

By the Committee on Higher Education; and Senator Oelrich

589-2238-07

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

1 relating to standards of conduct; revising
2 definition of "employee" to include provosts;
3 updating terminology; amending s. 112.3135,
4 F.S., relating to restriction on employment of
5 relatives; updating terminology; amending s.
6 112.3145, F.S., relating to disclosure of
7 financial interests and clients represented
8 before agencies; updating terminology; amending
9 s. 120.52, F.S., relating to definitions for
10 purposes of the Administrative Procedure Act;
11 revising definition of "agency" to include the
12 Board of Governors and state university boards
13 of trustees under certain circumstances;
14 revising definition of "educational unit";
15 amending s. 120.65, F.S.; including the Board
16 of Governors in the list of entities that must
17 reimburse the Division of Administrative
18 Hearings for certain services and travel
19 expenses; amending s. 121.021, F.S., relating
20 to definitions for purposes of the Florida
21 Retirement System; updating terminology;
22 amending s. 121.35, F.S., relating to the
23 optional retirement program for the State
24 University System; transferring authority from
25 the State Board of Education to the Board of
26 Governors; updating terminology and provisions;
27 amending s. 159.703, F.S., relating to creation
28 of research and development authorities;
29 updating terminology and an effective date;
30 amending s. 159.704, F.S., relating to research
31 and development authorities; updating

1 terminology; amending s. 159.706, F.S.;
2 including research and development authorities
3 designated by the Board of Regents in a
4 grandfather clause; amending s. 211.3103, F.S.,
5 relating to distribution of the tax levy on
6 severance of phosphate rock; updating
7 terminology; amending s. 215.16, F.S., relating
8 to appropriations from the General Revenue
9 Fund; deleting unnecessary language; amending
10 s. 215.32, F.S., relating to segregation of
11 trust funds; including trust funds under the
12 management of the Board of Governors; amending
13 s. 215.559, F.S., relating to the Hurricane
14 Loss Mitigation Program; deleting obsolete
15 terminology; conforming cross-references;
16 amending s. 215.82, F.S., relating to
17 validation of bonds; conforming a
18 cross-reference; amending s. 216.0152, F.S.,
19 relating to inventory of facilities; updating
20 terminology; amending s. 216.251, F.S.,
21 relating to salary appropriations; deleting
22 reference to the State Board of Education with
23 respect to State University System positions;
24 amending s. 220.15, F.S., relating to
25 apportionment of adjusted federal income;
26 updating terminology; amending s. 250.10, F.S.;
27 providing duties of the Board of Governors in
28 cooperation with the Adjutant General and the
29 State Board of Education; amending s. 253.381,
30 F.S., relating to the sale of unsurveyed
31 marshlands; deleting reference to the State

1 Board of Education; amending s. 255.02, F.S.,
2 relating to boards authorized to replace
3 buildings destroyed by fire; deleting obsolete
4 terminology; amending s. 255.043, F.S.,
5 relating to art in state buildings; deleting
6 obsolete terminology; amending s. 255.102,
7 F.S.; requiring the Board of Governors to
8 collaborate in the adoption of rules for
9 contractor compliance with minority business
10 participation; amending s. 280.02, F.S.;
11 revising definition of "public deposit" to
12 include moneys of a state university; amending
13 s. 286.001, F.S., relating to statutorily
14 required reports; updating terminology;
15 amending s. 287.064, F.S., relating to
16 consolidated financing of deferred-payment
17 purchases; conforming a cross-reference;
18 amending s. 287.155, F.S., relating to purchase
19 of motor vehicles; updating terminology;
20 amending s. 288.15, F.S.; adding the Board of
21 Governors to the list of entities authorized to
22 cooperate with the Division of Bond Finance;
23 amending s. 288.17, F.S., relating to revenue
24 certificates; updating terminology; amending s.
25 288.705, F.S.; updating terminology; amending
26 s. 288.7091, F.S.; requiring the Florida Black
27 Business Investment Board to develop memoranda
28 of understanding with the Board of Governors;
29 amending s. 288.8175, F.S.; requiring a linkage
30 institute to be governed by an agreement
31 between the Board of Governors and the State

1 Board of Education; amending s. 295.07, F.S.,
2 relating to preference in appointment and
3 retention for veterans; including certain
4 equivalent positions; amending s. 320.08058,
5 F.S., relating to specialty license plates;
6 updating terminology; amending s. 334.065,
7 F.S.; updating terminology; amending s.
8 377.705, F.S.; updating terminology; amending
9 s. 381.79, F.S., relating to the Brain and
10 Spinal Cord Injury Program Trust Fund; updating
11 terminology; amending s. 388.43, F.S.; updating
12 terminology; amending s. 403.073, F.S.,
13 relating to pollution prevention; updating
14 terminology; amending s. 403.074, F.S.,
15 relating to technical assistance by the
16 Department of Environmental Protection;
17 updating terminology; amending s. 409.908,
18 F.S., relating to reimbursement of Medicaid
19 providers; updating terminology; amending s.
20 413.051, F.S., relating to blind persons
21 eligible to operate vending stands; updating
22 terminology; amending s. 447.203, F.S.;
23 designating the Board of Governors, or the
24 board's designee, as the public employer and
25 legislative body with respect to public
26 employees of state universities; revising
27 definition of "legislative body" to conform;
28 amending s. 455.2125, F.S., relating to
29 adoption of changes to training requirements;
30 updating terminology; amending s. 456.028,
31 F.S., relating to adoption of changes to

1 training requirements; updating terminology;
2 amending s. 464.0196, F.S., relating to nurse
3 educator appointments; prescribing appointing
4 authorities for the Florida Center for Nursing
5 board; amending s. 489.103, F.S., relating to
6 exemptions for purposes of construction
7 contracting; updating terminology; amending s.
8 489.503, F.S., relating to exemptions for
9 purposes of electrical and alarm system
10 contracting; updating terminology; amending s.
11 553.71, F.S., relating to definitions for
12 purposes of the Florida Building Code;
13 conforming terminology relating to education
14 boards; amending s. 633.01, F.S., relating to
15 the State Fire Marshal; conforming
16 cross-references; amending s. 650.03, F.S.,
17 relating to federal-state agreement; updating
18 terminology; amending s. 943.1755, F.S.,
19 relating to the Florida Criminal Justice
20 Executive Institute; updating terminology;
21 amending s. 1000.01, F.S.; providing for
22 certain transfers; amending s. 1000.03, F.S.,
23 relating to the function, mission, and goals of
24 the Florida K-20 education system; deleting
25 duplicative provisions; limiting oversight
26 authority over state university matters to the
27 Board of Governors; amending s. 1000.05, F.S.;
28 assigning responsibilities for implementation
29 of equal opportunity policies to the
30 Commissioner of Education and State Board of
31 Education and to the Board of Governors;

1 limiting the functions of the Office of Equal
2 Educational Opportunity to those relating to
3 school districts and community colleges;
4 amending s. 1000.21, F.S.; defining "Board of
5 Governors" as used in the education code;
6 amending s. 1001.02, F.S.; revising powers and
7 duties of the State Board of Education to
8 include working in consultation with the Board
9 of Governors on certain matters; providing for
10 exceptions; deleting certain responsibilities
11 relating to state universities; revising
12 reporting requirements relating to financial
13 aid; conforming provisions; amending s.
14 1001.03, F.S.; providing exceptions regarding
15 State Board of Education enforcement authority;
16 requiring working in conjunction with the Board
17 of Governors on certain matters; deleting State
18 Board of Education review of state university
19 academic programs; amending s. 1001.10, F.S.;
20 providing duties of the Commissioner of
21 Education relating to expenditures of the Board
22 of Governors in the K-20 budget; revising
23 reporting requirements; amending s. 1001.11,
24 F.S.; requiring annual reporting by the
25 Commissioner of Education; conforming
26 provisions; amending s. 1001.20, F.S.;
27 transferring responsibilities regarding
28 determination of need for investigations of
29 state universities by the Office of Inspector
30 General; amending s. 1001.28, F.S.; providing
31 that Department of Education distance learning

1 duties do not alter duties of the Board of
2 Governors; amending s. 1001.64, F.S., relating
3 to powers and duties of community college
4 boards of trustees; conforming a
5 cross-reference; amending s. 1001.70, F.S.;
6 providing authority of the Board of Governors;
7 authorizing travel and per diem; creating s.
8 1001.706, F.S., relating to powers and duties
9 of the Board of Governors; providing for
10 rulemaking; providing powers and duties
11 relating to organization and operation of state
12 universities, finance, accountability,
13 personnel, property, compliance with laws and
14 rules, and cooperation with other education
15 boards; prohibiting assessment of a fee on
16 universities; amending s. 1001.71, F.S.;
17 providing that the university boards of
18 trustees are part of the executive branch of
19 state government; deleting certain board member
20 requirements; amending s. 1001.72, F.S.,
21 relating to university boards of trustees
22 acting as corporations; amending s. 1001.73,
23 F.S., relating to university boards acting as
24 trustees; transferring responsibilities of the
25 State Board of Education to the Board of
26 Governors; subjecting agreements to
27 requirements for the issuance of bonds and
28 debt; amending s. 1001.74, F.S.; revising
29 powers and duties of university boards of
30 trustees relating to general provisions for
31 responsibility, organization and operation of

