vetoed portion of the fund. If the university  
6191 president vetoes any line item or portion thereof within the new  
6192 budget revisions, the university president may reallocate by

6193 line item that vetoed portion to bond obligations guaranteed by  
 6194 activity and service fees.

6195 6. Unexpended funds and undisbursed funds remaining at the  
 6196 end of a fiscal year shall be carried over and remain in the  
 6197 activity and service fund and be available for allocation and  
 6198 expenditure during the next fiscal year.

6199 (8) HEALTH FEE.--

6200 (a) For each constituent university, the Board of  
 6201 Governors, or the board's designee, is authorized to establish a  
 6202 student health fee on the main campus of the university. The  
 6203 Board of Governors, or the board's designee, may also establish  
 6204 a student health fee on any branch campus or center.

6205 (b) Any change to the health fee must be recommended by a  
 6206 health committee, at least one-half of whom are students  
 6207 appointed by the student body president. The remainder of the  
 6208 committee shall be appointed by the university president. A  
 6209 chair, appointed jointly by the university president and the  
 6210 student body president, shall vote only in the case of a tie.  
 6211 The recommendations of the committee shall take effect only  
 6212 after approval by the university president, after consultation  
 6213 with the student body president, with final approval by the  
 6214 university board of trustees.

6215 (c) An increase in the health fee may occur only once each  
 6216 fiscal year and must be implemented beginning with the fall  
 6217 term.

6218 (d) The Board of Governors is responsible for establishing  
 6219 the guidelines and timetables necessary to implement this fee.

6220 (9) ATHLETIC FEE.--



6221 (a) For each constituent university, the Board of  
6222 Governors, or the board's designee, is authorized to establish a  
6223 separate athletic fee on the main campus of the university. The  
6224 Board of Governors, or the board's designee, may also establish  
6225 a separate athletic fee on any branch campus or center.

6226 (b) Any change to the athletic fee must be recommended by  
6227 an athletic fee committee, at least one-half of whom are  
6228 students appointed by the student body president. The remainder  
6229 of the committee shall be appointed by the university president.  
6230 A chair, appointed jointly by the university president and the  
6231 student body president, shall vote only in the case of a tie.  
6232 The recommendations of the committee shall take effect only  
6233 after approval by the university president, after consultation  
6234 with the student body president, with final approval by the  
6235 university board of trustees.

6236 (c) An increase in the athletic fee may occur only once  
6237 each fiscal year and must be implemented beginning with the fall  
6238 term.

6239 (d) The Board of Governors is responsible for establishing  
6240 the guidelines and timetables necessary to implement this fee.

6241 (e) A university may increase its athletic fee to defray  
6242 the costs associated with changing National Collegiate Athletic  
6243 Association divisions.

6244 1. Any such increase in the athletic fee may exceed both  
6245 the 40-percent cap and the 5-percent cap imposed by subsection

6246 (6).

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6247 2. Any such increase must be approved by the athletic fee  
6248 committee in the process outlined in paragraph (b) and cannot  
6249 exceed \$2 per credit hour.

6250 3. Notwithstanding the provisions of ss. 1009.534,  
6251 1009.535, and 1009.536, that portion of any increase in an  
6252 athletic fee pursuant to this paragraph that causes the sum of  
6253 the activity and service, health, and athletic fees to exceed  
6254 the 40-percent cap or the annual increase in such fees to exceed  
6255 the 5-percent cap shall not be included in calculating the  
6256 amount a student receives for a Florida Academic Scholars award,  
6257 a Florida Medallion Scholars award, or a Florida Gold Seal  
6258 Vocational Scholars award.

6259 (10) MISCELLANEOUS FEES AND FINES.--For each constituent  
6260 university, the Board of Governors, or the board's designee, is  
6261 authorized to establish the following fees and fines:

6262 (a) A nonrefundable application fee.

6263 (b) An orientation fee.

6264 (c) A fee for security, access, or identification cards.

6265 (d) Registration fees for audit and zero-hours  
6266 registration; a reasonable service charge for the payment of  
6267 tuition in installments; and a late-registration fee in an  
6268 amount not less than \$50 nor more than \$100 to be imposed on  
6269 students who fail to initiate registration during the regular  
6270 registration period.

6271 (e) A late-payment fee in an amount not less than \$50 nor  
6272 more than \$100 to be imposed on students who fail to pay tuition  
6273 or fail to make appropriate arrangements to pay tuition by means  
6274 of installment payment, deferment, or third-party billing by the

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6275 deadline set by each university. Each university may adopt  
6276 specific procedures or policies for waiving the late-payment fee  
6277 for minor underpayments.

6278 (f) A fee for miscellaneous health-related charges for  
6279 services provided at cost by the university health center that  
6280 are not covered by the health fee set under subsection (8).

6281 (g) Materials and supplies fees to offset the cost of  
6282 materials or supplies that are consumed in the course of the  
6283 student's instructional activities, excluding the cost of  
6284 equipment replacement, repairs, and maintenance.

6285 (h) Housing rental rates and miscellaneous housing charges  
6286 for services provided by the university at the request of the  
6287 student.

6288 (i) A charge representing the reasonable cost of efforts  
6289 to collect payment of overdue accounts.

6290 (j) A reasonable service charge on university loans in  
6291 lieu of interest and administrative handling charges.

6292 (k) A fee for off-campus course offerings when the  
6293 location results in specific, identifiable increased costs to  
6294 the university.

6295 (l) Library fees and fines, including charges for damaged  
6296 and lost library materials, overdue reserve library books,  
6297 interlibrary loans, and literature searches.

6298 (m) Fees relating to duplicating, photocopying, binding,  
6299 and microfilming; copyright services; and standardized testing.  
6300 These fees may be charged only to those who receive the  
6301 services.

6302           (n) Fees and fines relating to the use, late return, and  
 6303 loss and damage of facilities and equipment.

6304           (o) A returned-check fee as authorized by s. 832.07(1) for  
 6305 unpaid checks returned to the university.

6306           (p) Reasonable traffic and parking fines, charges for  
 6307 parking decals, and transportation access fees.

6308           (q) An Educational Research Center for Child Development  
 6309 fee for child care and services offered by the center.

6310           (r) Fees for transcripts and diploma replacement.

6311  
 6312 Fees established pursuant to this subsection for records,  
 6313 documents, services, materials, or supplies shall not exceed the  
 6314 cost to the university of providing the record, document,  
 6315 service, material, or supply. Fees and fines relating to the  
 6316 loss of or damage to university equipment or other university  
 6317 property or damage to university facilities shall not exceed the  
 6318 cost to the university of repair or replacement.

6319           (11) ADMISSIONS DEPOSIT.--For each constituent university,  
 6320 the Board of Governors, or the board's designee, is authorized  
 6321 to establish a nonrefundable admissions deposit for  
 6322 undergraduate, graduate, and professional degree programs in an  
 6323 amount not to exceed \$200. The admissions deposit shall be  
 6324 imposed at the time of an applicant's acceptance to the  
 6325 university and shall be applied toward tuition upon enrollment.  
 6326 In the event the applicant does not enroll in the university,  
 6327 the admissions deposit shall be deposited in an auxiliary  
 6328 account of the university and used to expand financial  
 6329 assistance and student academic and career counseling services

6330 at the university. If an admissions deposit is established  
 6331 pursuant to this subsection, a policy that provides for the  
 6332 waiver of such deposit on the basis of financial hardship must  
 6333 also be established.

6334 Section 129. Subsections (4) and (6) of section 1009.26,  
 6335 Florida Statutes, are amended, and subsection (9) is added to  
 6336 that section, to read:

6337 1009.26 Fee waivers.--

6338 (4) A state university may waive any or all application,  
 6339 tuition, and related fees for persons 60 years of age or older  
 6340 who are residents of this state and who attend classes for  
 6341 credit. No academic credit shall be awarded for attendance in  
 6342 classes for which fees are waived under this subsection. This  
 6343 privilege may be granted only on a space-available basis, if  
 6344 such classes are not filled as of the close of registration. A  
 6345 university may limit or deny the privilege for courses which are  
 6346 in programs for which the Board of Governors ~~State Board of~~  
 6347 ~~Education~~ has established selective admissions criteria. Persons  
 6348 paying full fees and state employees taking courses on a space-  
 6349 available basis shall have priority over those persons whose  
 6350 fees are waived in all cases where classroom spaces are limited.

6351 (6) A university board of trustees may waive the ~~State~~  
 6352 ~~Board of Education may establish rules to allow for the waiver~~  
 6353 ~~of~~ out-of-state fees for nondegree-seeking students enrolled at  
 6354 a state university if the earned student credit hours generated  
 6355 by such students are nonfundable and the direct cost for the  
 6356 program of study is recovered from the fees charged to all  
 6357 students.

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6358           (9) Each university board of trustees is authorized to  
 6359 waive tuition and out-of-state fees for purposes that support  
 6360 and enhance the mission of the university. All fees waived must  
 6361 be based on policies that are adopted by university boards of  
 6362 trustees pursuant to rules adopted by the Board of Governors.  
 6363 Each university shall report the purpose, number, and value of  
 6364 all fee waivers granted annually in a format prescribed by the  
 6365 Board of Governors.

6366           Section 130. Subsection (1) of section 1009.265, Florida  
 6367 Statutes, is amended to read:

6368           1009.265 State employee fee waivers.--

6369           (1) As a benefit to the employer and employees of the  
 6370 state, ~~subject to approval by an employee's agency head or the~~  
 6371 ~~equivalent,~~ each state university and community college shall  
 6372 waive tuition and fees for state employees to enroll for up to 6  
 6373 credit hours of courses, including distance learning or on-line  
 6374 courses, per term on a space-available basis. The employee must  
 6375 have approval of his or her supervisor to use the waiver to take  
 6376 a course or courses during normal work hours. For purposes of  
 6377 implementing this section, space available is to be determined  
 6378 based on the number of seats or capacity remaining in a course  
 6379 at the end of the drop-add period. State employee fee waivers  
 6380 may not be used for dissertation, thesis, directed individual  
 6381 study (DIS), or other one-to-one instruction courses.

6382           Section 131. Subsection (1) of section 1009.27, Florida  
 6383 Statutes, is amended to read:

6384           1009.27 Deferral of fees.--

6385           (1) School districts, community colleges, and state  
 6386 universities may defer ~~The State Board of Education shall adopt~~  
 6387 ~~rules to allow the deferral of~~ tuition and ~~registration~~ fees for  
 6388 students receiving financial aid from a federal or state  
 6389 assistance program when the aid is delayed in being transmitted  
 6390 to the student through circumstances beyond the control of the  
 6391 student. The failure to make timely application for the aid is  
 6392 an insufficient reason to receive a deferral of fees. ~~The rules~~  
 6393 ~~must provide for the enforcement and collection or other~~  
 6394 ~~settlement of delinquent accounts.~~

6395           Section 132. Section 1009.285, Florida Statutes, is  
 6396 amended to read:

6397           1009.285 Fees for repeated enrollment in college-credit  
 6398 courses.--A student enrolled in the same undergraduate college-  
 6399 credit course more than twice shall pay tuition at 100 percent  
 6400 of the full cost of instruction and shall not be included in  
 6401 calculations of full-time equivalent enrollments for state  
 6402 funding purposes. However, students who withdraw or fail a class  
 6403 due to extenuating circumstances may be granted an exception  
 6404 only once for each class, provided that approval is granted  
 6405 according to policy established by the community college board  
 6406 of trustees or the university board of trustees. Each community  
 6407 college and state university may review and reduce fees paid by  
 6408 students due to continued enrollment in a college-credit class  
 6409 on an individual basis contingent upon the student's financial  
 6410 hardship, ~~pursuant to definitions and fee levels established by~~  
 6411 ~~the State Board of Education.~~ For purposes of this section,  
 6412 first-time enrollment in a class shall mean enrollment in a

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6413 class beginning fall semester 1997, and calculations of the full  
 6414 cost of instruction shall be based on the systemwide average of  
 6415 the prior year's cost of undergraduate programs for the  
 6416 community colleges and the state universities. Boards of  
 6417 trustees may make exceptions to this section for individualized  
 6418 study, elective coursework, courses that are repeated as a  
 6419 requirement of a major, and courses that are intended as  
 6420 continuing over multiple semesters, excluding the repeat of  
 6421 coursework more than two times to increase grade point average  
 6422 or meet minimum course grade requirements.

6423 Section 133. Subsection (1) of section 1009.29, Florida  
 6424 Statutes, is amended to read:

6425 1009.29 Increased fees for funding financial aid  
 6426 program.--

6427 (1) Student tuition and registration fees at each state  
 6428 university and community college shall include up to \$4.68 per  
 6429 quarter, or \$7.02 per semester, per full-time student, or the  
 6430 per-student credit hour equivalents of such amounts. The fees  
 6431 provided for by this section shall be adjusted from time to  
 6432 time, as necessary, to comply with the debt service coverage  
 6433 requirements of the student loan revenue bonds issued pursuant  
 6434 to s. 1009.79. If the Division of Bond Finance of the State  
 6435 Board of Administration ~~State Board of Education~~ and the  
 6436 Commissioner of Education determine that such fees are no longer  
 6437 required as security for revenue bonds issued pursuant to ss.  
 6438 1009.78-1009.88, moneys previously collected pursuant to this  
 6439 section which are held in escrow, after administrative expenses  
 6440 have been met and up to \$150,000 has been used to establish a



6441 financial aid data processing system for the state universities  
 6442 incorporating the necessary features to meet the needs of all 11  
 6443 universities for application through disbursement processing,  
 6444 shall be reallocated to the generating institutions to be used  
 6445 for student financial aid programs, including, but not limited  
 6446 to, scholarships and grants for educational purposes. Upon such  
 6447 determination, such fees shall no longer be assessed and  
 6448 collected.

6449 Section 134. Paragraph (a) of subsection (1) of section  
 6450 1009.40, Florida Statutes, is amended to read:

6451 1009.40 General requirements for student eligibility for  
 6452 state financial aid awards and tuition assistance grants.--

6453 (1) (a) The general requirements for eligibility of  
 6454 students for state financial aid awards and tuition assistance  
 6455 grants consist of the following:

6456 1. Achievement of the academic requirements of and  
 6457 acceptance at a state university or community college; a nursing  
 6458 diploma school approved by the Florida Board of Nursing; a  
 6459 Florida college, university, or community college which is  
 6460 accredited by an accrediting agency recognized by the State  
 6461 Board of Education; any Florida institution the credits of which  
 6462 are acceptable for transfer to state universities; any career  
 6463 center; or any private career institution accredited by an  
 6464 accrediting agency recognized by the State Board of Education.

6465 2. Residency in this state for no less than 1 year  
 6466 preceding the award of aid or a tuition assistance grant for a  
 6467 program established pursuant to s. 1009.50, s. 1009.51, s.  
 6468 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s. 1009.57, s.

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6469 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s. 1009.72, s.  
 6470 1009.73, s. 1009.76, s. 1009.77, ~~or~~ s. 1009.89, or s. 1009.891.  
 6471 Residency in this state must be for purposes other than to  
 6472 obtain an education. Resident status for purposes of receiving  
 6473 state financial aid awards shall be determined in the same  
 6474 manner as resident status for tuition purposes pursuant to s.  
 6475 1009.21 ~~and rules of the State Board of Education.~~

6476 3. Submission of certification attesting to the accuracy,  
 6477 completeness, and correctness of information provided to  
 6478 demonstrate a student's eligibility to receive state financial  
 6479 aid awards or tuition assistance grants. Falsification of such  
 6480 information shall result in the denial of any pending  
 6481 application and revocation of any award or grant currently held  
 6482 to the extent that no further payments shall be made.  
 6483 Additionally, students who knowingly make false statements in  
 6484 order to receive state financial aid awards or tuition  
 6485 assistance grants ~~commit shall be guilty of~~ a misdemeanor of the  
 6486 second degree subject to the provisions of s. 837.06 and shall  
 6487 be required to return all state financial aid awards or tuition  
 6488 assistance grants wrongfully obtained.