1 state universities, finance, accountability,
2 personnel, property, and compliance with laws
3 and rules; amending s. 1002.35, F.S.; requiring
4 the State Board of Education to work in
5 conjunction with the Board of Governors
6 regarding assignment of a university partner to
7 the New World School of the Arts; updating
8 terminology; amending s. 1002.41, F.S.,
9 relating to home education programs; conforming
10 provisions; amending s. 1004.03, F.S.;
11 transferring responsibilities for approval of
12 new programs at state universities from the
13 State Board of Education to the Board of
14 Governors; amending s. 1004.04, F.S., relating
15 to accountability and approval for teacher
16 preparation programs; including the Board of
17 Governors as a report recipient; amending s.
18 1004.07, F.S., relating to student withdrawal
19 from courses due to military service; providing
20 for rules by the State Board of Education and
21 Board of Governors; amending s. 1004.21, F.S.;
22 removing legislative intent regarding state
23 universities; providing that state universities
24 are part of the executive branch of state
25 government and administered by a board of
26 trustees; amending s. 1004.22, F.S., relating
27 to divisions of sponsored research at state
28 universities; providing for guidelines of the
29 Board of Governors; transferring
30 responsibilities from the State Board of
31 Education to the Board of Governors; amending

1 s. 1004.24, F.S.; transferring responsibilities
2 relating to securing liability insurance from
3 the State Board of Education to the Board of
4 Governors or the board's designee; amending s.
5 1004.28, F.S.; transferring responsibilities
6 relating to duties of direct-support
7 organizations from the State Board of Education
8 to the Board of Governors; defining "property";
9 providing for rules; subjecting certain
10 agreements to requirements for issuance of
11 bonds and debt; amending s. 1004.29, F.S.;
12 transferring responsibilities relating to
13 university health services support
14 organizations from the State Board of Education
15 to the Board of Governors; providing for rules;
16 amending s. 1004.35, F.S.; including the Board
17 of Governors in consultations regarding
18 coordination of course offerings; amending s.
19 1004.36, F.S.; transferring responsibilities
20 relating to comprehensive master plans from the
21 State Board of Education to the Board of
22 Governors; amending s. 1004.39, F.S.;
23 transferring responsibilities relating to the
24 college of law at Florida International
25 University from the State Board of Education to
26 the Board of Governors; deleting obsolete
27 provisions; amending s. 1004.40, F.S.;
28 transferring responsibilities relating to the
29 college of law at Florida Agricultural and
30 Mechanical University from the State Board of
31 Education to the Board of Governors; deleting

1 obsolete provisions; amending s. 1004.41, F.S.,
2 relating to the J. Hillis Miller Health Center
3 at the University of Florida; authorizing the
4 University of Florida Board of Trustees to
5 utilize certain revenues; amending s. 1004.43,
6 F.S.; transferring responsibilities relating to
7 the H. Lee Moffitt Cancer Center and Research
8 Institute from the State Board of Education to
9 the Board of Governors; amending s. 1004.435,
10 F.S.; transferring responsibilities relating to
11 cancer control from the State Board of
12 Education to the Board of Governors; revising
13 membership of the Florida Cancer Control and
14 Research Council; amending s. 1004.445, F.S.;
15 transferring responsibilities relating to the
16 Johnnie B. Byrd, Sr., Alzheimer's Center and
17 Research Institute from the State Board of
18 Education to the Board of Governors; amending
19 s. 1004.447, F.S.; requiring annual reporting
20 to the Board of Governors; amending s. 1004.47,
21 F.S.; updating terminology relating to solid
22 and hazardous waste management research;
23 amending s. 1004.58, F.S.; including the Board
24 of Governors as a report recipient; providing
25 for the Chancellor of the State University
26 System to serve as a member of the board and to
27 staff the board; amending s. 1005.03, F.S.,
28 relating to the designation "college" or
29 "university"; deleting obsolete terminology;
30 amending s. 1005.06, F.S., relating to
31 institutions not under the jurisdiction of the

1 Commission for Independent Education; deleting
2 obsolete terminology; amending s. 1005.22,
3 F.S.; removing an obsolete reference; amending
4 s. 1006.53, F.S.; removing references to State
5 Board of Education rules for religious
6 observances; amending s. 1006.60, F.S.;
7 including rules of the Board of Governors
8 relating to codes of conduct; amending s.
9 1006.61, F.S.; including policies of the Board
10 of Governors relating to disruptive student
11 activities; amending s. 1006.62, F.S.;
12 including rules of the Board of Governors
13 relating to expulsion and discipline of
14 students; amending s. 1006.65, F.S.; requiring
15 the Board of Governors to adopt rules for state
16 universities relating to safety issues;
17 amending s. 1006.71, F.S., relating to gender
18 equity in intercollegiate athletics;
19 transferring responsibilities relating to state
20 universities from the Commissioner of Education
21 and State Board of Education to the Chancellor
22 of the State University System and Board of
23 Governors; adding the Legislature to the list
24 of recipients of annual assessments; amending
25 s. 1007.01, F.S.; requiring recommendations to
26 the Legislature relating to articulation;
27 amending s. 1007.22, F.S.; encouraging boards
28 to establish programs to maximize articulation;
29 amending s. 1007.23, F.S.; requiring the State
30 Board of Education in consultation with the
31 Board of Governors to establish in rule a

1 statewide articulation agreement; revising
2 provisions relating to admissions; amending s.
3 1007.24, F.S., relating to the statewide course
4 numbering system; requiring the Commissioner of
5 Education in conjunction with the chancellor,
6 to perform certain duties; requiring the
7 Department of Education in conjunction with the
8 Board of Governors to perform certain duties;
9 requiring the State Board of Education to
10 approve course level with input from the Board
11 of Governors; amending s. 1007.25, F.S.,
12 relating to general education courses, common
13 prerequisites, and other degree requirements;
14 transferring responsibilities relating to state
15 universities from the State Board of Education
16 to the Board of Governors; amending s.
17 1007.2615, F.S., relating to acceptance of
18 American Sign Language credits as foreign
19 language credits; conforming provisions;
20 amending s. 1007.262, F.S., relating to foreign
21 language competence and equivalence
22 determinations; conforming provisions;
23 providing an exemption; amending s. 1007.264,
24 F.S., relating to admission of impaired and
25 learning disabled persons to postsecondary
26 educational institutions; transferring
27 responsibilities relating to state universities
28 from the State Board of Education to the Board
29 of Governors; amending s. 1007.265, F.S.,
30 relating to graduation, study program
31 admission, and upper-division entry for

1 impaired and learning disabled persons;
2 transferring responsibilities relating to state
3 universities from the State Board of Education
4 to the Board of Governors; amending s. 1007.27,
5 F.S., relating to articulated acceleration
6 mechanisms and the statewide articulation
7 agreement; conforming provisions; deleting
8 obsolete provisions; amending s. 1007.28, F.S.;
9 transferring requirement for establishment and
10 maintenance of a computer-assisted student
11 advising system from the State Board of
12 Education to the Department of Education in
13 conjunction with the Board of Governors;
14 requiring the State Board of Education and the
15 Board of Governors to specify roles and
16 responsibilities relating to the system;
17 amending s. 1007.33, F.S., relating to
18 site-determined baccalaureate degree access;
19 conforming provisions; amending s. 1008.29,
20 F.S., relating to the college-level
21 communication and mathematics skills
22 examination (CLAST); requiring the State Board
23 of Education in conjunction with the Board of
24 Governors to establish minimum passing scores
25 and identify coursework to satisfy testing
26 requirements; authorizing the Board of
27 Governors to set certain examination fees;
28 amending s. 1008.30, F.S., relating to common
29 placement testing; requiring public
30 postsecondary educational institutions to
31 provide certain modifications for students with

1 disabilities; requiring the State Board of
2 Education in conjunction with the Board of
3 Governors to specify certain
4 college-preparatory requirements; amending s.
5 1008.32, F.S.; limiting State Board of
6 Education oversight enforcement authority to
7 school districts and community colleges and
8 their respective boards; amending s. 1008.345,
9 F.S.; conforming provisions relating to
10 implementation of the state system of school
11 improvement and education accountability;
12 requiring State Board of Education and Board of
13 Governors approval of CLAST skills and certain
14 assessments; including the Board of Governors
15 as a recipient of certain information; amending
16 s. 1008.37, F.S., relating to postsecondary
17 feedback of information to high schools;
18 removing State Board of Education rulemaking;
19 requiring the Commissioner of Education to
20 report to the Board of Governors; amending s.
21 1008.38, F.S., relating to the articulation
22 accountability process; requiring the State
23 Board of Education in conjunction with the
24 Board of Governors to establish an articulation
25 accountability process; amending s. 1008.45,
26 F.S., relating to the community college
27 accountability process; conforming provisions;
28 amending s. 1008.46, F.S.; transferring
29 responsibilities relating to the state
30 university accountability process from the
31 State Board of Education to the Board of

1 Governors; amending s. 1009.01, F.S.; revising
2 definition of "out-of-state fee"; amending s.
3 1009.21, F.S., relating to determination of
4 resident status for tuition purposes; modifying
5 State Board of Education rulemaking;
6 authorizing rulemaking by the Board of
7 Governors; amending s. 1009.24, F.S.; revising
8 provisions relating to state university tuition
9 and fees; providing guidelines and requirements
10 for the establishment of fees and fines;
11 updating terminology; providing that a state
12 university may not charge any fee except as
13 specifically authorized by law; amending s.
14 1009.26, F.S.; transferring responsibilities
15 relating to state university fee waivers from
16 the State Board of Education to the Board of
17 Governors; authorizing university boards of
18 trustees to waive tuition and out-of-state fees
19 under certain conditions; amending s. 1009.27,
20 F.S., relating to deferral of fees; removing
21 State Board of Education rulemaking; amending
22 s. 1009.285, F.S., relating to fees for
23 repeated enrollment in college-credit courses;
24 deleting reference to definitions and fee
25 levels established by the State Board of
26 Education; amending s. 1009.29, F.S., relating
27 to increased fees for funding financial aid
28 programs; correcting a reference; amending s.
29 1009.40, F.S., relating to general requirements
30 for student eligibility for state financial
31 aid; conforming provisions relating to tuition

1 assistance grants; amending s. 1009.90, F.S.;
2 including the Board of Governors with respect
3 to Department of Education duties relating to
4 student financial aid; amending s. 1009.91,
5 F.S.; requiring state university student loan
6 information to be reported annually to the
7 Board of Governors; amending s. 1009.971, F.S.,
8 relating to the Florida Prepaid College Board;
9 updating terminology; amending s. 1010.01,
10 F.S., relating to uniform records and accounts;
11 transferring responsibilities relating to state
12 universities from the State Board of Education
13 to the Board of Governors; requiring a uniform
14 classification of accounts; requiring state
15 universities to file financial statements;
16 amending s. 1010.011, F.S.; revising a
17 definition for purposes of financial matters;
18 amending s. 1010.02, F.S., relating to
19 financial accounting and expenditure;
20 transferring responsibilities relating to state
21 universities from the State Board of Education
22 to the Board of Governors; amending s. 1010.04,
23 F.S., relating to purchasing; transferring
24 responsibilities relating to state universities
25 from the State Board of Education to the Board
26 of Governors; amending s. 1010.07, F.S.,
27 relating to bonds and insurance; transferring
28 responsibilities relating to state universities
29 from the State Board of Education to the Board
30 of Governors; amending s. 1010.09, F.S.,
31 relating to direct-support organizations;

1 transferring responsibilities relating to state
2 universities from the State Board of Education
3 to the Board of Governors; amending s. 1010.30,
4 F.S., relating to audits; transferring
5 supervision of state universities from the
6 State Board of Education to the Board of
7 Governors; amending s. 1010.86, F.S.;
8 transferring administration of trust funds from
9 the State Board of Education to the Board of
10 Governors; amending s. 1011.01, F.S.;
11 transferring budget responsibilities relating
12 to state universities from the State Board of
13 Education to the Board of Governors; requiring
14 coordination; amending s. 1011.011, F.S.;
15 requiring the State Board of Education in
16 conjunction with the Board of Governors to
17 submit legislative capital outlay budget
18 requests for state universities; amending s.
19 1011.40, F.S.; transferring state university
20 budget responsibilities from the State Board of
21 Education to the Board of Governors; amending
22 s. 1011.41, F.S.; requiring compliance with
23 certain tuition and fee policies for receipt of
24 state university appropriations; amending s.
25 1011.4106, F.S.; providing requirements for the
26 expenditure of tuition and fee revenues from
27 local accounts; providing for deposit into the
28 State Treasury under certain conditions;
29 amending s. 1011.411, F.S., relating to budgets
30 for sponsored research at universities;
31 conforming a cross-reference; amending s.

1 1011.48, F.S.; transferring responsibilities
2 for educational research centers for child
3 development from the State Board of Education
4 to the Board of Governors; amending s. 1011.82,
5 F.S., relating to requirements for
6 participation in the Community College Program
7 Fund; conforming a cross-reference; amending s.
8 1011.90, F.S.; transferring state university
9 funding responsibilities from the State Board
10 of Education to the Board of Governors;
11 amending s. 1011.91, F.S.; transferring certain
12 responsibilities relating to additional
13 appropriations; amending s. 1012.01, F.S.;
14 limiting definitions for purposes of personnel;
15 amending s. 1012.80, F.S.; transferring
16 responsibilities relating to employee
17 disruptive activities at state universities
18 from the State Board of Education to the Board
19 of Governors; amending s. 1012.801, F.S.,
20 relating to State University System employees;
21 updating terminology; amending s. 1012.93,
22 F.S.; authorizing evaluation of faculty
23 proficiency in English through a test approved
24 by the Board of Governors; amending s. 1012.98,
25 F.S.; deleting obsolete provisions relating to
26 professional development programs; amending s.
27 1013.01, F.S.; excluding the Board of Governors
28 from the definition of "board" for purposes of
29 educational facilities; amending s. 1013.02,
30 F.S.; transferring rulemaking authority
31 relating to state university educational

1 facilities from the State Board of Education to
2 the Board of Governors; amending s. 1013.03,
3 F.S.; providing functions of the Board of
4 Governors relating to state university
5 educational facilities; revising provisions
6 relating to submission of data; deleting
7 obsolete provisions; amending s. 1013.11, F.S.;
8 providing for the Chancellor of the State
9 University System to receive reports; amending
10 s. 1013.12, F.S.; requiring state university
11 firesafety inspections to comply with rules of
12 the Board of Governors; revising recipients of
13 an annual report; amending s. 1013.15, F.S.;
14 subjecting lease or lease-purchase agreements
15 to requirements for issuance of bonds and debt;
16 amending s. 1013.16, F.S.; subjecting leases
17 executed by a university board of trustees to
18 requirements for issuance of bonds and debt;
19 amending s. 1013.17, F.S.; transferring
20 responsibilities relating to university leasing
21 in affiliated research and development parks
22 from the State Board of Education to the Board
23 of Governors; subjecting leases to requirements
24 for issuance of bonds and debt; amending s.
25 1013.171, F.S.; authorizing each university
26 board of trustees to enter into certain lease
27 agreements; transferring systemwide strategic
28 plan adoption responsibilities from the State
29 Board of Education to the Board of Governors;
30 subjecting agreements to requirements for
31 issuance of bonds and debt; amending s.

1 1013.19, F.S.; subjecting certain contracts
2 executed by a university board of trustees to
3 requirements for the issuance of bonds and
4 debt; amending s. 1013.25, F.S.; requiring
5 approval of the Administration Commission to
6 exercise the power of eminent domain; amending
7 s. 1013.28, F.S.; requiring state university
8 disposal of property according to rules of the
9 Board of Governors or the Board of Trustees for
10 the Florida School for the Deaf and the Blind;
11 amending s. 1013.31, F.S.; providing Department
12 of Education duties relating to educational
13 plant surveys and PECO funding; removing State
14 Board of Education rulemaking; updating
15 terminology and making technical changes;
16 requiring approval of state university
17 educational plant surveys by the Board of
18 Governors; amending s. 1013.46, F.S.; deleting
19 State Board of Education rulemaking for
20 prequalification of bidders; amending s.
21 1013.47, F.S.; including rules of the Board of
22 Governors with respect to contracts for
23 construction of educational facilities;
24 amending s. 1013.52, F.S.; requiring the Board
25 of Governors' or the Chancellor of the State
26 University System's review and approval for
27 state university joint-use facilities
28 proposals; amending s. 1013.60, F.S.; requiring
29 that state university capital outlay budget
30 request information be approved by the Board of
31 Governors prior to submission to the

1 Commissioner of Education; amending s. 1013.64,
2 F.S.; transferring responsibilities for state
3 university funds for comprehensive educational
4 plant needs from the State Board of Education
5 to the Board of Governors; amending s. 1013.65,
6 F.S.; requiring copies of capital outlay
7 allocations to be provided to the Board of
8 Governors; amending s. 1013.74, F.S.;
9 transferring responsibilities relating to state
10 university fixed capital outlay projects from
11 the State Board of Education to the Board of
12 Governors; subjecting projects to requirements
13 for issuance of bonds and debt; amending s.
14 1013.78, F.S.; providing an exception relating
15 to legislative approval for university-related
16 facility acquisitions; repealing s. 186.805,
17 F.S., relating to the Data Bank on Older
18 Floridians; repealing s. 1004.54, F.S.,
19 relating to the Learning Development and
20 Evaluation Center; repealing s. 741.03055,
21 F.S., relating to review of premarital
22 preparation courses, pilot programs, and
23 questionnaire and curriculum; repealing s.
24 741.03056, F.S., relating to an informational
25 questionnaire; repealing s. 1001.75, F.S.,
26 relating to powers and duties of state
27 university presidents; repealing s. 1007.261,
28 F.S., relating to state university admission of
29 students; repealing s. 1007.31, F.S., relating
30 to limited access programs; repealing s.
31 1007.32, F.S., relating to transfer students;

1 repealing s. 1008.51, F.S., relating to the
2 Council for Education Policy Research and
3 Improvement; repealing s. 1011.4105, F.S.,
4 relating to transition from the state
5 accounting system (FLAIR) to the university
6 accounting system; repealing s. 1012.92, F.S.,
7 relating to personnel codes of conduct,
8 disciplinary measures, and rulemaking
9 authority; repealing s. 1012.94, F.S., relating
10 to evaluations of faculty members; repealing s.
11 1012.95, F.S., relating to university
12 employment equity accountability programs;
13 providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Paragraph (a) of subsection (1) of section
18 20.055, Florida Statutes, is amended to read:

19 20.055 Agency inspectors general.--

20 (1) For the purposes of this section:

21 (a) "State agency" means each department created
22 pursuant to this chapter, and also includes the Executive
23 Office of the Governor, the Department of Military Affairs,
24 the Fish and Wildlife Conservation Commission, the Office of
25 Insurance Regulation of the Financial Services Commission, the
26 Office of Financial Regulation of the Financial Services
27 Commission, the Public Service Commission, the Board of
28 Governors of the State University System, and the state courts
29 system.

30 Section 2. Paragraphs (d) and (e) of subsection (3) of
31 section 20.15, Florida Statutes, are redesignated as

1 paragraphs (c) and (d), respectively, present paragraph (c) of
2 that subsection and subsections (5) and (7) are amended, and
3 subsection (8) is added to that section, to read:

4 20.15 Department of Education.--There is created a
5 Department of Education.

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

8 ~~(c) Division of Colleges and Universities.~~

9 (5) POWERS AND DUTIES.--The State Board of Education
10 and the Commissioner of Education, in consultation with the
11 Board of Governors of the State University System, the
12 Commission for Independent Education, and other education
13 entities, shall assign to the divisions such powers, duties,
14 responsibilities, and functions as are necessary to ensure the
15 greatest possible coordination, efficiency, and effectiveness
16 of education for students in K-20 education.