6489 Section 135. Subsections (9) and (12) of section 1009.90,  
 6490 Florida Statutes, are amended to read:

6491 1009.90 Duties of the Department of Education.--The duties  
 6492 of the department shall include:

6493 (9) Development and submission of a report, annually, to  
 6494 the State Board of Education, the Board of Governors, the  
 6495 President of the Senate, and the Speaker of the House of  
 6496 Representatives, which shall include, but not be limited to,

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6497 recommendations for the distribution of state financial aid  
6498 funds.

6499 (12) Calculation of the amount of need-based student  
6500 financial aid required to offset fee increases recommended by  
6501 the State Board of Education and the Board of Governors and  
6502 inclusion of such amount within the legislative budget request  
6503 for student assistance grant programs.

6504 Section 136. Subsection (4) of section 1009.91, Florida  
6505 Statutes, is amended to read:

6506 1009.91 Assistance programs and activities of the  
6507 department.--

6508 (4) The department shall maintain records on the student  
6509 loan default rate of each Florida postsecondary institution and  
6510 report that information annually to both the institution and the  
6511 State Board of Education. Information relating to state  
6512 universities shall also be reported annually to the Board of  
6513 Governors.

6514 Section 137. Subsection (2) of section 1009.971, Florida  
6515 Statutes, is amended to read:

6516 1009.971 Florida Prepaid College Board.--

6517 (2) FLORIDA PREPAID COLLEGE BOARD; MEMBERSHIP.--The board  
6518 shall consist of seven members to be composed of the Attorney  
6519 General, the Chief Financial Officer, the Chancellor of the  
6520 State University System ~~Deputy Commissioner of Colleges and~~  
6521 ~~Universities~~, the Deputy Commissioner of Community Colleges, and  
6522 three members appointed by the Governor and subject to  
6523 confirmation by the Senate. Each member appointed by the  
6524 Governor shall possess knowledge, skill, and experience in the

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6525 areas of accounting, actuary, risk management, or investment  
6526 management. Each member of the board not appointed by the  
6527 Governor may name a designee to serve on the board on behalf of  
6528 the member; however, any designee so named shall meet the  
6529 qualifications required of gubernatorial appointees to the  
6530 board. Members appointed by the Governor shall serve terms of 3  
6531 years. Any person appointed to fill a vacancy on the board shall  
6532 be appointed in a like manner and shall serve for only the  
6533 unexpired term. Any member shall be eligible for reappointment  
6534 and shall serve until a successor qualifies. Members of the  
6535 board shall serve without compensation but shall be reimbursed  
6536 for per diem and travel in accordance with s. 112.061. Each  
6537 member of the board shall file a full and public disclosure of  
6538 his or her financial interests pursuant to s. 8, Art. II of the  
6539 State Constitution and corresponding statute.

6540 Section 138. Paragraph (b) of subsection (2) of section  
6541 1009.98, Florida Statutes, is amended to read:

6542 1009.98 Florida Prepaid College Program.--

6543 (2) PREPAID COLLEGE PLANS.--At a minimum, the board shall  
6544 make advance payment contracts available for two independent  
6545 plans to be known as the community college plan and the  
6546 university plan. The board may also make advance payment  
6547 contracts available for a dormitory residence plan. The board  
6548 may restrict the number of participants in the community college  
6549 plan, university plan, and dormitory residence plan,  
6550 respectively. However, any person denied participation solely on  
6551 the basis of such restriction shall be granted priority for  
6552 participation during the succeeding year.

6553 (b)1. Through the university plan, the advance payment  
 6554 contract shall provide prepaid registration fees for a specified  
 6555 number of undergraduate semester credit hours not to exceed the  
 6556 average number of hours required for the conference of a  
 6557 baccalaureate degree. Qualified beneficiaries shall bear the  
 6558 cost of any laboratory fees associated with enrollment in  
 6559 specific courses. Each qualified beneficiary shall be classified  
 6560 as a resident for tuition purposes pursuant to s. 1009.21,  
 6561 regardless of his or her actual legal residence.

6562 2. Effective July 1, 1998, the board may provide advance  
 6563 payment contracts for additional fees delineated in s.  
 6564 1009.24 (6) - (9) ~~(8) - (11)~~, for a specified number of undergraduate  
 6565 semester credit hours not to exceed the average number of hours  
 6566 required for the conference of a baccalaureate degree, in  
 6567 conjunction with advance payment contracts for registration  
 6568 fees. Such contracts shall provide prepaid coverage for the sum  
 6569 of such fees, to a maximum of 45 percent of the cost of  
 6570 registration fees. University plan contracts purchased prior to  
 6571 July 1, 1998, shall be limited to the payment of registration  
 6572 fees as defined in s. 1009.97.

6573 Section 139. Subsections (1) and (2) of section 1010.01,  
 6574 Florida Statutes, are amended to read:

6575 1010.01 Uniform records and accounts.--

6576 (1) (a) The financial records and accounts of each school  
 6577 district, community college, ~~university~~, and other institution  
 6578 or agency under the supervision of the State Board of Education  
 6579 shall be prepared and maintained as prescribed by law and rules  
 6580 of the State Board of Education.

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6581           (b) The financial records and accounts of each state  
 6582 university under the supervision of the Board of Governors shall  
 6583 be prepared and maintained as prescribed by law and rules of the  
 6584 Board of Governors.

6585           (2) Rules of the State Board of Education and rules of the  
 6586 Board of Governors shall incorporate the requirements of law and  
 6587 the appropriate requirements of the Governmental Accounting  
 6588 Standards Board (GASB) for State and Local Government. Such  
 6589 rules shall include a uniform classification of accounts.

6590           Section 140. Section 1010.011, Florida Statutes, is  
 6591 amended to read:

6592           1010.011 Definition.--For purposes of this chapter and  
 6593 chapter 1011, the ~~following~~ terms+ "university," "universities,"  
 6594 and "university board of trustees" include all state  
 6595 universities ~~New College~~ under the supervision of the Board of  
 6596 Governors ~~State Board of Education.~~

6597           Section 141. Section 1010.02, Florida Statutes, is amended  
 6598 to read:

6599           1010.02 Financial accounting and expenditures.--

6600           (1) All funds accruing to a school district ~~or~~ a  
 6601 community college, ~~or a university~~ must be received, accounted  
 6602 for, and expended in accordance with law and rules of the State  
 6603 Board of Education.

6604           (2) All funds accruing to a state university must be  
 6605 received, accounted for, and expended in accordance with law and  
 6606 rules of the Board of Governors.

6607           Section 142. Subsections (1) and (4) of section 1010.04,  
 6608 Florida Statutes, are amended to read:

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6609 | 1010.04 Purchasing.--

6610 | (1) (a) Purchases and leases by school districts and~~7~~  
 6611 | ~~community colleges, and universities~~ shall comply with the  
 6612 | requirements of law and rules of the State Board of Education.

6613 | (b) Purchases and leases by state universities shall  
 6614 | comply with the requirements of law and rules of the Board of  
 6615 | Governors.

6616 | (4) (a) The State Board of Education may, by rule, provide  
 6617 | for alternative procedures for school districts and community  
 6618 | colleges for bidding or purchasing in cases in which the  
 6619 | character of the item requested renders competitive bidding  
 6620 | impractical.

6621 | (b) The Board of Governors may, by rule, provide for  
 6622 | alternative procedures for state universities for bidding or  
 6623 | purchasing in cases in which the character of the item requested  
 6624 | renders competitive bidding impractical.

6625 | Section 143. Subsection (2) of section 1010.07, Florida  
 6626 | Statutes, is amended to read:

6627 | 1010.07 Bonds or insurance required.--

6628 | (2) (a) Contractors paid from school district or~~7~~ community  
 6629 | college, ~~or university~~ funds shall give bond for the faithful  
 6630 | performance of their contracts in such amount and for such  
 6631 | purposes as prescribed by s. 255.05 or by rules of the State  
 6632 | Board of Education relating to the type of contract involved. It  
 6633 | shall be the duty of the district school board or~~7~~ community  
 6634 | college board of trustees, ~~and university board of trustees~~ to  
 6635 | require from construction contractors a bond adequate to protect  
 6636 | the board and the board's funds involved.

6637           (b) Contractors paid from university funds shall give bond  
 6638 for the faithful performance of their contracts in such amount  
 6639 and for such purposes as prescribed by s. 255.05 or by rules of  
 6640 the Board of Governors relating to the type of contract  
 6641 involved. It shall be the duty of the university board of  
 6642 trustees to require from construction contractors a bond  
 6643 adequate to protect the board and the board's funds involved.

6644           Section 144. Section 1010.09, Florida Statutes, is amended  
 6645 to read:

6646           1010.09 Direct-support organizations.--

6647           (1) School district and, ~~community college, and university~~  
 6648 direct-support organizations shall be organized and conducted  
 6649 under the provisions of ss. 1001.453,~~1004.28,~~ and 1004.70 and  
 6650 rules of the State Board of Education, as applicable.

6651           (2) State university direct-support organizations shall be  
 6652 organized and conducted under the provisions of s. 1004.28 and  
 6653 rules of the Board of Governors, as applicable.

6654           Section 145. Section 1010.30, Florida Statutes, is amended  
 6655 to read:

6656           1010.30 Audits required.--School districts, community  
 6657 colleges, ~~universities,~~ and other institutions and agencies  
 6658 under the supervision of the State Board of Education and state  
 6659 universities under the supervision of the Board of Governors are  
 6660 subject to the audit provisions under ss. 11.45 and 218.39.

6661           Section 146. Section 1010.62, Florida Statutes, is created  
 6662 to read:

6663           1010.62 Revenue bonds and debt for state universities.--

6664           (1) As used in this section, the term:



6665        (a) "Capital outlay project" means:  
 6666            1. Any project to acquire, construct, improve, or change  
 6667 the functional use of land, buildings, and other facilities,  
 6668 including furniture and equipment necessary to operate a new or  
 6669 improved building or facility.  
 6670            2. Any other acquisition of equipment or software.  
 6671        (b) "Debt" means bonds except revenue bonds as defined in  
 6672 paragraph (d), loans, promissory notes, lease-purchase  
 6673 agreements, certificates of participation, installment sales,  
 6674 leases, or any other financing mechanism or financial  
 6675 arrangement, whether or not a debt for legal purposes, for  
 6676 financing or refinancing, for or on behalf of a state university  
 6677 or a direct-support organization, the acquisition, construction,  
 6678 improvement, or purchase of capital outlay projects.  
 6679        (c) "Direct-support organization" means any entity created  
 6680 pursuant to s. 1004.28 or any entity specifically established to  
 6681 incur debt on behalf of a state university.  
 6682        (d) "Revenue bonds" mean any obligation that constitutes a  
 6683 revenue bond pursuant to s. 11(d), Art. VII of the State  
 6684 Constitution.  
 6685        (2) (a) The Board of Governors may request the issuance of  
 6686 revenue bonds pursuant to the State Bond Act and s. 11(d), Art.  
 6687 VII of the State Constitution to finance or refinance capital  
 6688 projects permitted by law.  
 6689            1.a. Revenue bonds may only be secured by or payable from  
 6690 those revenues authorized for such purpose including the health  
 6691 fee, the transportation access fee, hospital revenues or those  
 6692 revenues derived from or received in relation to sales and

6693 services of auxiliary enterprises or component units of the  
 6694 university, including, but not limited to, housing,  
 6695 transportation, health care, research or research-related  
 6696 activities, food service, retail sales, athletic activities, or  
 6697 similar services, other revenue attributable to the projects to  
 6698 be financed or refinanced, any other revenue approved by the  
 6699 Legislature for facilities construction or for securing revenue  
 6700 bonds issued pursuant to s. 11(d), Art. VII of the State  
 6701 Constitution, or any other revenues permitted by law.

6702 b. The assets of a university foundation and the earnings  
 6703 thereon may also be used to pay and secure revenue bonds of the  
 6704 university or its direct-support organizations.

6705 c. Revenues from royalties and licensing fees may be used  
 6706 to pay and secure revenue bonds so long as the facilities being  
 6707 financed are functionally related to the university operation or  
 6708 direct-support organization reporting such royalties and  
 6709 licensing fees.

6710 2.a. Revenue bonds may not be secured by or payable from,  
 6711 either directly or indirectly, tuition, the financial aid fee,  
 6712 the activity and service fee, the athletic fee, sales and  
 6713 services of educational departments, revenues from contracts and  
 6714 grants, except for money received for overhead and indirect  
 6715 costs and other moneys not required for the payment of direct  
 6716 costs of grants, state operating revenues, or any other  
 6717 operating revenues of a state university.

6718 b. Revenues from one auxiliary enterprise or component  
 6719 unit may not be used to secure revenue bonds of another unless  
 6720 such activities and facilities are functionally related.

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6721 (b) In connection with the issuance of revenue bonds, the  
6722 Board of Governors and the state university if so designated by  
6723 the Board of Governors shall comply with all covenants,  
6724 commitments, or other provisions relating to revenue bonds. Such  
6725 covenants, commitments, or other provisions, in addition to  
6726 those provided in the State Bond Act, may relate to:

6727 1. Pledging the fees, charges, and other revenues that  
6728 secure the revenue bonds.

6729 2. Fixing and maintaining fees, rates, and other charges  
6730 pledged to the payment of the revenue bonds.

6731 3. Providing a lien on the revenues pledged.

6732 4. Preventing or providing for the creation of other liens  
6733 on the fees, charges, and other revenues that secure the revenue  
6734 bonds.

6735 5. Establishing and maintaining reserves for debt service  
6736 payments on revenue bonds.

6737 6. Providing for the operation, maintenance, and  
6738 improvement of facilities that are related to the generation of  
6739 the fees, revenues, and other charges pledged to the payment of  
6740 the revenue bonds.

6741 7. Establishing any other covenants, commitments, or  
6742 provisions that are deemed necessary or advisable to enhance the  
6743 security of the revenue bonds, or the marketability thereof, and  
6744 that are customary in accordance with the market requirements  
6745 for the sale of such revenue bonds.

6746 (3) (a) No state university or direct-support organization  
6747 may issue debt without the approval of the Board of Governors.

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6748        1. The Board of Governors may only approve the issuance of  
6749 debt by a state university or a direct-support organization when  
6750 such debt is used to finance or refinance capital outlay  
6751 projects that are necessary and desirable to serve the needs and  
6752 purposes of the state university.

6753        2.a. The debt may only be secured by or payable from those  
6754 revenues authorized for such purpose, including the health fee,  
6755 the transportation access fee, hospital revenues or those  
6756 revenues derived from or received in relation to sales and  
6757 services of auxiliary enterprises or component units of the  
6758 university, including, but not limited to, housing,  
6759 transportation, health care, research or research-related  
6760 activities, food service, retail sales, athletic activities, or  
6761 other similar services.

6762        b. The assets of university foundations and the earnings  
6763 thereon may be used to pay and secure debt of the university or  
6764 its direct-support organizations.

6765        c. Gifts and donations or pledges of gifts may also be  
6766 used to secure debt so long as the maturity of the debt,  
6767 including extensions, renewals, and refundings, does not exceed  
6768 5 years.

6769        d. Revenues from royalties and licensing fees may also be  
6770 used to secure debt so long as the facilities being financed are  
6771 functionally related to the university operation or direct-  
6772 support organization reporting such royalties and licensing  
6773 fees.

6774        3.a. The debt may not be secured by or payable from,  
6775 either directly or indirectly, tuition, the financial aid fee,

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6776 the activity and service fee, the athletic fee, sales and  
6777 services of educational departments, revenues from contracts and  
6778 grants, except for money received for overhead and indirect  
6779 costs and other moneys not required for the payment of direct  
6780 costs of grants, state operating revenues, or any other  
6781 operating revenues of a state university.

6782 b. The debt of direct-support organizations may not be  
6783 secured by or payable under an agreement or contract with a  
6784 state university unless the source of payments under such  
6785 agreement or contract is limited to revenues that universities  
6786 are authorized to use for payment of debt service.

6787 c. Revenues from one auxiliary enterprise or component  
6788 unit may not be used to secure debt of another unless such  
6789 activities and facilities are functionally related.

6790 4. No debt may be approved to finance or refinance  
6791 operating expenses of a state university or a direct-support  
6792 organization.

6793 5. The maturity of debt used to finance or refinance the  
6794 acquisition of equipment or software, including any extensions,  
6795 renewals, or refundings thereof, shall be limited to 5 years or  
6796 the estimated useful life of the equipment or software,  
6797 whichever is shorter.

6798 6. The Board of Governors may establish conditions and  
6799 limitations on such debt service as it determines to be  
6800 advisable.

6801 (b) Approval by the Board of Governors of the issuance of  
6802 debt shall be based upon a determination that the debt:

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- 6803        1. Is for a purpose consistent with the mission of the  
6804 state university.
- 6805        2. Is structured in a manner appropriate for the prudent  
6806 financial management of the state university.
- 6807        3. Is to be incurred in a manner consistent with the  
6808 policies governing the issuance of the state debt.
- 6809        4. Is secured by revenues adequate to provide for all  
6810 payments relating to the debt.
- 6811        5. Has been analyzed by the Division of Bond Finance, with  
6812 all issues raised by such analysis having been appropriately  
6813 considered by the Board of Governors.
- 6814        6. Is consistent with the requirements of any policies or  
6815 criteria adopted by the Board of Governors for the approval of  
6816 debt.
- 6817        (c) Notwithstanding the provisions of paragraphs (a) and  
6818 (b), state universities and direct-support organizations may  
6819 engage in the following activities without the Board of  
6820 Governors' approval:
- 6821            1. State universities may lease-purchase equipment and  
6822 software in accordance with the deferred-payment purchase  
6823 provisions in chapter 287, and direct-support organizations may  
6824 lease-purchase equipment and software to the extent that the  
6825 overall term of the financing, including any extension, renewal,  
6826 or refinancings thereof, does not exceed 5 years or the  
6827 estimated useful life of the equipment or software, whichever is  
6828 shorter.

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6829        2. Direct-support organizations may issue promissory notes  
6830 and grant conventional mortgages for the acquisition of real  
6831 property.

6832        3. State universities and direct-support organizations may  
6833 secure debt with gifts and donations and pledges of gifts so  
6834 long as the facilities being financed thereby have been included  
6835 in the university's 5-year capital improvement plan which has  
6836 been approved by the Board of Governors and the maturity of the  
6837 debt, including extensions, renewals, and refundings, does not  
6838 exceed 5 years.

6839        (4) The approval of the Board of Governors of revenue  
6840 bonds, except refunding bonds, or debt must be requested by a  
6841 resolution of the board of trustees of each state university  
6842 involved in the issuance of the revenue bonds or debt.

6843        (5) Revenue bonds or debt issued hereunder may be secured  
6844 on a parity with prior revenue bonds or debt issued by or on  
6845 behalf of one or more universities or a direct-support  
6846 organization.

6847        (6) Capital outlay projects to be financed by revenue  
6848 bonds or debt are limited to those approved by the Legislature  
6849 either through approval of the specific project or general  
6850 approval of the type or category of capital outlay project.

6851        (7) (a) As required pursuant to s. 11(d), Art. VII of the  
6852 State Constitution and subsection (6), the Legislature hereby  
6853 approves those capital outlay projects which meet the following  
6854 requirements:

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6855 1. The project is located on a campus of a state  
6856 university or on land leased to the state university or land  
6857 that is used for activities relating to the state university.

6858 2. The project is included in the master plan of the state  
6859 university or is for facilities not required to be in a state  
6860 university's master plan.

6861 3. The project is approved by the Board of Governors as  
6862 being consistent with the strategic plan of the state university  
6863 and the programs offered by the state university.

6864 4. The project is for purposes relating to housing,  
6865 transportation, health care, research or research-related  
6866 activities, food service, or retail sales of the state  
6867 university.

6868 (b) Capital outlay projects for the acquisition of  
6869 equipment or software are also approved for purposes of  
6870 subsection (6) to the extent that the overall term of the  
6871 financing, including any extension, renewal, or refinancings  
6872 thereof, does not exceed 5 years or the estimated useful life of  
6873 the equipment or software, whichever is shorter.

6874 (8) Notwithstanding any other law, the Board of Governors,  
6875 each state university, and any direct-support organization must  
6876 comply with the provisions of this section to issue or enter  
6877 into agreements for the issuance of revenue bonds or debt.

6878 (9) The Board of Governors may adopt such rules or  
6879 policies as may be necessary or desirable to carry out all of  
6880 the requirements of this section and may do all things necessary  
6881 or desirable to carry out the powers granted in this section.  
6882 Such rules or policies may include categories of debt, other



6883 than revenue bonds, which may be issued without the Board of  
 6884 Governors' approval of the specific issuance, provided the  
 6885 issuance complies with any terms, conditions, or requirements  
 6886 included in such policy and laws governing the imposition of  
 6887 fees and laws requiring specific authority to pledge revenues to  
 6888 secure debt.

6889 (10) Any legal commitments, contracts, or other  
 6890 obligations relating to the financing of capital outlay  
 6891 projects, which were lawfully entered into prior to July 1,  
 6892 2006, shall remain in full force and effect. Any such legal  
 6893 commitment, contract, or other obligation may be amended without  
 6894 compliance with this section but only to the extent that such  
 6895 amendment does not extend the term of the underlying obligation  
 6896 or increase the financial obligation of the Board of Governors,  
 6897 a state university, or a direct-support organization.

6898 Section 147. Section 1010.86, Florida Statutes, is amended  
 6899 to read:

6900 1010.86 Administration of capital improvement and building  
 6901 fees trust funds.--The Board of Governors ~~State Board of~~  
 6902 ~~Education~~ shall administer the Capital Improvement Fee Trust  
 6903 Fund and the Building Fee Trust Fund which include receipts from  
 6904 capital improvement and building student fee assessments,  
 6905 interest earnings, and subsidy grants. All funds, except those  
 6906 to be used for debt service payments, reserve requirements, and  
 6907 educational research centers for child development, pursuant to  
 6908 s. 1011.48, shall be used to fund projects appropriated by the  
 6909 Legislature. Projects funded pursuant to this section may be  
 6910 expanded by the use of supplemental funds such as grants,

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6911 auxiliary enterprises, private donations, and other nonstate  
6912 sources.

6913 Section 148. Section 1011.01, Florida Statutes, is amended  
6914 to read:

6915 1011.01 Budget system established.--

6916 (1) The State Board of Education shall prepare and submit  
6917 a coordinated K-20 education annual legislative budget request  
6918 to the Governor and the Legislature on or before the date  
6919 provided by the Governor and the Legislature. The board's  
6920 legislative budget request must clearly define the needs of  
6921 school districts, community colleges, universities, other  
6922 institutions, organizations, programs, and activities under the  
6923 supervision of the board and that are assigned by law or the  
6924 General Appropriations Act to the Department of Education.

6925 (2) (a) There shall be established in each school district  
6926 and, ~~community college, and university~~ a budget system as  
6927 prescribed by law and rules of the State Board of Education.

6928 (b) There shall be established in each state university a  
6929 budget system as prescribed by law and rules of the Board of  
6930 Governors.

6931 (3) (a) Each district school board and, ~~each community~~  
6932 ~~college board of trustees, and each state university board of~~  
6933 ~~trustees~~ shall prepare, adopt, and submit to the Commissioner of  
6934 Education for review an annual operating budget. Operating  
6935 budgets shall be prepared and submitted in accordance with the  
6936 provisions of law, rules of the State Board of Education, the  
6937 General Appropriations Act, and for district school boards in  
6938 accordance with the provisions of ss. 200.065 and 1011.64.

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6939           (b) Each state university board of trustees shall prepare,  
 6940 adopt, and submit to the Chancellor of the State University  
 6941 System for review an annual operating budget in accordance with  
 6942 provisions of law, rules of the Board of Governors, and the  
 6943 General Appropriations Act.

6944           (4) The State Board of Education shall coordinate with the  
 6945 Board of Governors to facilitate the budget system requirements  
 6946 of this section. The Board of Governors exclusively retains the  
 6947 review and approval powers of this section for state  
 6948 universities.

6949           Section 149. Section 1011.011, Florida Statutes, is  
 6950 amended to read:

6951           1011.011 Legislative capital outlay budget request.--The  
 6952 State Board of Education shall submit an integrated,  
 6953 comprehensive budget request for educational facilities  
 6954 construction and fixed capital outlay needs for school  
 6955 districts, community colleges, and, in conjunction with the  
 6956 Board of Governors, universities pursuant to this section and s.  
 6957 1013.46 and applicable provisions of chapter 216.

6958           Section 150. Section 1011.40, Florida Statutes, is amended  
 6959 to read:

6960           1011.40 Budgets for universities.--

6961           (1) LEGISLATIVE BUDGET REQUEST.--The Board of Governors  
 6962 ~~State Board of Education~~ shall provide instructions, guidelines,  
 6963 and standard formats to be used by each university that will  
 6964 provide to the Board of Governors ~~State Board of Education~~ and  
 6965 the Legislature adequate information to support and justify the

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6966 legislative budget requests submitted pursuant to ss. 216.023,  
 6967 1011.90, and 1013.60 for each university.

6968 (2) OPERATING BUDGET.--Each university board of trustees  
 6969 shall adopt an operating budget for the operation of the  
 6970 university as prescribed by law and rules of the Board of  
 6971 Governors State Board of Education. Each university president  
 6972 shall prepare and implement the operating budget of the  
 6973 university as prescribed by law, rules of the Board of Governors  
 6974 State Board of Education, policies of the university board of  
 6975 trustees, and provisions of the General Appropriations Act. The  
 6976 proposed expenditures, plus transfers, and balances shall not  
 6977 exceed the estimated income, transfers, and balances. The budget  
 6978 and each part thereof shall balance. If at any time the  
 6979 unencumbered balance in the education and general fund of the  
 6980 university board of trustees approved operating budget goes  
 6981 below 5 percent, the president shall provide written  
 6982 notification to the Board of Governors State Board of Education.

6983 (3) EXPENDITURES.--Expenditures from any source of funds  
 6984 by any university shall not exceed the funds available.  
 6985 Expenditures shall not exceed the amount budgeted under each  
 6986 classification of accounts for each fund and the total amount of  
 6987 the budget, as amended as prescribed by rules of the Board of  
 6988 Governors State Board of Education. No expenditure of funds,  
 6989 contract, or agreement of any nature shall be made that requires  
 6990 additional appropriation of funds by the Legislature unless  
 6991 specifically authorized in advance by law or the General  
 6992 Appropriations Act.

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6993 (4) DISTRIBUTION OF APPROPRIATION.--Funds appropriated in  
 6994 the General Appropriations Act for the operation of state  
 6995 universities shall be distributed ~~by the State Board of~~  
 6996 ~~Education~~ to the universities twice monthly. The Executive  
 6997 Office of the Governor may modify this schedule if required to  
 6998 meet specific needs of a university.

6999 Section 151. Section 1011.41, Florida Statutes, is amended  
 7000 to read:

7001 1011.41 University appropriations.--Funds for the general  
 7002 operations of universities shall be requested and appropriated  
 7003 as Aid to Local Governments Grants and Aids, subject to  
 7004 provisions of the General Appropriations Act. Funds provided to  
 7005 state universities in the General Appropriations Act are  
 7006 contingent upon each university complying with the tuition and  
 7007 fee policies established in the proviso language and with the  
 7008 tuition and fee policies for state universities included in part  
 7009 II of chapter 1009. However, the funds appropriated to a  
 7010 specific university shall not be affected by the failure of  
 7011 another university to comply with this provision.

7012 Section 152. Section 1011.4106, Florida Statutes, is  
 7013 amended to read:

7014 1011.4106 Trust fund dissolution and local account  
 7015 appropriations.--

7016 (1) Notwithstanding the provisions of ss. 215.3206(2) and  
 7017 215.3208(2), and pursuant to s. 216.351, all unexpended balances  
 7018 as of June 30, 2002, in the following state university system  
 7019 trust funds are hereby appropriated to the appropriate accounts  
 7020 of each university based upon the original source of the trust

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7021 fund revenue and any accrued interest: the Education/General  
7022 Student and Other Fees Trust Fund, the Experiment Station  
7023 Federal Grant Trust Fund, the Experiment Station Incidental  
7024 Trust Fund, the Extension Service Federal Grant Trust Fund, the  
7025 Extension Service Incidental Trust Fund, the Incidental Trust  
7026 Fund, the UF Health Center Operations and Maintenance Trust  
7027 Fund, the Operations and Maintenance Trust Fund, and all other  
7028 trust funds in the State Treasury for universities. Expenditure  
7029 of these funds by each university must be based on the laws,  
7030 rules, grant agreements, or other legal controlling factors  
7031 associated with all trust fund balances which are appropriated  
7032 to local accounts pursuant to this section, and included in each  
7033 university board of trustees' approved operating budget. Each  
7034 university shall be responsible for the payment of outstanding  
7035 debts or obligations associated with these funds.

7036 (2) Any appropriations provided in the General  
7037 Appropriations Act from the Education/General Student and Other  
7038 Fees Trust Fund are the only budget authority for the fiscal  
7039 year to the named universities to expend tuition and fees that  
7040 are collected during the fiscal year and carried forward from  
7041 the prior fiscal year. The expenditure of tuition and fee  
7042 revenues from local accounts by each university shall not exceed  
7043 the authority provided in the General Appropriations Act unless  
7044 approved pursuant to the provisions of chapter 216. If a court  
7045 of competent jurisdiction finds that the restriction in this  
7046 subsection is invalid, the appropriations made by this section  
7047 are hereby repealed and the moneys described in this section

7048 shall be deposited in the State Treasury for expenditure only  
 7049 pursuant to appropriations made by law.

7050 Section 153. Subsections (3), (4), and (5) of section  
 7051 1011.48, Florida Statutes, are amended to read:

7052 1011.48 Establishment of educational research centers for  
 7053 child development.--

7054 (3) Each center is authorized to charge fees for the care  
 7055 and services it provides. Such fees must be approved by the  
 7056 Board of Governors ~~State Board of Education~~ and may be imposed  
 7057 on a sliding scale based on ability to pay or any other factors  
 7058 deemed relevant by the board.

7059 (4) The Board of Governors ~~State Board of Education~~ is  
 7060 authorized ~~and directed~~ to adopt ~~promulgate~~ rules for the  
 7061 establishment, operation, and supervision of educational  
 7062 research centers for child development. Such rules shall  
 7063 include, but need not be limited to: a defined method of  
 7064 establishment of and participation in the operation of centers  
 7065 by the appropriate student government associations; guidelines  
 7066 for the establishment of an intern program in each center; and  
 7067 guidelines for the receipt and monitoring of funds from grants  
 7068 and other sources of funds consistent with existing laws.