17 (7) BOARDS.--Notwithstanding anything contained in law
18 to the contrary, all members of the ~~university and~~ community
19 college boards of trustees must be appointed according to
20 chapter 1001.

21 (8) SUPPORT SERVICES.--The Department of Education
22 shall continue to provide support to the Board of Governors of
23 the State University System. At a minimum, support services
24 provided to the Board of Governors shall include accounting,
25 printing, computer and Internet support, personnel and human
26 resources support, support for accountability initiatives, and
27 administrative support as needed for trust funds under the
28 jurisdiction of the Board of Governors.

29 Section 3. Section 20.155, Florida Statutes, is
30 created to read:

31

1 20.155 Board of Governors of the State University
2 System.--
3 (1) GENERAL PROVISIONS.--The Board of Governors of the
4 State University System is established by the State
5 Constitution under s. 7, Art. IX and, accordingly, is granted
6 rights and privileges equal to those of departments
7 established under this chapter while preserving the Board of
8 Governors' constitutional designation and title.
9 (2) HEAD OF THE BOARD.--The head of the Board of
10 Governors is the board with members appointed by the Governor
11 as provided for in s. 7, Art. IX of the State Constitution.
12 (3) PERSONNEL.--The Board of Governors may appoint a
13 Chancellor to aid the board in the implementation of its
14 responsibilities.
15 (4) POWERS AND DUTIES.--
16 (a) The Board of Governors shall operate, regulate,
17 control, and be responsible for the management of the whole
18 State University System in accordance with s. 7, Art. IX of
19 the State Constitution and law.
20 (b) The Board of Governors, in exercising its
21 authority under the State Constitution and statutes, shall do
22 so in a manner that supports, promotes, and enhances all of
23 the following:
24 1. Affordable access to postsecondary educational
25 opportunities for Florida residents.
26 2. Articulation among state universities and with
27 public schools and other postsecondary educational
28 institutions.
29 3. Fiscal responsibility.
30 4. Accountability.
31

1 (5) OFFICE OF INSPECTOR GENERAL.--An Office of
2 Inspector General shall be organized using existing resources
3 and funds to promote accountability, efficiency, and
4 effectiveness and to detect fraud and abuse within state
5 universities. If the Board of Governors determines that a
6 state university board of trustees is unwilling or unable to
7 address substantiated allegations made by any person relating
8 to waste, fraud, or financial mismanagement, the office shall
9 conduct, coordinate, or request investigations into
10 substantiated allegations made by any person relating to
11 waste, fraud, or financial mismanagement within a state
12 university. The office shall have access to all information
13 and personnel necessary to perform its duties and shall have
14 all of its current powers, duties, and responsibilities
15 authorized in s. 20.055.

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

18 23.21 Definitions.--For purposes of this part:

19 (1) "Department" means a principal administrative unit
20 within the executive branch of state government, as defined in
21 chapter 20, and includes the State Board of Administration,
22 the Executive Office of the Governor, the Fish and Wildlife
23 Conservation Commission, the Parole Commission, the Agency for
24 Health Care Administration, ~~the Board of Regents,~~ the State
25 Board of Education Community Colleges, the Board of Governors
26 of the State University System, the Justice Administrative
27 Commission, the capital collateral regional counsel, and
28 separate budget entities placed for administrative purposes
29 within a department.

30 Section 5. Paragraph (a) of subsection (6) of section
31 110.131, Florida Statutes, is amended to read:

1 110.131 Other-personal-services temporary
2 employment.--

3 (6)(a) The provisions of subsections (2), (3), and (4)
4 do not apply to any employee for whom the Board of Governors
5 of the State University System, or the board's designee,
6 ~~Regents~~ or the Board of Trustees of the Florida School for the
7 Deaf and the Blind is the employer as defined in s.
8 447.203(2); except that, for purposes of subsection (5), the
9 Board of Trustees of the Florida School for the Deaf and the
10 Blind shall comply with the recordkeeping and reporting
11 requirements adopted by the department pursuant to subsection
12 (3) with respect to those other-personal-services employees
13 exempted by this subsection.

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

16 110.181 Florida State Employees' Charitable
17 Campaign.--

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

24 Section 7. Paragraphs (e), (f), and (g) of subsection
25 (13) of section 112.0455, Florida Statutes, are redesignated
26 as paragraphs (d), (e), and (f), respectively, and paragraph
27 (d) of that subsection is amended to read:

28 112.0455 Drug-Free Workplace Act.--

29 (13) RULES.--

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

1
2 This section shall not be construed to eliminate the
3 bargainable rights as provided in the collective bargaining
4 process where applicable.

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

7 112.19 Law enforcement, correctional, and correctional
8 probation officers; death benefits.--

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

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

14 112.191 Firefighters; death benefits.--

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

18 Section 10. Paragraph (a) of subsection (9) of section
19 112.313, Florida Statutes, is amended to read:

20 112.313 Standards of conduct for public officers,
21 employees of agencies, and local government attorneys.--

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

24 (a)1. It is the intent of the Legislature to implement
25 by statute the provisions of s. 8(e), Art. II of the State
26 Constitution relating to legislators, statewide elected
27 officers, appointed state officers, and designated public
28 employees.

29 2. As used in this paragraph:

30 a. "Employee" means:

31

1 (I) Any person employed in the executive or
2 legislative branch of government holding a position in the
3 Senior Management Service as defined in s. 110.402 or any
4 person holding a position in the Selected Exempt Service as
5 defined in s. 110.602 or any person having authority over
6 policy or procurement employed by the Department of the
7 Lottery.

8 (II) The Auditor General, the director of the Office
9 of Program Policy Analysis and Government Accountability, the
10 Sergeant at Arms and Secretary of the Senate, and the Sergeant
11 at Arms and Clerk of the House of Representatives.

12 (III) The executive director of the Legislative
13 Committee on Intergovernmental Relations and the executive
14 director and deputy executive director of the Commission on
15 Ethics.

16 (IV) An executive director, staff director, or deputy
17 staff director of each joint committee, standing committee, or
18 select committee of the Legislature; an executive director,
19 staff director, executive assistant, analyst, or attorney of
20 the Office of the President of the Senate, the Office of the
21 Speaker of the House of Representatives, the Senate Majority
22 Party Office, Senate Minority Party Office, House Majority
23 Party Office, or House Minority Party Office; or any person,
24 hired on a contractual basis, having the power normally
25 conferred upon such persons, by whatever title.

26 (V) The Chancellor and Vice Chancellors of the State
27 University System; the general counsel to the Board of
28 Governors of the State University System ~~Regents~~; and the
29 president, provost, vice presidents, and deans of each state
30 university.

31

1 (VI) Any person, including an other-personal-services
2 employee, having the power normally conferred upon the
3 positions referenced in this sub-subparagraph.

4 b. "Appointed state officer" means any member of an
5 appointive board, commission, committee, council, or authority
6 of the executive or legislative branch of state government
7 whose powers, jurisdiction, and authority are not solely
8 advisory and include the final determination or adjudication
9 of any personal or property rights, duties, or obligations,
10 other than those relative to its internal operations.

11 c. "State agency" means an entity of the legislative,
12 executive, or judicial branch of state government over which
13 the Legislature exercises plenary budgetary and statutory
14 control.

15 3. No member of the Legislature, appointed state
16 officer, or statewide elected officer shall personally
17 represent another person or entity for compensation before the
18 government body or agency of which the individual was an
19 officer or member for a period of 2 years following vacation
20 of office. No member of the Legislature shall personally
21 represent another person or entity for compensation during his
22 or her term of office before any state agency other than
23 judicial tribunals or in settlement negotiations after the
24 filing of a lawsuit.

25 4. An agency employee, including an agency employee
26 who was employed on July 1, 2001, in a Career Service System
27 position that was transferred to the Selected Exempt Service
28 System under chapter 2001-43, Laws of Florida, may not
29 personally represent another person or entity for compensation
30 before the agency with which he or she was employed for a
31

1 period of 2 years following vacation of position, unless
2 employed by another agency of state government.

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

7 6. This paragraph is not applicable to:

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

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

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

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

19 e. Any appointed state officer whose term of office
20 began before January 1, 1995, unless reappointed to that
21 office on or after January 1, 1995.

22 Section 11. Paragraph (a) of subsection (1) of section
23 112.3135, Florida Statutes, is amended to read:

24 112.3135 Restriction on employment of relatives.--

25 (1) In this section, unless the context otherwise
26 requires:

27 (a) "Agency" means:

28 1. A state agency, except an institution under the
29 jurisdiction of the Board of Governors of the State University
30 ~~System~~ ~~Division of Universities of the Department of~~
31 ~~Education~~;

1 2. An office, agency, or other establishment in the
2 legislative branch;

3 3. An office, agency, or other establishment in the
4 judicial branch;

5 4. A county;

6 5. A city; and

7 6. Any other political subdivision of the state,
8 except a district school board or community college district.

9 Section 12. Paragraph (c) of subsection (1) of section
10 112.3145, Florida Statutes, is amended to read:

11 112.3145 Disclosure of financial interests and clients
12 represented before agencies.--

13 (1) For purposes of this section, unless the context
14 otherwise requires, the term:

15 (c) "State officer" means:

16 1. Any elected public officer, excluding those elected
17 to the United States Senate and House of Representatives, not
18 covered elsewhere in this part and any person who is appointed
19 to fill a vacancy for an unexpired term in such an elective
20 office.

21 2. An appointed member of each board, commission,
22 authority, or council having statewide jurisdiction, excluding
23 a member of an advisory body.

24 3. A member of the Board of Governors of the State
25 University System or a state university board of trustees
26 ~~Regents~~, the Chancellor and Vice Chancellors of the State
27 University System, and the president of a state university.

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

30
31

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

4 120.52 Definitions.--As used in this act:

5 (1) "Agency" means:

6 (b) Each:

7 1. State officer and state department, and each
8 departmental unit described in s. 20.04.

9 2. Authority, including a regional water supply
10 authority.

11 3. Board, including the Board of Governors of the
12 State University System and a state university board of
13 trustees when acting pursuant to statutory authority derived
14 from the Legislature.

15 4. Commission, including the Commission on Ethics and
16 the Fish and Wildlife Conservation Commission when acting
17 pursuant to statutory authority derived from the Legislature.

18 5. Regional planning agency.

19 6. Multicounty special district with a majority of its
20 governing board comprised of nonelected persons.

21 7. Educational units.

22 8. Entity described in chapters 163, 373, 380, and 582
23 and s. 186.504.

24
25 This definition does not include any legal entity or agency
26 created in whole or in part pursuant to chapter 361, part II,
27 any metropolitan planning organization created pursuant to s.
28 339.175, any separate legal or administrative entity created
29 pursuant to s. 339.175 of which a metropolitan planning
30 organization is a member, an expressway authority pursuant to
31 chapter 348, any legal or administrative entity created by an

1 interlocal agreement pursuant to s. 163.01(7), unless any
2 party to such agreement is otherwise an agency as defined in
3 this subsection, or any multicounty special district with a
4 majority of its governing board comprised of elected persons;
5 however, this definition shall include a regional water supply
6 authority.

7 (6) "Educational unit" means a local school district,
8 a community college district, the Florida School for the Deaf
9 and the Blind, or a state university when the university is
10 acting pursuant to statutory authority derived from the
11 Legislature.

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

14 120.65 Administrative law judges.--

15 (11) The division shall be reimbursed for
16 administrative law judge services and travel expenses by the
17 following entities: water management districts, regional
18 planning councils, school districts, community colleges, the
19 Division of Community Colleges, state universities, the Board
20 of Governors of the State University System, the State Board
21 of Education, the Florida School for the Deaf and the Blind,
22 and the Commission for Independent Education. These entities
23 shall contract with the division to establish a contract rate
24 for services and provisions for reimbursement of
25 administrative law judge travel expenses and video
26 teleconferencing expenses attributable to hearings conducted
27 on behalf of these entities. The contract rate must be based
28 on a total-cost-recovery methodology.

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

31

1 121.021 Definitions.--The following words and phrases
2 as used in this chapter have the respective meanings set forth
3 unless a different meaning is plainly required by the context:

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

7 (b) Under no circumstances shall compensation include:

8 1. Fees paid professional persons for special or
9 particular services or include salary payments made from a
10 faculty practice plan authorized by the Board of Governors of
11 the State University System ~~operated by rule of the Board of~~
12 ~~Regents~~ for eligible clinical faculty at a state university
13 with a faculty practice plan ~~the University of Florida and the~~
14 ~~University of South Florida;~~ or

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

18 Section 16. Paragraphs (b) and (d) of subsection (2)
19 and paragraphs (a) and (b) of subsection (6) of section
20 121.35, Florida Statutes, are amended to read:

21 121.35 Optional retirement program for the State
22 University System.--

23 (2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL
24 PROGRAM.--

25 (b) For purposes of this section, both the appointees
26 and employees are referred to as "employees," and the
27 "employer" of an appointee or employee is the individual
28 institution within the State University System or the Board of
29 Governors of the State University System ~~State Board of~~
30 ~~Education~~, whichever is appropriate with respect to the
31 particular employee or appointee.

1 (d) For purposes of this section, the authority
2 granted to the Board of Governors of the State University
3 System ~~State Board of Education~~ may be exercised by the Board
4 of Governors or by the Chancellor of the State University
5 System ~~Division of Colleges and Universities~~.

6 (6) ADMINISTRATION OF PROGRAM.--

7 (a) The optional retirement program authorized by this
8 section shall be administered by the department. The
9 department shall adopt rules establishing the responsibilities
10 of the ~~State Board of Education~~ and institutions in the State
11 University System in administering the optional retirement
12 program. The Board of Regents ~~State Board of Education~~ shall,
13 no more than 90 days after July 1, 1983, submit to the
14 department its recommendations for the contracts to be offered
15 by the companies chosen by the department. Effective July 1,
16 2001, the State Board of Education shall submit to the
17 department its recommendations for the contracts to be offered
18 by the companies chosen by the department. Effective July 1,
19 2007, the Board of Governors of the State University System
20 shall submit recommendations on contracts within 90 days after
21 request by the department. The recommendations of the board
22 shall include the following:

23 1. The nature and extent of the rights and benefits in
24 relation to the required contributions; and

25 2. The suitability of the rights and benefits to the
26 needs of the participants and the interests of the
27 institutions in the recruitment and retention of eligible
28 employees.

29 (b) After receiving and considering the
30 recommendations of the Board of Governors of the State
31 University System ~~State Board of Education~~, the department

1 shall designate no more than five companies from which
2 contracts may be purchased under the program and shall approve
3 the form and content of the optional retirement program
4 contracts. Any domestic company that has been designated as of
5 July 1, 2005, shall be included in the five companies until
6 expiration of its existing contract with the department. The
7 domestic company may assign its contract with the department
8 to an affiliated qualified company that is wholly owned by the
9 domestic company's parent company and has assumed 100 percent
10 of the responsibility for the contracts purchased from the
11 domestic company.

12 Section 17. Subsection (1) of section 159.703, Florida
13 Statutes, is amended to read:

14 159.703 Creation of research and development
15 authorities.--

16 (1) Subject to the provisions of this part, each
17 county or group of counties may create by ordinance a local
18 governmental body as a public body corporate and politic to be
19 known as " Research and Development Authority," hereafter
20 referred to as "authority" or "authorities." Each of the
21 authorities is constituted as a public instrumentality for the
22 purposes of development, operation, management, and financing
23 of a research and development park, and the exercise by an
24 authority of the powers conferred by ss. 159.701-159.7095
25 shall be deemed and held to be the performance of an essential
26 public purpose and function. However, no authority created on
27 or after July 1, 2007 ~~July 7, 1988~~, shall transact any
28 business or exercise any power hereunder until and unless the
29 Board of Governors of the State University System ~~Board of~~
30 ~~Regents~~ has designated the authority pursuant to the
31 requirements of s. 159.704.

1 Section 18. Subsections (1) and (3) of section
2 159.704, Florida Statutes, are amended to read:

3 159.704 Designation by Board of Governors of the State
4 University System ~~Board of Regents~~; procedure.--

5 (1) The authority shall prepare and submit to the
6 Board of Governors of the State University System ~~Board of~~
7 ~~Regents~~ a petition requesting that the authority be designated
8 a research and development authority.

9 (3) Upon approval of the petition and designation as a
10 research and development authority by the Board of Governors
11 of the State University System ~~Board of Regents~~, the authority
12 shall be empowered to transact any business and exercise any
13 power authorized by ss. 159.701-159.7095 for the purposes set
14 out in such sections.

15 Section 19. Section 159.706, Florida Statutes, is
16 amended to read:

17 159.706 Grandfather clause.--Each county designated as
18 a research and development authority on June 30, 1979, or
19 designated by the Board of Regents as a research and
20 development authority prior to July 1, 2001, shall be entitled
21 to continue to be designated and shall be accorded all powers
22 conferred to designated authorities by ss. 159.701-159.7095,
23 except that any authority not constituted and designated under
24 the provisions of ss. 159.701-159.7095 shall be prohibited
25 from exercising any power to issue revenue bonds or other debt
26 obligations pursuant to s. 159.705(6) and (7).

27 Section 20. Paragraph (b) of subsection (2) of section
28 211.3103, Florida Statutes, is amended to read:

29 211.3103 Levy of tax on severance of phosphate rock;
30 rate, basis, and distribution of tax.--

31

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

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

8 1. For payment to counties in proportion to the number
9 of tons of phosphate rock produced from a phosphate rock
10 matrix located within such political boundary, 18.75 percent.
11 The department shall distribute this portion of the proceeds
12 annually based on production information reported by the
13 producers on the annual returns for the taxable year. Any such
14 proceeds received by a county shall be used only for
15 phosphate-related expenses.

16 2. For payment to counties that have been designated a
17 rural area of critical economic concern pursuant to s.
18 288.0656 in proportion to the number of tons of phosphate rock
19 produced from a phosphate rock matrix located within such
20 political boundary, 15 percent. The department shall
21 distribute this portion of the proceeds annually based on
22 production information reported by the producers on the annual
23 returns for the taxable year.

24 3. To the credit of the Phosphate Research Trust Fund
25 in the Department of Education, ~~Division of Universities,~~
26 11.25 percent.

27 4. To the credit of the Minerals Trust Fund, 11.25
28 percent.

29 5. To the credit of the Nonmandatory Land Reclamation
30 Trust Fund, 43.75 percent.