7069 (5) Each educational research center for child development  
 7070 shall be funded by a portion of the Capital Improvement Trust  
 7071 Fund fee established by the Board of Governors ~~State Board of~~  
 7072 ~~Education~~ pursuant to s. 1009.24 (5) ~~(7)~~. Each university that  
 7073 establishes a center shall receive a portion of such fees  
 7074 collected from the students enrolled at that university, usable  
 7075 only at that university, equal to 22.5 cents per student per

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7076 credit hour taken per term, based on the summer term and fall  
 7077 and spring semesters. This allocation shall be used by the  
 7078 university only for the establishment and operation of a center  
 7079 as provided by this section and rules promulgated hereunder.  
 7080 Said allocation may be made only after all bond obligations  
 7081 required to be paid from such fees have been met.

7082 Section 154. Subsection (1) of section 1011.82, Florida  
 7083 Statutes, is amended to read:

7084 1011.82 Requirements for participation in Community  
 7085 College Program Fund.--Each community college district which  
 7086 participates in the state appropriations for the Community  
 7087 College Program Fund shall provide evidence of its effort to  
 7088 maintain an adequate community college program which shall:

7089 (1) Meet the minimum standards prescribed by the State  
 7090 Board of Education in accordance with s. 1001.02(6)~~(9)~~.

7091 Section 155. Subsection (4) of section 1011.90, Florida  
 7092 Statutes, is amended to read:

7093 1011.90 State university funding.--

7094 (4) The Board of Governors ~~State Board of Education~~ shall  
 7095 establish and validate a cost-estimating system consistent with  
 7096 the requirements of subsection (1) and shall report as part of  
 7097 its legislative budget request the actual expenditures for the  
 7098 fiscal year ending the previous June 30. Expenditure analysis,  
 7099 operating budgets, and annual financial statements of each  
 7100 university must be prepared using the standard financial  
 7101 reporting procedures and formats prescribed by the Board of  
 7102 Governors ~~State Board of Education~~. These formats shall be the  
 7103 same as used for the 2000-2001 fiscal year reports. Any



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7104 revisions to these financial and reporting procedures and  
7105 formats must be approved by the Executive Office of the Governor  
7106 and the appropriations committees of the Legislature jointly  
7107 under the provisions of s. 216.023(3). The Board of Governors  
7108 ~~State Board of Education~~ shall continue to collect and maintain  
7109 at a minimum the management information databases existing on  
7110 June 30, 2002. The expenditure analysis report shall include  
7111 total expenditures from all sources for the general operation of  
7112 the university and shall be in such detail as needed to support  
7113 the legislative budget request.

7114 Section 156. Subsections (1) and (2) of section 1011.91,  
7115 Florida Statutes, are amended to read:

7116 1011.91 Additional appropriation.--

7117 (1) Except as otherwise provided in the General  
7118 Appropriations Act, all moneys received by universities, other  
7119 than from state and federal sources, from student ~~building and~~  
7120 ~~capital improvement~~ fees authorized in s. 1009.24, and from  
7121 vending machine collections, are hereby appropriated to the use  
7122 of the respective universities collecting same, to be expended  
7123 as the university board of trustees may direct; however, the  
7124 funds shall not be expended except in pursuance of detailed  
7125 budgets filed with the Board of Governors ~~State Board of~~  
7126 ~~Education~~ and shall not be expended for the construction or  
7127 reconstruction of buildings except as provided under s. 1013.74.  
7128 If the moneys described in this section are appropriated through  
7129 the General Appropriations Act, the appropriations made by this  
7130 section are hereby repealed and the moneys described in this

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7131 section shall be deposited in the State Treasury for expenditure  
7132 only pursuant to appropriations made by law.

7133 (2) All moneys received from vending machine collections  
7134 by a state university ~~universities~~ shall be expended only as set  
7135 forth in detailed budgets approved by the university's board of  
7136 trustees ~~State Board of Education.~~

7137 Section 157. Subsections (1), (2), (3), and (5) of section  
7138 1011.94, Florida Statutes, are amended to read:

7139 1011.94 Trust Fund for University Major Gifts.--

7140 (1) There is established a Trust Fund for University Major  
7141 Gifts. The purpose of the trust fund is to enable each state  
7142 university ~~and New College~~ to provide donors with an incentive  
7143 in the form of matching grants for donations for the  
7144 establishment of permanent endowments and sales tax exemption  
7145 matching funds received pursuant to s. 212.08(5)(j), which must  
7146 be invested, with the proceeds of the investment used to support  
7147 libraries and instruction and research programs, as defined by  
7148 the Board of Governors ~~State Board of Education~~. All funds  
7149 appropriated for the challenge grants, new donors, major gifts,  
7150 sales tax exemption matching funds pursuant to s. 212.08(5)(j),  
7151 or eminent scholars program may be deposited into the trust fund  
7152 and invested pursuant to s. 17.61 until ~~the State Board of~~  
7153 ~~Education allocates~~ the funds are allocated to universities to  
7154 match private donations. Notwithstanding s. 216.301 and pursuant  
7155 to s. 216.351, any undisbursed balance remaining in the trust  
7156 fund and interest income accruing to the portion of the trust  
7157 fund which is not matched and distributed to universities must  
7158 remain in the trust fund and be used to increase the total funds

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7159 available for challenge grants. Funds deposited in the trust  
7160 fund for the sales tax exemption matching program authorized in  
7161 s. 212.08(5)(j), and interest earnings thereon, shall be  
7162 maintained in a separate account within the Trust Fund for  
7163 University Major Gifts, and may be used only to match qualified  
7164 sales tax exemptions that a certified business designates for  
7165 use by state universities and community colleges to support  
7166 research and development projects requested by the certified  
7167 business. ~~The State Board of Education may authorize any~~  
7168 ~~university to encumber the state matching portion of a challenge~~  
7169 ~~grant from funds available under s. 1011.45.~~

7170 (2) The Board of Governors ~~State Board of Education~~ shall  
7171 specify the process for submission, documentation, and approval  
7172 of requests for matching funds, accountability for endowments  
7173 and proceeds of endowments, allocations to universities,  
7174 restrictions on the use of the proceeds from endowments, and  
7175 criteria used in determining the value of donations.

7176 (3) ~~(a) The State Board of Education shall allocate the~~  
7177 ~~amount appropriated to the trust fund to each university and New~~  
7178 ~~College based on the amount of the donation and the restrictions~~  
7179 ~~applied to the donation.~~

7180 ~~(b)~~ Donations for a specific purpose are eligible to ~~must~~  
7181 be matched in the following manner:

7182 (a)1- Each university that raises at least \$100,000 but no  
7183 more than \$599,999 from a private source may ~~must~~ receive a  
7184 matching grant up equal to 50 percent of the private  
7185 contribution.

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7186            (b)2. Each university that raises a contribution of at  
 7187 least \$600,000 but no more than \$1 million from a private source  
 7188 may ~~must~~ receive a matching grant up ~~equal~~ to 70 percent of the  
 7189 private contribution.

7190            (c)3. Each university that raises a contribution in excess  
 7191 of \$1 million but no more than \$1.5 million from a private  
 7192 source may ~~must~~ receive a matching grant up ~~equal~~ to 75 percent  
 7193 of the private contribution.

7194            (d)4. Each university that raises a contribution in excess  
 7195 of \$1.5 million but no more than \$2 million from a private  
 7196 source may ~~must~~ receive a matching grant up ~~equal~~ to 80 percent  
 7197 of the private contribution.

7198            (e)5. Each university that raises a contribution in excess  
 7199 of \$2 million from a private source may ~~must~~ receive a matching  
 7200 grant up ~~equal~~ to 100 percent of the private contribution.

7201            ~~(c) The State Board of Education shall encumber state~~  
 7202 ~~matching funds for any pledged contributions, pro rata, based on~~  
 7203 ~~the requirements for state matching funds as specified for the~~  
 7204 ~~particular challenge grant and the amount of the private~~  
 7205 ~~donations actually received by the university for the respective~~  
 7206 ~~challenge grant.~~

7207            (5) (a) Each state university foundation ~~and New College~~  
 7208 ~~Foundation~~ shall establish a challenge grant account for each  
 7209 challenge grant as a depository for private contributions and  
 7210 state matching funds to be administered on behalf of the Board  
 7211 of Governors or the state Board of Education, the university, or  
 7212 ~~New College~~. State matching funds must be transferred to a  
 7213 university foundation ~~or New College Foundation~~ upon

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7214 notification that the university ~~or New College~~ has received and  
 7215 deposited the amount specified in this section in a foundation  
 7216 challenge grant account.

7217 (b) The foundation serving a state university ~~and New~~  
 7218 ~~College Foundation~~ each has the responsibility for the  
 7219 maintenance and investment of its challenge grant account and  
 7220 for the administration of the program on behalf of the  
 7221 university ~~or New College~~, pursuant to procedures specified by  
 7222 the Board of Governors ~~State Board of Education~~. Each foundation  
 7223 shall include in its annual report to the Board of Governors  
 7224 ~~State Board of Education~~ information concerning collection and  
 7225 investment of matching gifts and donations and investment of the  
 7226 account.

7227 (c) A donation of at least \$600,000 and associated state  
 7228 matching funds may be used to designate an Eminent Scholar  
 7229 Endowed Chair pursuant to procedures specified by the Board of  
 7230 Governors ~~State Board of Education~~.

7231 Section 158. Section 1012.01, Florida Statutes, is amended  
 7232 to read:

7233 1012.01 Definitions.--As used in this chapter, the  
 7234 following terms have the following meanings ~~Specific definitions~~  
 7235 ~~shall be as follows, and wherever such defined words or terms~~  
 7236 ~~are used in the Florida K-20 Education Code, they shall be used~~  
 7237 ~~as follows:~~

7238 (1) SCHOOL OFFICERS.--The officers of the state system of  
 7239 public K-12 and community college education shall be the  
 7240 Commissioner of Education and the members of the State Board of  
 7241 Education; ~~and,~~ for each district school system, the officers

7242 shall be the district school superintendent and members of the  
 7243 district school board; and for each community college, the  
 7244 officers shall be the community college president and members of  
 7245 the community college board of trustees.

7246 (2) INSTRUCTIONAL PERSONNEL.--"Instructional personnel"  
 7247 means any K-12 staff member whose function includes the  
 7248 provision of direct instructional services to students.  
 7249 Instructional personnel also includes K-12 personnel whose  
 7250 functions provide direct support in the learning process of  
 7251 students. Included in the classification of instructional  
 7252 personnel are the following K-12 personnel:

7253 (a) Classroom teachers.--Classroom teachers are staff  
 7254 members assigned the professional activity of instructing  
 7255 students in courses in classroom situations, including basic  
 7256 instruction, exceptional student education, career education,  
 7257 and adult education, including substitute teachers.

7258 (b) Student personnel services.--Student personnel  
 7259 services include staff members responsible for: advising  
 7260 students with regard to their abilities and aptitudes,  
 7261 educational and occupational opportunities, and personal and  
 7262 social adjustments; providing placement services; performing  
 7263 educational evaluations; and similar functions. Included in this  
 7264 classification are guidance counselors, social workers, career  
 7265 specialists, and school psychologists.

7266 (c) Librarians/media specialists.--Librarians/media  
 7267 specialists are staff members responsible for providing school  
 7268 library media services. These employees are responsible for  
 7269 evaluating, selecting, organizing, and managing media and

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7270 technology resources, equipment, and related systems;  
7271 facilitating access to information resources beyond the school;  
7272 working with teachers to make resources available in the  
7273 instructional programs; assisting teachers and students in media  
7274 productions; and instructing students in the location and use of  
7275 information resources.

7276 (d) Other instructional staff.--Other instructional staff  
7277 are staff members who are part of the instructional staff but  
7278 are not classified in one of the categories specified in  
7279 paragraphs (a)-(c). Included in this classification are primary  
7280 specialists, learning resource specialists, instructional  
7281 trainers, adjunct educators certified pursuant to s. 1012.57,  
7282 and similar positions.

7283 (e) Education paraprofessionals.--Education  
7284 paraprofessionals are individuals who are under the direct  
7285 supervision of an instructional staff member, aiding the  
7286 instructional process. Included in this classification are  
7287 classroom paraprofessionals in regular instruction, exceptional  
7288 education paraprofessionals, career education paraprofessionals,  
7289 adult education paraprofessionals, library paraprofessionals,  
7290 physical education and playground paraprofessionals, and other  
7291 school-level paraprofessionals.

7292 (3) ADMINISTRATIVE PERSONNEL.--"Administrative personnel"  
7293 includes K-12 personnel who perform management activities such  
7294 as developing broad policies for the school district and  
7295 executing those policies through the direction of personnel at  
7296 all levels within the district. Administrative personnel are  
7297 generally high-level, responsible personnel who have been

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7298 assigned the responsibilities of systemwide or schoolwide  
7299 functions, such as district school superintendents, assistant  
7300 superintendents, deputy superintendents, school principals,  
7301 assistant principals, career center directors, and others who  
7302 perform management activities. Broad classifications of K-12  
7303 administrative personnel are as follows:

7304 (a) District-based instructional administrators.--Included  
7305 in this classification are persons with district-level  
7306 administrative or policymaking duties who have broad authority  
7307 for management policies and general school district operations  
7308 related to the instructional program. Such personnel often  
7309 report directly to the district school superintendent and  
7310 supervise other administrative employees. This classification  
7311 includes assistant, associate, or deputy superintendents and  
7312 directors of major instructional areas, such as curriculum,  
7313 federal programs such as Title I, specialized instructional  
7314 program areas such as exceptional student education, career  
7315 education, and similar areas.

7316 (b) District-based noninstructional  
7317 administrators.--Included in this classification are persons  
7318 with district-level administrative or policymaking duties who  
7319 have broad authority for management policies and general school  
7320 district operations related to the noninstructional program.  
7321 Such personnel often report directly to the district school  
7322 superintendent and supervise other administrative employees.  
7323 This classification includes assistant, associate, or deputy  
7324 superintendents and directors of major noninstructional areas,



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7325 such as personnel, construction, facilities, transportation,  
7326 data processing, and finance.

7327 (c) School administrators.--Included in this  
7328 classification are:

7329 1. School principals or school directors who are staff  
7330 members performing the assigned activities as the administrative  
7331 head of a school and to whom have been delegated responsibility  
7332 for the coordination and administrative direction of the  
7333 instructional and noninstructional activities of the school.  
7334 This classification also includes career center directors.

7335 2. Assistant principals who are staff members assisting  
7336 the administrative head of the school. This classification also  
7337 includes assistant principals for curriculum and administration.

7338 (4) YEAR OF SERVICE.--The minimum time which may be  
7339 recognized in administering K-12 ~~the state program of~~ education,  
7340 not including retirement, as a year of service by a school  
7341 employee shall be full-time actual service; and, beginning July  
7342 1963, such service shall also include sick leave and holidays  
7343 for which compensation was received but shall exclude all other  
7344 types of leave and holidays for a total of more than one-half of  
7345 the number of days required for the normal contractual period of  
7346 service for the position held, which shall be 196 days or  
7347 longer, or the minimum required for the district to participate  
7348 in the Florida Education Finance Program in the year service was  
7349 rendered, or the equivalent for service performed on a daily or  
7350 hourly basis; provided, further, that absence from duty after  
7351 the date of beginning service shall be covered by leave duly  
7352 authorized and granted; further, the school board shall have

7353 authority to establish a different minimum for local district  
7354 school purposes.

7355 (5) SCHOOL VOLUNTEER.--A K-12 school volunteer is any  
7356 nonpaid person who may be appointed by a district school board  
7357 or its designee. School volunteers may include, but may not be  
7358 limited to, parents, senior citizens, students, and others who  
7359 assist the teacher or other members of the school staff.

7360 (6) EDUCATIONAL SUPPORT EMPLOYEES.--"Educational support  
7361 employees" means K-12 employees whose job functions are neither  
7362 administrative nor instructional, yet whose work supports the  
7363 educational process.

7364 (a) Other professional staff or  
7365 nonadministrative/noninstructional employees are staff members  
7366 who perform professional job functions which are  
7367 nonadministrative/noninstructional in nature and who are not  
7368 otherwise classified in this section. Included in this  
7369 classification are employees such as doctors, nurses, attorneys,  
7370 certified public accountants, and others appropriate to the  
7371 classification.

7372 (b) Technicians are individuals whose occupations require  
7373 a combination of knowledge and manual skill which can be  
7374 obtained through about 2 years of post-high school education,  
7375 such as is offered in many career centers and community  
7376 colleges, or through equivalent on-the-job training.

7377 (c) Clerical/secretarial workers are individuals whose job  
7378 requires skills and training in clerical-type work, including  
7379 activities such as preparing, transcribing, systematizing, or  
7380 preserving written communications and reports or operating

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7381 equipment performing those functions. Included in this  
7382 classification are secretaries, bookkeepers, messengers, and  
7383 office machine operators.

7384 (d) Skilled crafts workers are individuals who perform  
7385 jobs which require special manual skill and a thorough and  
7386 comprehensive knowledge of the processes involved in the work  
7387 which is acquired through on-the-job training and experience or  
7388 through apprenticeship or other formal training programs. Lead  
7389 workers for the various skilled crafts areas shall be included  
7390 in this classification.

7391 (e) Service workers are staff members performing a service  
7392 for which there are no formal qualifications, including those  
7393 responsible for: cleaning the buildings, school plants, or  
7394 supporting facilities; maintenance and operation of such  
7395 equipment as heating and ventilation systems; preserving the  
7396 security of school property; and keeping the school plant safe  
7397 for occupancy and use. Lead workers in the various service areas  
7398 shall be included in this broad classification.

7399 (7) MANAGERS.--"Managers" includes those K-12 staff  
7400 members who perform managerial and supervisory functions while  
7401 usually also performing general operations functions. Managers  
7402 may be either instructional or noninstructional in their  
7403 responsibility. They may direct employees' work, plan the work  
7404 schedule, control the flow and distribution of work or  
7405 materials, train employees, handle complaints, authorize  
7406 payments, and appraise productivity and efficiency of employees.  
7407 This classification includes coordinators and supervisors

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7408 working under the general direction of those staff identified as  
 7409 district-based instructional or noninstructional administrators.

7410 Section 159. Subsection (1) of section 1012.80, Florida  
 7411 Statutes, is amended to read:

7412 1012.80 Participation by employees in disruptive  
 7413 activities at public postsecondary educational institutions;  
 7414 penalties.--

7415 (1) (a) Any person who accepts the privilege extended by  
 7416 the laws of this state of employment at any community college  
 7417 ~~public postsecondary educational institution~~ shall, by so  
 7418 working at such institution, be deemed to have given his or her  
 7419 consent to the policies of that institution, the policies of the  
 7420 State Board of Education, and the laws of this state. Such  
 7421 policies shall include prohibition against disruptive activities  
 7422 at community colleges ~~public postsecondary educational~~  
 7423 ~~institutions~~.

7424 (b) Any person who accepts the privilege extended by the  
 7425 laws of this state of employment at any state university shall,  
 7426 by working at such institution, be deemed to have given his or  
 7427 her consent to the policies of that institution, the policies of  
 7428 the Board of Governors, and the laws of this state. Such  
 7429 policies shall include prohibition against disruptive activities  
 7430 at state universities.

7431 Section 160. Section 1012.801, Florida Statutes, is  
 7432 amended to read:

7433 1012.801 Employees of the Board of Governors ~~Division of~~  
 7434 ~~Colleges and Universities~~.--Employees of the Board of Governors  
 7435 ~~Division of Colleges and Universities of the Department of~~

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7436 ~~Education~~ who were ~~are~~ participating in the State University  
 7437 Optional Retirement Program prior to June 30, 2002, shall be  
 7438 eligible to continue such participation as long as they remain  
 7439 employees of the Board of Governors ~~Department of Education~~ or a  
 7440 state university without a break in continuous service.

7441 Section 161. Section 1012.93, Florida Statutes, is amended  
 7442 to read:

7443 1012.93 Faculty members; test of spoken English.--~~The~~  
 7444 ~~State Board of Education shall adopt rules requiring that~~ All  
 7445 faculty members in each state university ~~and New College~~, other  
 7446 than those persons who teach courses that are conducted  
 7447 primarily in a foreign language, shall be proficient in the oral  
 7448 use of English, as determined by a satisfactory grade on the  
 7449 "Test of Spoken English" of the Educational Testing Service or a  
 7450 similar test approved by the Board of Governors ~~state board~~.

7451 Section 162. Subsections (1) and (2) of section 1012.97,  
 7452 Florida Statutes, are amended to read:

7453 1012.97 University police.--

7454 (1) Each university may ~~is empowered and directed to~~  
 7455 provide for police officers for the university, and such police  
 7456 officers shall hereafter be known and designated as the  
 7457 "university police."

7458 (2) The university police are ~~hereby~~ declared ~~to be~~ law  
 7459 enforcement officers of the state and conservators of the peace  
 7460 with the right to arrest, in accordance with the laws of this  
 7461 state, any person for violation of state law or applicable  
 7462 county or city ordinances when such violations occur on any  
 7463 property or facilities that are under the guidance, supervision,

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7464 regulation, or control of the state university or a direct-  
 7465 support organization of such university, except that arrest may  
 7466 be made off campus when hot pursuit originates on any such  
 7467 property or facilities. Such officers shall have full authority  
 7468 to bear arms in the performance of their duties and to execute  
 7469 search warrants within their territorial jurisdiction.  
 7470 University police, when requested by the sheriff or local police  
 7471 authority, may serve subpoenas or other legal process and may  
 7472 make arrest of any person against whom a warrant has been issued  
 7473 or any charge has been made of violation of federal or state  
 7474 laws or county or city ordinances.

7475 Section 163. Section 1012.975, Florida Statutes, is  
 7476 amended to read:

7477 1012.975 Remuneration of certain employees of public  
 7478 postsecondary educational institutions ~~state university~~  
 7479 ~~presidents~~; limitations.--

7480 (1) DEFINITIONS.--As used in this section, the term:

7481 (a) "Cash-equivalent compensation" means any benefit that  
 7482 may be assigned an equivalent cash value.

7483 (b) "Public funds" means funds appropriated from the  
 7484 General Revenue Fund, funds appropriated from state trust funds,  
 7485 tuition and fees, or any funds from a state university trust  
 7486 fund regardless of repository.

7487 (c) "Remuneration" means salary, bonuses, and cash-  
 7488 equivalent compensation paid to an employee identified in  
 7489 subsection (2) ~~a state university president~~ by his or her  
 7490 employer for work performed, excluding health insurance benefits  
 7491 and retirement benefits.

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7492           (2) LIMITATION ON COMPENSATION.--Notwithstanding any other  
7493 law, resolution, or rule to the contrary, a state university  
7494 president, a state university provost, or a community college  
7495 president may not receive more than \$225,000 in remuneration  
7496 annually from public funds. Only compensation, as such term is  
7497 defined in s. 121.021(22), provided to a state university  
7498 president, a state university provost, or a community college  
7499 president may be used in calculating benefits under chapter 121.

7500           (3) EXCEPTIONS.--This section does not prohibit any party  
7501 from providing cash or cash-equivalent compensation from funds  
7502 that are not public funds to an employee identified in  
7503 subsection (2) ~~a state university president~~ in excess of the  
7504 limit in subsection (2). If a party is unable or unwilling to  
7505 fulfill an obligation to provide cash or cash-equivalent  
7506 compensation to an employee identified in subsection (2) ~~a state~~  
7507 ~~university president~~ as permitted under this subsection, public  
7508 funds may not be used to fulfill such obligation.

7509           Section 164. Paragraph (d) of subsection (4) of section  
7510 1012.98, Florida Statutes, is amended to read:

7511           1012.98 School Community Professional Development Act.--

7512           (4) The Department of Education, school districts,  
7513 schools, community colleges, and state universities share the  
7514 responsibilities described in this section. These  
7515 responsibilities include the following:

7516           ~~(d) The Department of Education shall approve a public~~  
7517 ~~state university having an approved physical education teacher~~  
7518 ~~preparation program within its college of education to develop~~  
7519 ~~and implement an Internet based clearinghouse for physical~~

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7520 ~~education professional development programs that may be accessed~~  
 7521 ~~and used by all instructional personnel. The development of~~  
 7522 ~~these programs shall be financed primarily by private funds and~~  
 7523 ~~shall be available for use no later than August 1, 2005.~~

7524 Section 165. Subsection (3) of section 1013.01, Florida  
 7525 Statutes, is amended to read:

7526 1013.01 Definitions.--The following terms shall be defined  
 7527 as follows for the purpose of this chapter:

7528 (3) "Board," unless otherwise specified, means a district  
 7529 school board, a community college board of trustees, a  
 7530 university board of trustees, and the Board of Trustees for the  
 7531 Florida School for the Deaf and the Blind. The term "board" does  
 7532 not include the State Board of Education or the Board of  
 7533 Governors.

7534 Section 166. Subsection (2) of section 1013.02, Florida  
 7535 Statutes, is amended to read:

7536 1013.02 Purpose; rules.--

7537 (2) (a) The State Board of Education shall adopt rules  
 7538 pursuant to ss. 120.536(1) and 120.54 to implement the  
 7539 provisions of this chapter for school districts and community  
 7540 colleges.

7541 (b) The Board of Governors shall adopt rules pursuant to  
 7542 ss. 120.536(1) and 120.54 to implement the provisions of this  
 7543 chapter for state universities.

7544 Section 167. Section 1013.03, Florida Statutes, is amended  
 7545 to read:

7546 1013.03 Functions of the department and the Board of  
 7547 Governors.--The functions of the Department of Education as it



7548 | pertains to educational facilities of school districts and  
 7549 | community colleges and of the Board of Governors as it pertains  
 7550 | to educational facilities of state universities shall include,  
 7551 | but not be limited to, the following:

7552 |         (1) Establish recommended minimum and maximum square  
 7553 | footage standards for different functions and areas and  
 7554 | procedures for determining the gross square footage for each  
 7555 | educational facility to be funded in whole or in part by the  
 7556 | state, including public broadcasting stations but excluding  
 7557 | postsecondary special purpose laboratory space. The gross square  
 7558 | footage determination standards may be exceeded when the core  
 7559 | facility space of an educational facility is constructed or  
 7560 | renovated to accommodate the future addition of classrooms to  
 7561 | meet projected increases in student enrollment. The department  
 7562 | and the Board of Governors shall encourage multiple use of  
 7563 | facilities and spaces in educational plants.

7564 |         (2) Establish, for the purpose of determining need,  
 7565 | equitably uniform utilization standards for all types of like  
 7566 | space, regardless of the level of education. These standards  
 7567 | shall be reviewed and updated a minimum of every 5 years to  
 7568 | ensure that they accurately reflect the need for each type of  
 7569 | space. These standards shall also establish, for postsecondary  
 7570 | education classrooms, a minimum room utilization rate of 50 ~~40~~  
 7571 | hours per week and a minimum station utilization rate of 70 ~~60~~  
 7572 | percent. Each postsecondary educational institution shall report  
 7573 | to its board of trustees and the Department of Education or the  
 7574 | Board of Governors, as appropriate, on the success of strategies  
 7575 | implemented to maximize use of existing classrooms and provide

7576 utilization data by day of week and hour of day when requesting  
 7577 fixed capital outlay funding to build additional classrooms.  
 7578 ~~These rates shall be subject to increase based on national norms~~  
 7579 ~~for utilization of postsecondary education classrooms.~~

7580 (3) Require boards to submit other educational plant  
 7581 inventories data and statistical data or information relevant to  
 7582 construction, capital improvements, and related costs.

7583 (4) Require each board and other appropriate agencies to  
 7584 submit complete and accurate financial data as to the amounts of  
 7585 funds from all sources that are available and spent for  
 7586 construction and capital improvements. The commissioner shall  
 7587 prescribe the format and the date for the submission of this  
 7588 data and any other educational facilities data. If any district  
 7589 does not submit the required educational facilities fiscal data  
 7590 by the prescribed date, the Commissioner of Education shall  
 7591 notify the district school board of this fact and, if  
 7592 appropriate action is not taken to immediately submit the  
 7593 required report, the district school board shall be directed to  
 7594 proceed pursuant to the provisions of s. 1001.42(11)(b). If any  
 7595 community college ~~or university~~ does not submit the required  
 7596 educational facilities fiscal data by the prescribed date, the  
 7597 same policy prescribed in this subsection for school districts  
 7598 shall be implemented. If any state university does not submit  
 7599 the required educational facilities fiscal data by the  
 7600 prescribed date, no further disbursements shall be made from the  
 7601 Public Education Capital Outlay and Debt Service Trust Fund to  
 7602 that university until the university submits the data and the  
 7603 data are validated.

7604 (5) Administer, under the supervision of the Commissioner  
 7605 of Education, the Public Education Capital Outlay and Debt  
 7606 Service Trust Fund and the School District and Community College  
 7607 District Capital Outlay and Debt Service Trust Fund.

7608 (6) Develop, review, update, revise, and recommend a  
 7609 mandatory portion of the Florida Building Code for educational  
 7610 facilities construction and capital improvement by community  
 7611 college boards and district school boards.

7612 (7) Provide training, technical assistance, and building  
 7613 code interpretation for requirements of the mandatory Florida  
 7614 Building Code for the educational facilities construction and  
 7615 capital improvement programs of the community college boards and  
 7616 district school boards and, upon request, approve phase III  
 7617 construction documents for remodeling, renovation, or new  
 7618 construction of educational plants or ancillary facilities,  
 7619 except that university boards of trustees shall approve  
 7620 specifications and construction documents for their respective  
 7621 institutions pursuant to guidelines of the Board of Governors.  
 7622 The Department of Management Services may, upon request, provide  
 7623 similar services for the Florida School for the Deaf and the  
 7624 Blind and shall use the Florida Building Code and the Florida  
 7625 Fire Prevention Code.

7626 (8) Provide minimum criteria, procedures, and training to  
 7627 boards to conduct educational plant surveys and document the  
 7628 determination of future needs.

7629 (9) Make available to boards technical assistance,  
 7630 awareness training, and research and technical publications  
 7631 relating to lifesafety, casualty, sanitation, environmental,

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7632 maintenance, and custodial issues; and, as needed, technical  
7633 assistance for survey, planning, design, construction,  
7634 operation, and evaluation of educational and ancillary  
7635 facilities and plants, facilities administrative procedures  
7636 review, and training for new administrators.

7637 (10) (a) Review and validate surveys proposed or amended by  
7638 the boards and recommend to the Commissioner of Education, for  
7639 approval, surveys that meet the requirements of this chapter.

7640 1. The term "validate" as applied to surveys by school  
7641 districts means to review inventory data as submitted to the  
7642 department by district school boards; provide for review and  
7643 inspection, where required, of student stations and aggregate  
7644 square feet of inventory changed from satisfactory to  
7645 unsatisfactory or changed from unsatisfactory to satisfactory;  
7646 compare new school inventory to allocation limits provided by  
7647 this chapter; review cost projections for conformity with cost  
7648 limits set by s. 1013.64(6); compare total capital outlay full-  
7649 time equivalent enrollment projections in the survey with the  
7650 department's projections; review facilities lists to verify that  
7651 student station and auxiliary facility space allocations do not  
7652 exceed the limits provided by this chapter and related rules;  
7653 review and confirm the application of uniform facility  
7654 utilization factors, where provided by this chapter or related  
7655 rules; utilize the documentation of programs offered per site,  
7656 as submitted by the board, to analyze facility needs; confirm  
7657 that need projections for career and adult educational programs  
7658 comply with needs documented by the Department of Education  
7659 ~~Office of Workforce and Economic Development~~; and confirm the

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7660 assignment of full-time student stations to all space except  
 7661 auxiliary facilities, which, for purposes of exemption from  
 7662 student station assignment, include the following:

- 7663 a. Cafeterias.
- 7664 b. Multipurpose dining areas.
- 7665 c. Media centers.
- 7666 d. Auditoriums.
- 7667 e. Administration.
- 7668 f. Elementary, middle, and high school resource rooms, up  
 7669 to the number of such rooms recommended for the applicable  
 7670 occupant and space design capacity of the educational plant in  
 7671 the State Requirements for Educational Facilities, beyond which  
 7672 student stations must be assigned.
- 7673 g. Elementary school skills labs, up to the number of such  
 7674 rooms recommended for the applicable occupant and space design  
 7675 capacity of the educational plant in the State Requirements for  
 7676 Educational Facilities, beyond which student stations must be  
 7677 assigned.
- 7678 h. Elementary school art and music rooms.