31

1 Section 21. Subsection (2) of section 215.16, Florida
2 Statutes, is amended to read:

3 215.16 Appropriations from General Revenue Fund for
4 public schools, state institutions of higher learning, and
5 community colleges; reduction.--

6 (2) If the state appropriations from the General
7 Revenue Fund for the benefit of the uniform system of public
8 free schools, state institutions of higher learning, and
9 community colleges cannot be paid in full during any given
10 year, they shall be diminished only in the same proportion
11 that appropriations for all other purposes from the General
12 Revenue Fund are diminished during such year. Additionally,
13 any funding reductions to public free schools, state
14 institutions of higher learning, and community colleges shall
15 be diminished in proportions identical to one another. For the
16 purpose of implementing this section, general revenue funds
17 exclude the administrative budgets of the Board of Governors
18 and the Department of Education. ~~provided for public free~~
19 ~~schools, state institutions of higher learning, and community~~
20 ~~colleges shall be restricted to general revenue funds~~
21 ~~appropriated for the Division of Public Schools and Community~~
22 ~~Education, the Division of Workforce Development, the Division~~
23 ~~of Universities, excluding the general office of the Board of~~
24 ~~Regents, and the Division of Community Colleges, excluding the~~
25 ~~division office.~~

26 Section 22. Paragraph (b) of subsection (2) of section
27 215.32, Florida Statutes, is amended to read:

28 215.32 State funds; segregation.--

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

31

1 (b)1. The trust funds shall consist of moneys received
2 by the state which under law or under trust agreement are
3 segregated for a purpose authorized by law. The state agency
4 or branch of state government receiving or collecting such
5 moneys shall be responsible for their proper expenditure as
6 provided by law. Upon the request of the state agency or
7 branch of state government responsible for the administration
8 of the trust fund, the Chief Financial Officer may establish
9 accounts within the trust fund at a level considered necessary
10 for proper accountability. Once an account is established
11 within a trust fund, the Chief Financial Officer may authorize
12 payment from that account only upon determining that there is
13 sufficient cash and releases at the level of the account.

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

18 a. Operations or operating trust fund, for use as a
19 depository for funds to be used for program operations funded
20 by program revenues, with the exception of administrative
21 activities when the operations or operating trust fund is a
22 proprietary fund.

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

25 c. Administrative trust fund, for use as a depository
26 for funds to be used for management activities that are
27 departmental in nature and funded by indirect cost earnings
28 and assessments against trust funds. Proprietary funds are
29 excluded from the requirement of using an administrative trust
30 fund.

31

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

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

7 f. Clearing funds trust fund, for use as a depository
8 for funds to account for collections pending distribution to
9 lawful recipients.

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

13
14 To the extent possible, each agency must adjust its internal
15 accounting to use existing trust funds consistent with the
16 requirements of this subparagraph. If an agency does not have
17 trust funds listed in this subparagraph and cannot make such
18 adjustment, the agency must recommend the creation of the
19 necessary trust funds to the Legislature no later than the
20 next scheduled review of the agency's trust funds pursuant to
21 s. 215.3206.

22 3. All such moneys are hereby appropriated to be
23 expended in accordance with the law or trust agreement under
24 which they were received, subject always to the provisions of
25 chapter 216 relating to the appropriation of funds and to the
26 applicable laws relating to the deposit or expenditure of
27 moneys in the State Treasury.

28 4.a. Notwithstanding any provision of law restricting
29 the use of trust funds to specific purposes, unappropriated
30 cash balances from selected trust funds may be authorized by
31

1 the Legislature for transfer to the Budget Stabilization Fund
2 and General Revenue Fund in the General Appropriations Act.

3 b. This subparagraph does not apply to trust funds
4 required by federal programs or mandates; trust funds
5 established for bond covenants, indentures, or resolutions
6 whose revenues are legally pledged by the state or public body
7 to meet debt service or other financial requirements of any
8 debt obligations of the state or any public body; the State
9 Transportation Trust Fund; the trust fund containing the net
10 annual proceeds from the Florida Education Lotteries; the
11 Florida Retirement System Trust Fund; trust funds under the
12 management of the State Board of Education or the Board of
13 Governors of the State University System, where such trust
14 funds are for auxiliary enterprises, self-insurance, and
15 contracts, grants, and donations, as those terms are defined
16 by general law; trust funds that serve as clearing funds or
17 accounts for the Chief Financial Officer or state agencies;
18 trust funds that account for assets held by the state in a
19 trustee capacity as an agent or fiduciary for individuals,
20 private organizations, or other governmental units; and other
21 trust funds authorized by the State Constitution.

22 Section 23. Subsection (4) of section 215.559, Florida
23 Statutes, is amended to read:

24 215.559 Hurricane Loss Mitigation Program.--

25 (4) Of moneys provided to the Department of Community
26 Affairs in paragraph (2)(a), 10 percent shall be allocated to
27 a ~~Type I~~ center within the State University System dedicated
28 to hurricane research. The ~~Type I~~ center shall develop a
29 preliminary work plan approved by the advisory council set
30 forth in subsection ~~(5)(6)~~ to eliminate the state and local
31 barriers to upgrading existing mobile homes and communities,

1 research and develop a program for the recycling of existing
2 older mobile homes, and support programs of research and
3 development relating to hurricane loss reduction devices and
4 techniques for site-built residences. The State University
5 System also shall consult with the Department of Community
6 Affairs and assist the department with the report required
7 under subsection ~~(7)~~~~(8)~~.

8 Section 24. Subsection (2) of section 215.82, Florida
9 Statutes, is amended to read:

10 215.82 Validation; when required.--

11 (2) Any bonds issued pursuant to this act which are
12 validated shall be validated in the manner provided by chapter
13 75. In actions to validate bonds to be issued in the name of
14 the State Board of Education under s. 9(a) and (d), Art. XII
15 of the State Constitution and bonds to be issued pursuant to
16 chapter 259, the Land Conservation Act of 1972, the complaint
17 shall be filed in the circuit court of the county where the
18 seat of state government is situated, the notice required to
19 be published by s. 75.06 shall be published only in the county
20 where the complaint is filed, and the complaint and order of
21 the circuit court shall be served only on the state attorney
22 of the circuit in which the action is pending. In any action
23 to validate bonds issued pursuant to s. 1010.62 ~~ss.~~
24 ~~1010.61~~~~1010.619~~ or issued pursuant to s. 9(a)(1), Art. XII of
25 the State Constitution or issued pursuant to s. 215.605 or s.
26 338.227, the complaint shall be filed in the circuit court of
27 the county where the seat of state government is situated, the
28 notice required to be published by s. 75.06 shall be published
29 in a newspaper of general circulation in the county where the
30 complaint is filed and in two other newspapers of general
31 circulation in the state, and the complaint and order of the

1 circuit court shall be served only on the state attorney of
2 the circuit in which the action is pending; provided, however,
3 that if publication of notice pursuant to this section would
4 require publication in more newspapers than would publication
5 pursuant to s. 75.06, such publication shall be made pursuant
6 to s. 75.06.

7 Section 25. Subsection (1) of section 216.0152,
8 Florida Statutes, is amended to read:

9 216.0152 Inventory of state-owned facilities or
10 state-occupied facilities.--

11 (1) The Department of Management Services shall
12 develop and maintain an automated inventory of all facilities
13 owned, leased, rented, or otherwise occupied or maintained by
14 any agency of the state or by the judicial branch, except
15 those with less than 3,000 square feet. The inventory shall
16 include the location, occupying agency, ownership, size,
17 condition assessment, maintenance record, age, parking and
18 employee facilities, and other information as required by the
19 department for determining maintenance needs and life-cycle
20 cost evaluations of the facility. The inventory need not
21 include a condition assessment or maintenance record of
22 facilities not owned by a state agency or by the judicial
23 branch. The term "facility," as used in this section, means
24 buildings, structures, and building systems, but does not
25 include transportation facilities of the state transportation
26 system. The Department of Transportation shall develop and
27 maintain an inventory of transportation facilities of the
28 state transportation system. The Board of Governors of the
29 State University System and Regents and the Division of
30 Community Colleges of the Department of Education,
31 respectively, shall develop and maintain an inventory, in the

1 manner prescribed by the Department of Management Services, of
2 all state university and community college ~~higher education~~
3 facilities and shall make the data available in a format
4 acceptable to the Department of Management Services.

5 Section 26. Paragraph (a) of subsection (2) of section
6 216.251, Florida Statutes, is amended to read:

7 216.251 Salary appropriations; limitations.--

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

11 1. Within the classification and pay plans provided
12 for in chapter 110.

13 2. Within the classification and pay plans established
14 by the Board of Trustees for the Florida School for the Deaf
15 and the Blind of the Department of Education and approved by
16 the State Board of Education for academic and academic
17 administrative personnel.

18 3. Within the classification and pay plan approved and
19 administered by the ~~State Board of Education and the~~ Board of
20 Governors for those positions in the State University System.

21 4. Within the classification and pay plan approved by
22 the President of the Senate and the Speaker of the House of
23 Representatives, as the case may be, for employees of the
24 Legislature.

25 5. Within the approved classification and pay plan for
26 the judicial branch.

27 Section 27. Paragraph (c) of subsection (2) and
28 paragraph (c) of subsection (4) of section 220.15, Florida
29 Statutes, are amended to read:

30 220.15 Apportionment of adjusted federal income.--

31

1 (2) The property factor is a fraction the numerator of
2 which is the average value of the taxpayer's real and tangible
3 personal property owned or rented and used in this state
4 during the taxable year or period and the denominator of which
5 is the average value of such property owned or rented and used
6 everywhere.

7 (c) The property factor fraction shall not include any
8 real or tangible personal property located in this state with
9 respect to which it is certified to the Department of Revenue
10 that such property is dedicated exclusively to research and
11 development activities performed pursuant to sponsored
12 research contracts conducted in conjunction with and through a
13 university that is a member of the State University System or
14 a nonpublic university that is chartered in Florida and
15 conducts graduate programs at the professional or doctoral
16 level. The Board of Governors of the State University System
17 ~~Board of Regents~~ must certify the contracts for members of the
18 State University System, and the president of the university
19 must certify the contracts for a nonpublic university. As used
20 in this paragraph, "sponsored research contract" means an
21 agreement executed by parties that include at least the
22 university and the taxpayer. Funding for sponsored research
23 contracts may be provided from public or private sources.