7679 2. The term "validate" as applied to surveys by community  
 7680 colleges and universities means to review and document the  
 7681 approval of each new site and official designation, where  
 7682 applicable; review the inventory database as submitted by each  
 7683 board to the department, including noncareer, and total capital  
 7684 outlay full-time equivalent enrollment projections per site and  
 7685 per college; provide for the review and inspection, where  
 7686 required, of student stations and aggregate square feet of space  
 7687 changed from satisfactory to unsatisfactory; utilize and review

7688 the documentation of programs offered per site submitted by the  
 7689 boards as accurate for analysis of space requirements and needs;  
 7690 confirm that needs projected for career and adult educational  
 7691 programs comply with needs documented by the Department of  
 7692 Education ~~Office of Workforce and Economic Development~~; compare  
 7693 new facility inventory to allocations limits as provided in this  
 7694 chapter; review cost projections for conformity with state  
 7695 averages or limits designated by this chapter; compare student  
 7696 enrollment projections in the survey to the department's  
 7697 projections; review facilities lists to verify that area  
 7698 allocations and space factors for generating space needs do not  
 7699 exceed the limits as provided by this chapter and related rules;  
 7700 confirm the application of facility utilization factors as  
 7701 provided by this chapter and related rules; and review, as  
 7702 submitted, documentation of how survey recommendations will  
 7703 implement the detail of current campus master plans and  
 7704 integrate with local comprehensive plans and development  
 7705 regulations.

7706 (b) Recommend priority of projects to be funded ~~for~~  
 7707 ~~approval by the state board, when required by law.~~

7708 (11) Prepare the commissioner's comprehensive fixed  
 7709 capital outlay legislative budget request and provide annually  
 7710 an estimate of the funds available for developing required 3-  
 7711 year priority lists. This amount shall be based upon the average  
 7712 percentage for the 5 prior years of funds appropriated by the  
 7713 Legislature for fixed capital outlay to each level of public  
 7714 education: public schools, community colleges, and universities.

7715 (12) Perform any other functions that may be involved in  
 7716 educational facilities construction and capital improvement  
 7717 which shall ensure that the intent of the Legislature is  
 7718 implemented.

7719 ~~(13) By October 1, 2003, review all rules related to~~  
 7720 ~~school construction to identify requirements that are outdated,~~  
 7721 ~~obsolete, unnecessary, or otherwise could be amended in order to~~  
 7722 ~~provide additional flexibility to school districts to comply~~  
 7723 ~~with the constitutional class size maximums described in s.~~  
 7724 ~~1003.03(1) and make recommendations concerning such rules to the~~  
 7725 ~~State Board of Education. The State Board of Education shall act~~  
 7726 ~~on such recommendations by December 31, 2003.~~

7727 Section 168. Section 1013.12, Florida Statutes, is amended  
 7728 to read:

7729 1013.12 Casualty, safety, sanitation, and firesafety  
 7730 standards and inspection of property.--

7731 (1) FIRESAFETY.--The State Board of Education shall adopt  
 7732 and administer rules prescribing standards for the safety and  
 7733 health of occupants of educational and ancillary plants as a  
 7734 part of State Requirements for Educational Facilities or the  
 7735 Florida Building Code for educational facilities construction as  
 7736 provided in s. 1013.37, except that the State Fire Marshal in  
 7737 consultation with the Department of Education shall adopt  
 7738 uniform firesafety standards for educational and ancillary  
 7739 plants and educational facilities, as provided in s.  
 7740 633.022(1)(b), and a firesafety evaluation system to be used as  
 7741 an alternate firesafety inspection standard for existing  
 7742 educational and ancillary plants and educational facilities. The

7743 uniform firesafety standards and the alternate firesafety  
 7744 evaluation system shall be administered and enforced by local  
 7745 fire officials. These standards must be used by all public  
 7746 agencies when inspecting public educational and ancillary  
 7747 plants, and the firesafety standards must be used by local fire  
 7748 officials when performing firesafety inspections of public  
 7749 educational and ancillary plants and educational facilities. In  
 7750 accordance with such standards, each board shall prescribe  
 7751 policies and procedures establishing a comprehensive program of  
 7752 safety and sanitation for the protection of occupants of public  
 7753 educational and ancillary plants. Such policies must contain  
 7754 procedures for periodic inspections as prescribed in this  
 7755 section ~~herein~~ and for withdrawal of any educational and  
 7756 ancillary plant, or portion thereof, from use until unsafe or  
 7757 unsanitary conditions are corrected or removed.

7758 (2) ~~(1)~~ PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL  
 7759 BOARDS.--

7760 (a) Each board shall provide for periodic inspection,  
 7761 other than firesafety inspection, of each educational and  
 7762 ancillary plant at least once during each fiscal year to  
 7763 determine compliance with standards of sanitation and casualty  
 7764 safety prescribed in the rules of the State Board of Education.

7765 (b) Firesafety inspections of each educational and  
 7766 ancillary plant must be made annually by persons certified by  
 7767 the Division of State Fire Marshal to be eligible to conduct  
 7768 firesafety inspections in public educational and ancillary  
 7769 plants. The board shall submit a copy of the firesafety  
 7770 inspection report to the State Fire Marshal and, if there is a



7771 | local fire official who conducts firesafety inspections, to the  
 7772 | local fire official.

7773 |       (c) In each firesafety inspection report, the board shall  
 7774 | include a plan of action and a schedule for the correction of  
 7775 | each deficiency which have been formulated in consultation with  
 7776 | the local fire control authority. If immediate life-threatening  
 7777 | deficiencies are noted in any inspection, the board shall either  
 7778 | take action to promptly correct the deficiencies or withdraw the  
 7779 | educational or ancillary plant from use until such time as the  
 7780 | deficiencies are corrected.

7781 |       (3)~~(2)~~ INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC  
 7782 | AGENCIES.--

7783 |       (a) A safety or sanitation inspection of any educational  
 7784 | or ancillary plant may be made at any time by the Department of  
 7785 | Education or any other state or local agency authorized or  
 7786 | required to conduct such inspections by either general or  
 7787 | special law. Each agency conducting inspections shall use the  
 7788 | standards adopted by the Commissioner of Education in lieu of,  
 7789 | and to the exclusion of, any other inspection standards  
 7790 | prescribed either by statute or administrative rule. The agency  
 7791 | shall submit a copy of the inspection report to the board.

7792 |       (b) One firesafety inspection of each educational or  
 7793 | ancillary plant must be conducted each fiscal year by the  
 7794 | county, municipality, or special fire control district in which  
 7795 | the plant is located using the standards adopted by the State  
 7796 | Fire Marshal. The board shall cooperate with the inspecting  
 7797 | authority when a firesafety inspection is made by a governmental  
 7798 | authority under this paragraph.

7799 (c) In each firesafety inspection report, the local fire  
 7800 official in conjunction with the board shall include a plan of  
 7801 action and a schedule for the correction of each deficiency. If  
 7802 immediate life-threatening deficiencies are noted in any  
 7803 inspection, the local fire official shall either take action to  
 7804 require the board to promptly correct the deficiencies or  
 7805 withdraw the educational facility from use until the  
 7806 deficiencies are corrected, subject to review by the State Fire  
 7807 Marshal who shall act within 10 days to ensure that the  
 7808 deficiencies are corrected or withdraw the facility from use.

7809 (4)~~(3)~~ CORRECTIVE ACTION; DEFICIENCIES OTHER THAN  
 7810 FIRESAFETY DEFICIENCIES.--Upon failure of the board to take  
 7811 corrective action within a reasonable time, the agency making  
 7812 the inspection, other than a local fire official, may request  
 7813 the commissioner to:

7814 (a) Order that appropriate action be taken to correct all  
 7815 deficiencies in accordance with a schedule determined jointly by  
 7816 the inspecting authority and the board; in developing the  
 7817 schedule, consideration must be given to the seriousness of the  
 7818 deficiencies and the ability of the board to obtain the  
 7819 necessary funds; or

7820 (b) After 30 calendar days' notice to the board, order all  
 7821 or a portion of the educational or ancillary plant withdrawn  
 7822 from use until the deficiencies are corrected.

7823 (5)~~(4)~~ INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION  
 7824 FACILITIES.--

7825            (a) Firesafety inspections of community college ~~and~~  
 7826 ~~university~~ facilities shall comply with State Board of Education  
 7827 rules.

7828            (b) Firesafety inspections of state universities shall  
 7829 comply with rules of the Board of Governors.

7830            (6)~~(5)~~ CORRECTIVE ACTION; FIRESAFETY DEFICIENCIES.--Upon  
 7831 failure of the board to take corrective action within the time  
 7832 designated in the plan of action to correct any firesafety  
 7833 deficiency noted under paragraph (2)~~(1)~~(c) or paragraph  
 7834 (3)~~(2)~~(c), the local fire official shall immediately report the  
 7835 deficiency to the State Fire Marshal, who shall have enforcement  
 7836 authority with respect to educational and ancillary plants and  
 7837 educational facilities as provided in chapter 633 for any other  
 7838 building or structure.

7839            (7)~~(6)~~ ADDITIONAL STANDARDS.--In addition to any other  
 7840 rules adopted under this section or s. 633.022, the State Fire  
 7841 Marshal in consultation with the Department of Education shall  
 7842 adopt and administer rules prescribing the following standards  
 7843 for the safety and health of occupants of educational and  
 7844 ancillary plants:

7845            (a) The designation of serious life-safety hazards,  
 7846 including, but not limited to, nonfunctional fire alarm systems,  
 7847 nonfunctional fire sprinkler systems, doors with padlocks or  
 7848 other locks or devices that preclude egress at any time,  
 7849 inadequate exits, hazardous electrical system conditions,  
 7850 potential structural failure, and storage conditions that create  
 7851 a fire hazard.

7852 (b) The proper placement of functional smoke and heat  
7853 detectors and accessible, unexpired fire extinguishers.

7854 (c) The maintenance of fire doors without doorstops or  
7855 wedges improperly holding them open.

7856 ~~(8)-(7)~~ ANNUAL REPORT.--The State Fire Marshal shall  
7857 publish an annual report to be filed with the substantive  
7858 committees of the state House of Representatives and Senate  
7859 having jurisdiction over education, the Commissioner of  
7860 Education or his or her successor, the State Board of Education,  
7861 the Board of Governors, and the Governor documenting the status  
7862 of each board's firesafety program, including the improvement or  
7863 lack thereof.

7864 Section 169. Subsection (3) of section 1013.15, Florida  
7865 Statutes, is amended to read:

7866 1013.15 Lease, rental, and lease-purchase of educational  
7867 facilities and sites.--

7868 (3) Lease or lease-purchase agreements entered into by  
7869 university boards of trustees shall comply with the provisions  
7870 of ss. ~~§~~ 1013.171 and 1010.62.

7871 Section 170. Subsection (3) is added to section 1013.16,  
7872 Florida Statutes, to read:

7873 1013.16 Construction of facilities on leased property;  
7874 conditions.--

7875 (3) Leases executed by a university board of trustees  
7876 pursuant to this section are subject to s. 1010.62.

7877 Section 171. Section 1013.17, Florida Statutes, is amended  
7878 to read:

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7879           1013.17 University leasing in affiliated research and  
 7880 development park.--A university is exempt from the requirements  
 7881 of s. 255.25(3), (4), and (8) when leasing educational  
 7882 facilities in a research and development park with which the  
 7883 university is affiliated and when the Board of Governors State  
 7884 ~~Board of Education~~ certifies in writing that the leasing of such  
 7885 ~~said~~ educational facilities is in the best interests of the  
 7886 university and that the exemption from competitive bid  
 7887 requirements would not be detrimental to the state. Leases  
 7888 entered into pursuant to this section are subject to the  
 7889 provisions of s. 1010.62.

7890           Section 172. Subsections (1) and (2) of section 1013.171,  
 7891 Florida Statutes, are amended, and subsection (6) is added to  
 7892 that section, to read:

7893           1013.171 University lease agreements; land, facilities.--

7894           (1) Each university board of trustees is authorized to  
 7895 negotiate and enter into agreements to lease land under its  
 7896 jurisdiction to for-profit and nonprofit corporations,  
 7897 registered by the Secretary of State to do business in this  
 7898 state, for the purpose of erecting thereon facilities and  
 7899 accommodations necessary and desirable to serve the needs and  
 7900 purposes of the university, as determined by the systemwide  
 7901 strategic plan adopted by the Board of Governors State Board of  
 7902 ~~Education~~. Such agreement will be for a term not in excess of 99  
 7903 years or the life expectancy of the permanent facilities  
 7904 constructed thereon, whichever is shorter, and shall include as  
 7905 a part of the consideration provisions for the eventual  
 7906 ownership of the completed facilities by the state. The Board of

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7907 Trustees of the Internal Improvement Trust Fund upon request of  
7908 the university board of trustees shall lease any such property  
7909 to the university for sublease as heretofore provided.

7910 (2) Each university board of trustees is authorized to  
7911 enter into agreements with for-profit and nonprofit  
7912 corporations, registered by the Secretary of State to do  
7913 business in this state, whereby income-producing buildings,  
7914 improvements, and facilities necessary and desirable to serve  
7915 the needs and purposes of the university, as determined by the  
7916 systemwide strategic plan adopted by the Board of Governors  
7917 ~~State Board of Education~~, are acquired by purchase or lease-  
7918 purchase by the university. When such agreements provide for  
7919 lease-purchase of facilities erected on land that is not under  
7920 the jurisdiction of the university, the agreement shall include  
7921 as a part of the consideration provisions for the eventual  
7922 ownership of the land and facility by the state. Agreements for  
7923 lease-purchase shall not exceed 30 years or the life expectancy  
7924 of the permanent facility constructed, whichever is shorter.  
7925 ~~Notwithstanding the provisions of any other law,~~ The university  
7926 board of trustees may enter into an agreement for the lease-  
7927 purchase of a facility under this section for a term greater  
7928 than 1 year. Each university board of trustees is authorized to  
7929 use any auxiliary trust funds, available and not otherwise  
7930 obligated, to pay rent to the owner should income from the  
7931 facilities not be sufficient in any debt payment period. The  
7932 trust funds used for payment of rent shall be reimbursed as soon  
7933 as possible to the extent that income from the facilities  
7934 exceeds the amount necessary for such debt payment.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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7935           (6) Agreements entered into pursuant to this section are  
 7936 subject to the provisions of s. 1010.62.

7937           Section 173. Section 1013.19, Florida Statutes, is amended  
 7938 to read:

7939           1013.19 Purchase, conveyance, or encumbrance of property  
 7940 interests above surface of land; joint-occupancy  
 7941 structures.--For the purpose of implementing jointly financed  
 7942 construction project agreements, or for the construction of  
 7943 combined occupancy structures, any board may purchase, own,  
 7944 convey, sell, lease, or encumber airspace or any other interests  
 7945 in property above the surface of the land, provided the lease of  
 7946 airspace for nonpublic use is for such reasonable rent, length  
 7947 of term, and conditions as the board in its discretion may  
 7948 determine. All proceeds from such sale or lease shall be used by  
 7949 the board or boards receiving the proceeds solely for fixed  
 7950 capital outlay purposes. These purposes may include the  
 7951 renovation or remodeling of existing facilities owned by the  
 7952 board or the construction of new facilities; however, for a  
 7953 community college board or university board, such new facility  
 7954 must be authorized by the Legislature. It is declared that the  
 7955 use of such rental by the board for public purposes in  
 7956 accordance with its statutory authority is a public use.  
 7957 Airspace or any other interest in property held by the Board of  
 7958 Trustees of the Internal Improvement Trust Fund or the State  
 7959 Board of Education may not be divested or conveyed without  
 7960 approval of the respective board. Any building, including any  
 7961 building or facility component that is common to both nonpublic  
 7962 and educational portions thereof, constructed in airspace that

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7963 is sold or leased for nonpublic use pursuant to this section is  
 7964 subject to all applicable state, county, and municipal  
 7965 regulations pertaining to land use, zoning, construction of  
 7966 buildings, fire protection, health, and safety to the same  
 7967 extent and in the same manner as such regulations would be  
 7968 applicable to the construction of a building for nonpublic use  
 7969 on the appurtenant land beneath the subject airspace. Any  
 7970 educational facility constructed or leased as a part of a joint-  
 7971 occupancy facility is subject to all rules and requirements of  
 7972 the respective boards or departments having jurisdiction over  
 7973 educational facilities. Any contract executed by a university  
 7974 board of trustees pursuant to this section is subject to the  
 7975 provisions of s. 1010.62.

7976 Section 174. Section 1013.25, Florida Statutes, is amended  
 7977 to read:

7978 1013.25 When university or community college board of  
 7979 trustees may exercise power of eminent domain.--Whenever it  
 7980 becomes necessary for the welfare and convenience of any of its  
 7981 institutions or divisions to acquire private property for the  
 7982 use of such institutions, and this cannot be acquired by  
 7983 agreement satisfactory to a university or community college  
 7984 board of trustees and the parties interested in, or the owners  
 7985 of, the private property, the board of trustees may exercise the  
 7986 power of eminent domain after receiving approval therefor from  
 7987 the Administration Commission ~~State Board of Education~~ and may  
 7988 then proceed to condemn the property in the manner provided by  
 7989 chapter 73 or chapter 74.



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7990 Section 175. Section 1013.28, Florida Statutes, is amended  
7991 to read:

7992 1013.28 Disposal of property.--

7993 (1) REAL PROPERTY.--

7994 (a) Subject to rules of the State Board of Education, a  
7995 district school board or a community college board of trustees  
7996 may dispose of any land or real property that is, by resolution  
7997 of the board, determined to be unnecessary for educational  
7998 purposes as recommended in an educational plant survey. A  
7999 district school board or a community college board of trustees  
8000 shall take diligent measures to dispose of educational property  
8001 only in the best interests of the public. However, appraisals  
8002 may be obtained by the district school board or the community  
8003 college board of trustees prior to or simultaneously with the  
8004 receipt of bids.

8005 (b) Subject to rules of the Board of Governors, a state  
8006 university board of trustees may dispose of any land or real  
8007 property that is, by resolution of the state university board of  
8008 trustees, determined to be unnecessary for educational purposes  
8009 as recommended in an educational plant survey. A state  
8010 university board of trustees shall take diligent measures to  
8011 dispose of educational property only in the best interests of  
8012 the public. However, appraisals may be obtained by the state  
8013 university board of trustees prior to or simultaneously with the  
8014 receipt of bids.

8015 (2) TANGIBLE PERSONAL PROPERTY.--

8016 (a) Tangible personal property that ~~which~~ has been  
8017 properly classified as surplus by a district school board or

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8018 community college board of trustees shall be disposed of in  
 8019 accordance with the procedure established by chapter 274 ~~and by~~  
 8020 ~~a university board of trustees by chapter 273~~. However, the  
 8021 provisions of chapter 274 shall not be applicable to a motor  
 8022 vehicle used in driver education to which title is obtained for  
 8023 a token amount from an automobile dealer or manufacturer. In  
 8024 such cases, the disposal of the vehicle shall be as prescribed  
 8025 in the contractual agreement between the automotive agency or  
 8026 manufacturer and the board.

8027 (b) Tangible personal property that has been properly  
 8028 classified as surplus by a state university board of trustees  
 8029 shall be disposed of in accordance with the procedure  
 8030 established by chapter 273.

8031 Section 176. Section 1013.31, Florida Statutes, is amended  
 8032 to read:

8033 1013.31 Educational plant survey; localized need  
 8034 assessment; PECO project funding.--

8035 (1) At least every 5 years, each board shall arrange for  
 8036 an educational plant survey, to aid in formulating plans for  
 8037 housing the educational program and student population, faculty,  
 8038 administrators, staff, and auxiliary and ancillary services of  
 8039 the district or campus, including consideration of the local  
 8040 comprehensive plan. The Department of Education ~~Office of~~  
 8041 ~~Workforce and Economic Development~~ shall document the need for  
 8042 additional career and adult education programs and the  
 8043 continuation of existing programs before facility construction  
 8044 or renovation related to career or adult education may be  
 8045 included in the educational plant survey of a school district or

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8046 community college that delivers career or adult education  
8047 programs. Information used by the Department of Education ~~Office~~  
8048 ~~of Workforce and Economic Development~~ to establish facility  
8049 needs must include, but need not be limited to, labor market  
8050 data, needs analysis, and information submitted by the school  
8051 district or community college.

8052 (a) Survey preparation and required data.--Each survey  
8053 shall be conducted by the board or an agency employed by the  
8054 board. Surveys shall be reviewed and approved by the board, and  
8055 a file copy shall be submitted to the Department of Education  
8056 ~~Office of Educational Facilities and SMART Schools Clearinghouse~~  
8057 ~~within the Office of the Commissioner of Education~~. The survey  
8058 report shall include at least an inventory of existing  
8059 educational and ancillary plants, including safe access  
8060 facilities; recommendations for existing educational and  
8061 ancillary plants; recommendations for new educational or  
8062 ancillary plants, including the general location of each in  
8063 coordination with the land use plan and safe access facilities;  
8064 campus master plan update and detail for community colleges; the  
8065 utilization of school plants based on an extended school day or  
8066 year-round operation; and such other information as may be  
8067 required by the Department of Education ~~rules of the State Board~~  
8068 ~~of Education~~. This report may be amended, if conditions warrant,  
8069 at the request of the department ~~board~~ or commissioner.

8070 (b) Required need assessment criteria for district,  
8071 community college, ~~college~~ and state university plant  
8072 surveys.--Educational plant surveys must use uniform data  
8073 sources and criteria specified in this paragraph. Each revised

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8074 educational plant survey and each new educational plant survey  
8075 supersedes previous surveys.

8076 1. The school district's survey must be submitted as a  
8077 part of the district educational facilities plan defined in s.  
8078 1013.35. To ensure that the data reported to the Department of  
8079 Education as required by this section is correct, the department  
8080 shall annually conduct an onsite review of 5 percent of the  
8081 facilities reported for each school district completing a new  
8082 survey that year. If the department's review finds the data  
8083 reported by a district is less than 95 percent accurate, within  
8084 1 year from the time of notification by the department the  
8085 district must submit revised reports correcting its data. If a  
8086 district fails to correct its reports, the commissioner may  
8087 direct that future fixed capital outlay funds be withheld until  
8088 such time as the district has corrected its reports so that they  
8089 are not less than 95 percent accurate.

8090 2. Each survey of a special facility, joint-use facility,  
8091 or cooperative career education facility must be based on  
8092 capital outlay full-time equivalent student enrollment data  
8093 prepared by the department for school districts, community  
8094 colleges, ~~colleges~~, and universities. A survey of space needs of  
8095 a joint-use facility shall be based upon the respective space  
8096 needs of the school districts, community colleges, ~~colleges~~, and  
8097 universities, as appropriate. Projections of a school district's  
8098 facility space needs may not exceed the norm space and occupant  
8099 design criteria established by the State Requirements for  
8100 Educational Facilities.

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8101           3. Each community college's survey must reflect the  
8102 capacity of existing facilities as specified in the inventory  
8103 maintained by the Department of Education. Projections of  
8104 facility space needs must comply with standards for determining  
8105 space needs as specified by ~~rule~~ of the State Board of  
8106 Education. The 5-year projection of capital outlay student  
8107 enrollment must be consistent with the annual report of capital  
8108 outlay full-time student enrollment prepared by the Department  
8109 of Education.

8110           4. Each ~~college and~~ state university's survey must reflect  
8111 the capacity of existing facilities as specified in the  
8112 inventory maintained and validated by the Department of  
8113 Education Division of Colleges and Universities. Projections of  
8114 facility space needs must be consistent with standards for  
8115 determining space needs approved by the Board of Governors  
8116 Division of Colleges and Universities. The projected capital  
8117 outlay full-time equivalent student enrollment must be  
8118 consistent with the 5-year planned enrollment cycle for the  
8119 State University System approved by the Board of Governors  
8120 Division of Colleges and Universities.

8121           5. The district educational facilities plan of a school  
8122 district and the educational plant survey of a community  
8123 college, ~~or college~~ or state university may include space needs  
8124 that deviate from approved standards for determining space needs  
8125 if the deviation is justified by the district or institution and  
8126 approved by the department, as necessary for the delivery of an  
8127 approved educational program.

8128 (c) Review and validation.--The Department of Education  
 8129 ~~Office of Educational Facilities and SMART Schools Clearinghouse~~  
 8130 shall review and validate the surveys of school districts,  
 8131 community colleges, ~~and colleges~~ and universities, and any  
 8132 amendments thereto for compliance with the requirements of this  
 8133 chapter and shall recommend those in compliance for approval by  
 8134 the State Board of Education or the Board of Governors, as  
 8135 appropriate. Annually, the department shall perform an in-depth  
 8136 analysis of a representative sample of each survey of  
 8137 recommended needs for five districts selected by the  
 8138 commissioner from among districts with the largest need-to-  
 8139 revenue ratio. For the purpose of this subsection, the need-to-  
 8140 revenue ratio is determined by dividing the total 5-year cost of  
 8141 projects listed on the district survey by the total 5-year fixed  
 8142 capital outlay revenue projections from state and local sources  
 8143 as determined by the department. The commissioner may direct  
 8144 fixed capital outlay funds to be withheld from districts until  
 8145 such time as the survey accurately projects facilities needs.

8146 (d) Periodic update of Florida Inventory of School  
 8147 Houses.--School districts shall periodically update their  
 8148 inventory of educational facilities as new capacity becomes  
 8149 available and as unsatisfactory space is eliminated. The State  
 8150 Board of Education shall adopt rules to determine the time frame  
 8151 in which districts must provide a periodic update.

8152 (2) Only the district school superintendent, community  
 8153 college president, or the university president shall certify to  
 8154 the Department of Education ~~Office of Educational Facilities and~~  
 8155 ~~SMART Schools Clearinghouse~~ a project's compliance with the

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8156 requirements for expenditure of PECO funds prior to release of  
8157 funds.

8158 (a) Upon request for release of PECO funds for planning  
8159 purposes, certification must be made to the Department of  
8160 Education ~~Office of Educational Facilities and SMART Schools~~  
8161 ~~Clearinghouse~~ that the need for and location of the facility are  
8162 in compliance with the board-approved survey recommendations,  
8163 that the project meets the definition of a PECO project and the  
8164 limiting criteria for expenditures of PECO funding, and that the  
8165 plan is consistent with the local government comprehensive plan.

8166 (b) Upon request for release of construction funds,  
8167 certification must be made to the Department of Education ~~Office~~  
8168 ~~of Educational Facilities and SMART Schools Clearinghouse~~ that  
8169 the need and location of the facility are in compliance with the  
8170 board-approved survey recommendations, that the project meets  
8171 the definition of a PECO project and the limiting criteria for  
8172 expenditures of PECO funding, and that the construction  
8173 documents meet the requirements of the Florida Building Code for  
8174 educational facilities construction or other applicable codes as  
8175 authorized in this chapter.

8176 Section 177. Subsection (2) of section 1013.46, Florida  
8177 Statutes, is amended to read:

8178 1013.46 Advertising and awarding contracts;  
8179 prequalification of contractor.--

8180 (2) Boards shall prequalify bidders for construction  
8181 contracts ~~according to rules prescribed by the State Board of~~  
8182 ~~Education which require the prequalification of bidders of~~  
8183 ~~educational facilities construction.~~ Boards shall require that

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8184 all construction or capital improvement bids be accompanied by  
8185 evidence that the bidder holds an appropriate certificate or  
8186 license or that the prime contractor has a current valid  
8187 license.

8188 Section 178. Section 1013.47, Florida Statutes, is amended  
8189 to read:

8190 1013.47 Substance of contract; contractors to give bond;  
8191 penalties.--Each board shall develop contracts consistent with  
8192 this chapter and statutes governing public facilities. Such a  
8193 contract must contain the drawings and specifications of the  
8194 work to be done and the material to be furnished, the time limit  
8195 in which the construction is to be completed, the time and  
8196 method by which payments are to be made upon the contract, and  
8197 the penalty to be paid by the contractor for any failure to  
8198 comply with the terms of the contract. The board may require the  
8199 contractor to pay a penalty for any failure to comply with the  
8200 terms of the contract and may provide an incentive for early  
8201 completion. Upon accepting a satisfactory bid, the board shall  
8202 enter into a contract with the party or parties whose bid has  
8203 been accepted. The contractor shall furnish the board with a  
8204 performance and payment bond as set forth in s. 255.05. A board  
8205 or other public entity may not require a contractor to secure a  
8206 surety bond under s. 255.05 from a specific agent or bonding  
8207 company. Notwithstanding any other provision of this section, if  
8208 25 percent or more of the costs of any construction project is  
8209 paid out of a trust fund established pursuant to 31 U.S.C. s.  
8210 1243(a)(1), laborers and mechanics employed by contractors or  
8211 subcontractors on such construction will be paid wages not less



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8212 than those prevailing on similar construction projects in the  
 8213 locality, as determined by the Secretary of Labor in accordance  
 8214 with the Davis-Bacon Act, as amended. A person, firm, or  
 8215 corporation that constructs any part of any educational plant,  
 8216 or addition thereto, on the basis of any unapproved plans or in  
 8217 violation of any plans approved in accordance with the  
 8218 provisions of this chapter and rules of the State Board of  
 8219 Education or the Board of Governors relating to building  
 8220 standards or specifications is subject to forfeiture of bond and  
 8221 unpaid compensation in an amount sufficient to reimburse the  
 8222 board for any costs that will need to be incurred in making any  
 8223 changes necessary to assure that all requirements are met and is  
 8224 also guilty of a misdemeanor of the second degree, punishable as  
 8225 provided in s. 775.082 or s. 775.083, for each separate  
 8226 violation.

8227 Section 179. Paragraph (a) of subsection (1) and  
 8228 subsection (3) of section 1013.52, Florida Statutes, are amended  
 8229 to read:

8230 1013.52 Cooperative development and joint use of  
 8231 facilities by two or more boards.--

8232 (1) Two or more boards, including district school boards,  
 8233 community college boards of trustees, the Board of Trustees for  
 8234 the Florida School for the Deaf and the Blind, and university  
 8235 boards of trustees, desiring to cooperatively establish a common  
 8236 educational facility to accommodate students shall:

8237 (a) Jointly request a formal assessment by the  
 8238 Commissioner of Education of the academic program need and the  
 8239 need to build new joint-use facilities to house approved

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8240 | programs. Completion of the assessment and approval of the  
 8241 | project by the State Board of Education, the Board of Governors,  
 8242 | or the Commissioner of Education, as appropriate, should be done  
 8243 | prior to conducting an educational facilities survey.