24 (4) The payroll factor is a fraction the numerator of
25 which is the total amount paid in this state during the
26 taxable year or period by the taxpayer for compensation and
27 the denominator of which is the total compensation paid
28 everywhere during the taxable year or period.

29 (c) The payroll factor fraction shall not include any
30 compensation paid to any employee located in this state when
31 it is certified to the Department of Revenue that such

1 compensation was paid to employees dedicated exclusively to
2 research and development activities performed pursuant to
3 sponsored research contracts conducted in conjunction with and
4 through a university that is a member of the State University
5 System or a nonpublic university that is chartered in Florida
6 and conducts graduate programs at the professional or doctoral
7 level. The Board of Governors of the State University System
8 ~~Board of Regents~~ must certify the contracts for members of the
9 State University System, and the president of the university
10 must certify the contracts for a nonpublic university. As used
11 in this paragraph, "sponsored research contract" means an
12 agreement executed by parties that include at least the
13 university and the taxpayer. Funding for sponsored research
14 contracts may be provided from public or private sources.

15 Section 28. Subsection (7) of section 250.10, Florida
16 Statutes, is amended to read:

17 250.10 Appointment and duties of the Adjutant
18 General.--

19 (7) The Adjutant General, the Board of Governors of
20 the State University System, and the State Board of Education
21 shall develop education assistance programs for members in
22 good standing of the active Florida National Guard who enroll
23 in a public institution of higher learning in the state.

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

- 27 1. Be 17 years of age or older.
- 28 2. Be presently domiciled in the state.
- 29 3. Be a member in good standing in the active Florida
30 National Guard at the beginning of and throughout the entire
31 academic term for which benefits are received.

1 4. Maintain continuous satisfactory participation in
2 the active Florida National Guard for any school term for
3 which exemption benefits are received.

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

10 (b) The programs shall define those members of the
11 active Florida National Guard who are ineligible to
12 participate in the program and those courses of study which
13 are not authorized for the program.

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

15 a. Any member, commissioned officer, warrant officer,
16 or enlisted person who has a baccalaureate degree.

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

19 c. Any member who has not completed basic military
20 training.

21 2. Courses not authorized include noncredit courses,
22 courses that do not meet degree requirements, or courses that
23 do not meet requirements for completion of career training.

24 (c) The Adjutant General, together with the Board of
25 Governors of the State University System and the State Board
26 of Education, shall adopt rules for the overall policy,
27 guidance, administration, implementation, and proper
28 utilization of the program. Such rules must include, but not
29 be limited to, guidelines for certification by the Adjutant
30 General of a guard member's eligibility, procedures for
31 notification to an institution of a guard member's termination

1 of eligibility, and procedures for restitution when a guard
2 member fails to comply with the penalties described in this
3 section.

4 Section 29. Section 253.381, Florida Statutes, is
5 amended to read:

6 253.381 Unsurveyed marshlands; sale to upland
7 owners.--The Board of Trustees of the Internal Improvement
8 Trust Fund of the state is ~~and the State Board of Education~~
9 ~~are~~ hereby authorized to make sales of unsurveyed marshlands
10 to record owners of uplands which have been surveyed by the
11 United States, and to make equitable divisions of unsurveyed
12 marsh areas and allocations of the same for sales with due
13 respect to upland ownership, sales heretofore made, natural
14 divisions of the unsurveyed marshes which are indicated by the
15 general courses of water channels within or across the
16 unsurveyed marshes and to other topographical features of the
17 affected areas.

18 Section 30. Section 255.02, Florida Statutes, is
19 amended to read:

20 255.02 Boards authorized to replace buildings
21 destroyed by fire.--The Department of Management Services, ~~the~~
22 ~~Board of Regents of the Department of Education,~~ or any other
23 board or person having the direct supervision and control of
24 any state building or state property, may have rebuilt or
25 replaced, out of the proceeds from the fire insurance on such
26 buildings or property, any buildings or property owned by the
27 state, which may be destroyed in whole or in part by fire.

28 Section 31. Subsection (2) of section 255.043, Florida
29 Statutes, is amended to read:

30 255.043 Art in state buildings.--
31

1 (2) The Department of Management Services,~~the Board~~
2 ~~of Regents,~~ or other state agencies receiving appropriations
3 for original constructions shall notify the Florida Arts
4 Council and the user agency of any construction project which
5 is eligible under the provisions of this section. The
6 Department of Management Services,~~the Board of Regents,~~ or
7 other state agency shall determine the amount to be made
8 available for purchase or commission of works of art for each
9 project and shall report these amounts to the Florida Arts
10 Council and the user agency. Payments therefor shall be made
11 from funds appropriated for fixed capital outlay according to
12 law.

13 Section 32. Subsection (2) of section 255.102, Florida
14 Statutes, is amended to read:

15 255.102 Contractor utilization of minority business
16 enterprises.--

17 (2) The Office of Supplier Diversity, in collaboration
18 with the Board of Governors of the State University System,
19 shall adopt rules to determine what is a "good faith effort"
20 for purposes of contractor compliance with minority
21 participation goals established for competitively awarded
22 building and construction projects. Pro forma efforts shall
23 not be considered good faith. Factors which shall be
24 considered by the state agency in determining whether a
25 contractor has made good faith efforts shall include, but not
26 be limited to:

27 (a) Whether the contractor attended any
28 presolicitation or prebid meetings that were scheduled by the
29 agency to inform minority business enterprises of contracting
30 and subcontracting opportunities.

31

1 (b) Whether the contractor advertised in general
2 circulation, trade association, or minority-focus media
3 concerning the subcontracting opportunities.

4 (c) Whether the contractor provided written notice to
5 all relevant subcontractors listed on the minority vendor list
6 for that locality and statewide as provided by the agency as
7 of the date of issuance of the invitation to bid, that their
8 interest in the contract was being solicited in sufficient
9 time to allow the minority business enterprises to participate
10 effectively.

11 (d) Whether the contractor followed up initial
12 solicitations of interest by contacting minority business
13 enterprises, the Office of Supplier Diversity, or minority
14 persons who responded and provided detailed information about
15 prebid meetings, access to plans, specifications, contractor's
16 project manager, subcontractor bonding, if any, payment
17 schedule, bid addenda, and other assistance provided by the
18 contractor to enhance minority business enterprise
19 participation.

20 (e) Whether the contractor selected portions of the
21 work to be performed by minority business enterprises in order
22 to increase the likelihood of meeting the minority business
23 enterprise procurement goals, including, where appropriate,
24 breaking down contracts into economically feasible units to
25 facilitate minority business enterprise participation under
26 reasonable and economical conditions of performance.

27 (f) Whether the contractor provided the Office of
28 Supplier Diversity as well as interested minority business
29 enterprises or minority persons with adequate information
30 about the plans, specifications, and requirements of the
31

1 contract or the availability of jobs at a time no later than
2 when such information was provided to other subcontractors.

3 (g) Whether the contractor negotiated in good faith
4 with interested minority business enterprises or minority
5 persons, not rejecting minority business enterprises or
6 minority persons as unqualified without sound reasons based on
7 a thorough investigation of their capabilities or imposing
8 implausible conditions of performance on the contract.

9 (h) Whether the contractor diligently seeks to replace
10 a minority business enterprise subcontractor that is unable to
11 perform successfully with another minority business
12 enterprise.

13 (i) Whether the contractor effectively used the
14 services of available minority community organizations;
15 minority contractors' groups; local, state, and federal
16 minority business assistance offices; and other organizations
17 that provide assistance in the recruitment and placement of
18 minority business enterprises or minority persons.

19 Section 33. Subsection (23) of section 280.02, Florida
20 Statutes, is amended to read:

21 280.02 Definitions.--As used in this chapter, the
22 term:

23 (23) "Public deposit" means the moneys of the state or
24 of any state university, county, school district, community
25 college district, special district, metropolitan government,
26 or municipality, including agencies, boards, bureaus,
27 commissions, and institutions of any of the foregoing, or of
28 any court, and includes the moneys of all county officers,
29 including constitutional officers, that are placed on deposit
30 in a bank, savings bank, or savings association and for which
31 the bank, savings bank, or savings association is required to

1 maintain reserves. This includes, but is not limited to, time
2 deposit accounts, demand deposit accounts, and nonnegotiable
3 certificates of deposit. Moneys in deposit notes and in other
4 nondeposit accounts such as repurchase or reverse repurchase
5 operations are not public deposits. Securities, mutual funds,
6 and similar types of investments are not considered public
7 deposits and shall not be subject to the provisions of this
8 chapter.

9 Section 34. Section 286.001, Florida Statutes, is
10 amended to read:

11 286.001 Reports statutorily required; filing,
12 maintenance, retrieval, and provision of copies.--

13 (1) Unless otherwise specifically provided by law, any
14 agency or officer of the executive, legislative, or judicial
15 branches of state government, the State Board of Education,
16 the Board of Governors of the State University System
17 ~~Community Colleges, the Board of Regents,~~ or the Public
18 Service Commission required or authorized by law to make
19 reports regularly or periodically shall fulfill such
20 requirement by filing an abstract of the report with the
21 statutorily or administratively designated recipients of the
22 report and an abstract and one copy of the report with the
23 Division of Library and Information Services of the Department
24 of State, unless the head of the reporting entity makes a
25 determination that the additional cost of providing the entire
26 report to the statutorily or administratively designated
27 recipients is justified. A one-page summary justifying the
28 determination shall be submitted to the chairs of the
29 governmental operations committees of both houses of the
30 Legislature. The abstract of the contents of such report shall
31 be no more than one-half page in length. The actual report

1 shall be retained by the reporting agency or officer, and
2 copies of the report shall be provided to interested parties
3 and the statutorily or administratively designated recipients
4 of the report upon request.