8244 | (3) Included in all proposals for joint-use facilities  
 8245 | must be documentation that the proposed new campus or new joint-  
 8246 | use facility has been reviewed by the State Board of Education,  
 8247 | and the Board of Governors if the proposal involves a state  
 8248 | university, and has been formally requested for authorization by  
 8249 | the Legislature.

8250 | Section 180. Subsection (2) of section 1013.60, Florida  
 8251 | Statutes, is amended to read:

8252 | 1013.60 Legislative capital outlay budget request.--

8253 | (2) The commissioner shall submit to the Governor and to  
 8254 | the Legislature an integrated, comprehensive budget request for  
 8255 | educational facilities construction and fixed capital outlay  
 8256 | needs for school districts, community colleges, and  
 8257 | universities, pursuant to the provisions of s. 1013.64 and  
 8258 | applicable provisions of chapter 216. Each community college  
 8259 | board of trustees and each university board of trustees shall  
 8260 | submit to the commissioner a 3-year plan and data required in  
 8261 | the development of the annual capital outlay budget. The  
 8262 | information submitted by a university board of trustees must be  
 8263 | approved by the Board of Governors prior to submission to the  
 8264 | Commissioner of Education. No further disbursements shall be  
 8265 | made from the Public Education Capital Outlay and Debt Service  
 8266 | Trust Fund to a board of trustees that fails to timely submit  
 8267 | the required data until such board of trustees submits the data.

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8268 Section 181. Subsections (1) and (2) of section 1013.63,  
8269 Florida Statutes, are amended to read:

8270 1013.63 University Concurrency Trust Fund.--

8271 (1) The University Concurrency Trust Fund is created  
8272 within the Board of Governors ~~Department of Education~~.

8273 (2) Notwithstanding any other provision of law, the  
8274 general revenue service charge deducted pursuant to s. 215.20 on  
8275 revenues raised by any local option motor fuel tax levied  
8276 pursuant to s. 336.025(1)(b), as created by chapter 93-206, Laws  
8277 of Florida, shall be deposited in the University Concurrency  
8278 Trust Fund, ~~which is administered by the State Board of~~  
8279 ~~Education~~. Moneys in such trust fund shall be for the purpose of  
8280 funding university offsite improvements required to meet  
8281 concurrency standards adopted under part II of chapter 163. In  
8282 addition, in any year in which campus master plans are updated  
8283 pursuant to s. 1013.30, but no more frequently than once every 5  
8284 years, up to 25 percent of the balance in the trust fund for  
8285 that year may be used to defray the costs incurred in updating  
8286 those campus master plans.

8287 Section 182. Paragraph (a) of subsection (4) of section  
8288 1013.64, Florida Statutes, is amended to read:

8289 1013.64 Funds for comprehensive educational plant needs;  
8290 construction cost maximums for school district capital  
8291 projects.--Allocations from the Public Education Capital Outlay  
8292 and Debt Service Trust Fund to the various boards for capital  
8293 outlay projects shall be determined as follows:

8294 (4) (a) Community college boards of trustees and university  
8295 boards of trustees shall receive funds for projects based on a

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8296 3-year priority list, to be updated annually, which is submitted  
8297 to the Legislature in the legislative budget request at least 90  
8298 days prior to the legislative session. The State Board of  
8299 Education shall submit a 3-year priority list for community  
8300 colleges and a 3-year priority list for universities. The lists  
8301 shall reflect decisions by the State Board of Education for  
8302 community colleges and the Board of Governors for state  
8303 universities concerning program priorities that implement the  
8304 statewide plan for program growth and quality improvement in  
8305 education. No remodeling or renovation project shall be included  
8306 on the 3-year priority list unless the project has been  
8307 recommended pursuant to s. 1013.31 or is for the purpose of  
8308 correcting health and safety deficiencies. No new construction  
8309 project shall be included on the first year of the 3-year  
8310 priority list unless the educational specifications have been  
8311 approved by the commissioner for a community college project or  
8312 by the Board of Governors for a university project, as  
8313 applicable. The funds requested for a new construction project  
8314 in the first year of the 3-year priority list shall be in  
8315 conformance with the scope of the project as defined in the  
8316 educational specifications. Any new construction project  
8317 requested in the first year of the 3-year priority list which is  
8318 not funded by the Legislature shall be carried forward to be  
8319 listed first in developing the updated 3-year priority list for  
8320 the subsequent year's capital outlay budget. Should the order of  
8321 the priority of the projects change from year to year, a  
8322 justification for such change shall be included with the updated  
8323 priority list.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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8324 Section 183. Subsection (1) of section 1013.65, Florida  
 8325 Statutes, is amended to read:

8326 1013.65 Educational and ancillary plant construction  
 8327 funds; Public Education Capital Outlay and Debt Service Trust  
 8328 Fund; allocation of funds.--

8329 (1) The commissioner, through the department, shall  
 8330 administer the Public Education Capital Outlay and Debt Service  
 8331 Trust Fund. The commissioner shall allocate or reallocate funds  
 8332 as authorized by the Legislature. Copies of each allocation or  
 8333 reallocation shall be provided to members of the State Board of  
 8334 Education and the Board of Governors and to the chairs of the  
 8335 House of Representatives and Senate appropriations committees.  
 8336 The commissioner shall provide for timely encumbrances of funds  
 8337 for duly authorized projects. Encumbrances may include proceeds  
 8338 to be received under a resolution approved by the State Board of  
 8339 Education authorizing the issuance of public education capital  
 8340 outlay bonds pursuant to s. 9(a)(2), Art. XII of the State  
 8341 Constitution, s. 215.61, and other applicable law. The  
 8342 commissioner shall provide for the timely disbursement of moneys  
 8343 necessary to meet the encumbrance authorizations of the boards.  
 8344 Records shall be maintained by the department to identify  
 8345 legislative appropriations, allocations, encumbrance  
 8346 authorizations, disbursements, transfers, investments, sinking  
 8347 funds, and revenue receipts by source. The Department of  
 8348 Education shall pay the administrative costs of the Public  
 8349 Education Capital Outlay and Debt Service Trust Fund from the  
 8350 funds which comprise the trust fund.

8351 Section 184. Paragraph (c) of subsection (2) and  
 8352 subsection (3) of section 1013.74, Florida Statutes, are  
 8353 amended, and subsection (5) is added to that section, to read:

8354 1013.74 University authorization for fixed capital outlay  
 8355 projects.--

8356 (2) The following types of projects may be accomplished  
 8357 pursuant to this section:

8358 (c) Construction of projects financed as provided in s.  
 8359 1010.62 ~~ss. 1010.60 1010.619~~ or s. 1013.71;

8360 (3) Other than those projects currently authorized, no  
 8361 project proposed by a university which is to be funded from  
 8362 Capital Improvement Trust Fund fees or building fees shall be  
 8363 submitted to the Board of Governors ~~State Board of Education~~ for  
 8364 approval without prior consultation with the student government  
 8365 association of that university. The Board of Governors may adopt  
 8366 ~~State Board of Education shall promulgate~~ rules which are  
 8367 consistent with this requirement.

8368 (5) Projects accomplished pursuant to this section are  
 8369 subject to the requirements of s. 1010.62.

8370 Section 185. Subsection (2) of section 1013.78, Florida  
 8371 Statutes, is amended to read:

8372 1013.78 Approval required for certain university-related  
 8373 facility acquisitions.--

8374 (2) Legislative approval shall not be required for  
 8375 renovations, remodeling, replacement of existing facilities, or  
 8376 construction of minor projects as defined in s. 1013.64, except  
 8377 to the extent required pursuant to s. 1010.62.

8378 Section 186. Section 1013.79, Florida Statutes, is amended  
 8379 to read:

8380 1013.79 University Facility Enhancement Challenge Grant  
 8381 Program.--

8382 ~~(1) The Legislature recognizes that the universities do~~  
 8383 ~~not have sufficient physical facilities to meet the current~~  
 8384 ~~demands of their instructional and research programs. It further~~  
 8385 ~~recognizes that, to strengthen and enhance universities, it is~~  
 8386 ~~necessary to provide facilities in addition to those currently~~  
 8387 ~~available from existing revenue sources. It further recognizes~~  
 8388 ~~that there are sources of private support that, if matched with~~  
 8389 ~~state support, can assist in constructing much needed facilities~~  
 8390 ~~and strengthen the commitment of citizens and organizations in~~  
 8391 ~~promoting excellence throughout the state universities.~~  
 8392 ~~Therefore, it is the intent of the Legislature to establish a~~  
 8393 ~~trust fund to provide the opportunity for each university to~~  
 8394 ~~receive support for challenge grants for instructional and~~  
 8395 ~~research related capital facilities within the university.~~

8396 (1) ~~(2)~~ There is hereby established The Alec P. Courtelis  
 8397 University Facility Enhancement Challenge Grant Program is  
 8398 established for the purpose of assisting universities build high  
 8399 priority instructional and research-related capital facilities,  
 8400 including common areas connecting such facilities. The  
 8401 associated foundations that serve the universities shall solicit  
 8402 gifts from private sources to provide matching funds for capital  
 8403 facilities. For the purposes of this act, private sources of  
 8404 funds shall not include any federal, state, or local government  
 8405 funds that a university may receive.

8406            (2) ~~(3)~~ ~~There is established~~ The Alec P. Courtelis Capital  
 8407 Facilities Matching Trust Fund is established for the purpose of  
 8408 providing matching funds from private contributions for the  
 8409 development of high priority instructional and research-related  
 8410 capital facilities, including common areas connecting such  
 8411 facilities, within a university. The Legislature may appropriate  
 8412 funds to be transferred to the trust fund. The Public Education  
 8413 Capital Outlay and Debt Service Trust Fund, Capital Improvement  
 8414 Trust Fund, Division of Sponsored Research Trust Fund, and  
 8415 Contracts and Grants Trust Fund shall not be used as the source  
 8416 of the state match for private contributions. All appropriated  
 8417 funds deposited into the trust fund shall be invested pursuant  
 8418 to the provisions of s. 17.61. Interest income accruing to that  
 8419 portion of the trust fund shall increase the total funds  
 8420 available for the challenge grant program. Interest income  
 8421 accruing from the private donations shall be returned to the  
 8422 participating foundation upon completion of the project. The  
 8423 Board of Governors ~~State Board of Education~~ shall administer the  
 8424 trust fund and all related construction activities.

8425            (3) ~~(4)~~ No project shall be initiated unless all private  
 8426 funds for planning, construction, and equipping the facility  
 8427 have been received and deposited in the trust fund and the  
 8428 state's share for the minimum amount of funds needed to begin  
 8429 the project has been appropriated by the Legislature. The  
 8430 Legislature may appropriate the state's matching funds in one or  
 8431 more fiscal years for the planning, construction, and equipping  
 8432 of an eligible facility. However, these requirements shall not  
 8433 preclude the university from expending available funds from



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8434 private sources to develop a prospectus, including preliminary  
8435 architectural schematics and/or models, for use in its efforts  
8436 to raise private funds for a facility. Additionally, any private  
8437 sources of funds expended for this purpose are eligible for  
8438 state matching funds should the project materialize as provided  
8439 for in this section.

8440 (4)~~(5)~~ To be eligible to participate in the Alec P.  
8441 Courtelis Capital Facilities Matching Trust Fund, a university  
8442 shall raise a contribution equal to one-half of the total cost  
8443 of a facilities construction project from private  
8444 nongovernmental sources which shall be matched by a state  
8445 appropriation equal to the amount raised for a facilities  
8446 construction project subject to the General Appropriations Act.

8447 (5)~~(6)~~ If the state's share of the required match is  
8448 insufficient to meet the requirements of subsection (4) ~~(5)~~, the  
8449 university shall renegotiate the terms of the contribution with  
8450 the donors. If the project is terminated, each private donation,  
8451 plus accrued interest, reverts to the foundation for remittance  
8452 to the donor.

8453 (6)~~(7)~~ By September 1 of each year, the Board of Governors  
8454 ~~State Board of Education~~ shall transmit to the Legislature a  
8455 list of projects which meet all eligibility requirements to  
8456 participate in the Alec P. Courtelis Capital Facilities Matching  
8457 Trust Fund and a budget request which includes the recommended  
8458 schedule necessary to complete each project.

8459 (7)~~(8)~~ In order for a project to be eligible under this  
8460 program, it must be included in the university 5-year capital

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8461 improvement plan and must receive prior approval from the Board  
 8462 of Governors ~~State Board of Education~~ and the Legislature.

8463 ~~(8)-(9)~~ No university's project shall be removed from the  
 8464 approved 3-year PECO priority list because of its successful  
 8465 participation in this program until approved by the Legislature  
 8466 and provided for in the General Appropriations Act. When such a  
 8467 project is completed and removed from the list, all other  
 8468 projects shall move up on the 3-year PECO priority list. A  
 8469 university shall not use PECO funds, including the Capital  
 8470 Improvement Trust Fund fee and the building fee, to complete a  
 8471 project under this section.

8472 ~~(9)-(10)~~ Any project funds that are unexpended after a  
 8473 project is completed shall revert to the Capital Facilities  
 8474 Matching Trust Fund. Fifty percent of such unexpended funds  
 8475 shall be reserved for the university which originally received  
 8476 the private contribution for the purpose of providing private  
 8477 matching funds for future facility construction projects as  
 8478 provided in this section. The balance of such unexpended funds  
 8479 shall be available to any state university for future facility  
 8480 construction projects conducted pursuant to this section.

8481 ~~(10)-(11)~~ The surveys, architectural plans, facility, and  
 8482 equipment shall be the property of the State of Florida. A  
 8483 facility constructed pursuant to this section may be named in  
 8484 honor of a donor at the option of the university with the  
 8485 approval of the Board of Governors ~~and the State Board of~~  
 8486 ~~Education. No facility shall be named after a living person~~  
 8487 ~~without prior approval by the Legislature.~~

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8488           Section 187. Sections 186.805, 388.42, 388.43, 410.504,  
 8489 1004.32, 1004.35, 1004.36, 1004.38, 1004.381, 1004.382,  
 8490 1004.383, 1004.50, 1004.51, 1004.53, 1004.54, and 1004.59,  
 8491 Florida Statutes, are repealed. It is the intent of the  
 8492 Legislature that the repeal of ss. 186.805, 388.42, 388.43,  
 8493 410.504, 1004.32, 1004.35, 1004.36, 1004.38, 1004.381, 1004.382,  
 8494 1004.383, 1004.50, 1004.51, 1004.53, 1004.54, and 1004.59,  
 8495 Florida Statutes, by this act is to remove existing statutory  
 8496 authorization that is no longer necessary for the establishment,  
 8497 operation, or maintenance of the entities that were established,  
 8498 operated, or regulated under those provisions and does not  
 8499 affect the authority of a state university or the Board of  
 8500 Governors of the State University System under s. 7, Art. IX of  
 8501 the State Constitution and s. 1001.705, Florida Statutes, to  
 8502 continue such entities and their operation and regulation in  
 8503 accordance with that authority.

8504           Section 188. Sections 288.705, 458.3147, 689.12,  
 8505 741.03055, 741.03056, 1001.72, 1001.75, 1007.261, 1007.31,  
 8506 1007.32, 1008.51, 1010.60, 1010.61, 1010.611, 1010.612,  
 8507 1010.613, 1010.614, 1010.615, 1010.616, 1010.617, 1010.618,  
 8508 1010.619, 1011.4105, 1012.92, 1012.94, and 1012.95, Florida  
 8509 Statutes, are repealed.

8510           Section 189. This act shall take effect July 1, 2006.