5 (2) With respect to reports statutorily required of
6 agencies or officers within the executive, legislative, or
7 judicial branches of state government, the State Board of
8 Education, the Board of Governors of the State University
9 System ~~Community Colleges, the Board of Regents~~, or the Public
10 Service Commission, it is the duty of the division, in
11 addition to its duties under s. 257.05, to:

12 (a) Regularly compile and update bibliographic
13 information on such reports for distribution as provided in
14 paragraph (b). Such bibliographic information may be included
15 in the bibliographies prepared by the division pursuant to s.
16 257.05(3)(c).

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

19 1. Agencies and officers within the executive,
20 legislative, and judicial branches of state government, the
21 State Board of Education, the Board of Governors of the State
22 University System ~~Community Colleges, the Board of Regents~~,
23 and the Public Service Commission, free of charge; and

24 2. Other interested parties upon request properly made
25 and upon payment of the actual cost of duplication pursuant to
26 s. 119.07(1).

27 (3) As soon as practicable, the administrative head of
28 each executive, legislative, or judicial agency and each
29 agency of the State Board of Education, the Board of Governors
30 of the State University System ~~Community Colleges, the Board~~
31 ~~of Regents~~, and the Public Service Commission required by law

1 to make reports periodically shall ensure that those reports
2 are created, stored, managed, updated, retrieved, and
3 disseminated through electronic means.

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

7 Section 35. Subsection (1) of section 287.064, Florida
8 Statutes, is amended to read:

9 287.064 Consolidated financing of deferred-payment
10 purchases.--

11 (1) The Division of Bond Finance of the State Board of
12 Administration and the Chief Financial Officer shall plan and
13 coordinate deferred-payment purchases made by or on behalf of
14 the state or its agencies or by or on behalf of state
15 universities or state community colleges participating under
16 this section pursuant to s. 1001.74(6) ~~s. 1001.74(5)~~ or s.
17 1001.64(26), respectively. The Division of Bond Finance shall
18 negotiate and the Chief Financial Officer shall execute
19 agreements and contracts to establish master equipment
20 financing agreements for consolidated financing of
21 deferred-payment, installment sale, or lease purchases with a
22 financial institution or a consortium of financial
23 institutions. As used in this act, the term "deferred-payment"
24 includes installment sale and lease-purchase.

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

28 (b) Repayment of the whole or a part of the funds
29 drawn pursuant to the master equipment financing agreement may
30 continue beyond the period established pursuant to paragraph
31 (a).

1 (c) The interest rate component of any master
2 equipment financing agreement shall be deemed to comply with
3 the interest rate limitation imposed in s. 287.063 so long as
4 the interest rate component of every interagency, state
5 university, or community college agreement entered into under
6 such master equipment financing agreement complies with the
7 interest rate limitation imposed in s. 287.063. Such interest
8 rate limitation does not apply when the payment obligation
9 under the master equipment financing agreement is rated by a
10 nationally recognized rating service in any one of the three
11 highest classifications, which rating services and
12 classifications are determined pursuant to rules adopted by
13 the Chief Financial Officer.

14 Section 36. Subsection (1) of section 287.155, Florida
15 Statutes, is amended to read:

16 287.155 Motor vehicles; purchase by ~~Division of~~
17 ~~Universities~~, Department of Children and Family Services,
18 Agency for Persons with Disabilities, Department of Health,
19 Department of Juvenile Justice, and Department of
20 Corrections.--

21 (1) The ~~Division of Universities of the Department of~~
22 ~~Education~~, the Department of Children and Family Services, the
23 Agency for Persons with Disabilities, the Department of
24 Health, the Department of Juvenile Justice, and the Department
25 of Corrections may, subject to the approval of the Department
26 of Management Services, purchase automobiles, trucks,
27 tractors, and other automotive equipment for the use of
28 institutions under the management of the ~~Division of~~
29 ~~Universities~~, the Department of Children and Family Services,
30 the Agency for Persons with Disabilities, the Department of
31 Health, and the Department of Corrections, and for the use of

1 residential facilities managed or contracted by the Department
2 of Juvenile Justice.

3 Section 37. Paragraph (d) of subsection (5) of section
4 288.15, Florida Statutes, is amended to read:

5 288.15 Powers of Division of Bond Finance.--There is
6 hereby granted to and vested in the Division of Bond Finance
7 of the State Board of Administration the power, right,
8 franchise, and authority:

9 (5) In order to carry out the objectives and purposes
10 of this chapter, the division is authorized to acquire, own,
11 construct, operate, maintain, improve, and extend public
12 buildings, facilities, or works within the state which are of
13 the character hereinafter specifically mentioned. All public
14 buildings, facilities, and works which the division is
15 authorized to own, construct, operate, and maintain must be
16 such as can ultimately be owned and operated by an agency,
17 department, board, bureau, or commission of the state. All or
18 any such buildings, facilities, or works may be of a
19 revenue-producing character in order that the cost of the same
20 or some part of improvements or extensions thereto may be paid
21 from receipts therefrom, including in Tallahassee only
22 rentals, leases, and sales to both public and nonpublic
23 agencies through the issue and sales or disposition of revenue
24 bonds, notes, or certificates of the division. The buildings,
25 facilities, and works which the division is hereby authorized
26 to acquire, construct, operate, maintain, improve, and extend
27 are:

28 (d) Public buildings, facilities, and additions or
29 improvements to existing buildings and facilities for ultimate
30 use in connection with any of the several state institutions,
31 departments, bureaus, boards, or commissions; and, in

1 furtherance of this paragraph, the Department of Management
2 Services, the Board of Governors of the State University
3 System, and the State Board of Education are authorized to
4 cooperate with the Division of Bond Finance and to do and
5 perform all acts and things necessary thereto. Any property
6 acquired by the Division of Bond Finance under the provisions
7 of this chapter may ultimately be conveyed to the state free
8 and clear of all debt or other encumbrance.

9 Section 38. Section 288.17, Florida Statutes, is
10 amended to read:

11 288.17 Revenue certificates.--The Division of Bond
12 Finance of the State Board of Administration is authorized to
13 issue interest-bearing revenue certificates for construction
14 of all state buildings approved by the Legislature in its
15 appropriation acts and requested by the Department of
16 Management Services or by the Board of Governors of the State
17 University System ~~Board of Regents.~~

18 Section 39. Section 288.705, Florida Statutes, is
19 amended to read:

20 288.705 Statewide contracts register.--All state
21 agencies shall in a timely manner provide the Florida Small
22 Business Development Center Procurement System, ~~a Type I~~
23 ~~center of the State University System funded as provided in~~
24 ~~Pub. L. No. 96-302, as amended,~~ with all formal solicitations
25 for contractual services, supplies, and commodities. The Small
26 Business Development Center shall coordinate with Minority
27 Business Development Centers to compile and distribute such
28 information to Florida small and minority businesses
29 requesting such service for the period of time necessary to
30 familiarize the business with the market represented by state
31 agencies. On or before February 1 of each year, the Small

1 Business Development Center shall report to the Department of
2 Labor and Employment Security on utilization of the statewide
3 contracts register. Such report shall include, but not be
4 limited to, information relating to:

5 (1) The total number of solicitations received from
6 state agencies during the calendar year.

7 (2) The number of solicitations received from each
8 state agency during the calendar year.

9 (3) The method of distributing solicitation
10 information to those businesses requesting such service.

11 (4) The total number of businesses using the service.

12 (5) The percentage of businesses using the service
13 which are owned and controlled by minorities.

14 Section 40. Subsection (7) of section 288.7091,
15 Florida Statutes, is amended to read:

16 288.7091 Duties of the Florida Black Business
17 Investment Board, Inc.--The Florida Black Business Investment
18 Board, Inc., shall:

19 (7) Develop memoranda of understanding with the
20 Departments of Education, Transportation, Community Affairs,
21 and Management Services, as well as with Workforce Florida,
22 Inc., the Board of Governors of the State University System,
23 and the State Board of Education, detailing efforts of common
24 interest and collaborations to expand black business
25 development;

26 Section 41. Subsection (3) of section 288.8175,
27 Florida Statutes, is amended to read:

28 288.8175 Linkage institutes between postsecondary
29 institutions in this state and foreign countries.--

30 (3) Each institute must be governed by an agreement,
31 ~~approved by the department,~~ between the Board of Governors of

1 the State University System for a state university and the
2 State Board of Education for a community college Florida
3 ~~Community College System~~ with the counterpart organization in
4 a foreign country. Each institute must report to the
5 department regarding its program activities, expenditures, and
6 policies.

7 Section 42. Paragraph (a) of subsection (4) of section
8 295.07, Florida Statutes, is amended to read:

9 295.07 Preference in appointment and retention.--

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

12 (a) Those positions that are exempt from the state
13 Career Service System under s. 110.205(2); however, all
14 positions under the University Support Personnel System of the
15 State University System as well as all Career Service System
16 positions under the Florida Community College System and the
17 School for the Deaf and the Blind, or the equivalent of such
18 positions at state universities, community colleges, or the
19 School for the Deaf and the Blind, are included.

20 Section 43. Paragraph (b) of subsection (3) of section
21 320.08058, Florida Statutes, is amended to read:

22 320.08058 Specialty license plates.--

23 (3) COLLEGIATE LICENSE PLATES.--

24 (b) A collegiate plate annual use fee is to be
25 distributed to the state or independent university foundation
26 designated by the purchaser for deposit in an unrestricted
27 account. The Board of Governors of the State University System
28 ~~Board of Regents~~ shall require each state university to submit
29 a plan for approval of the expenditure of all funds so
30 designated. These funds may be used only for academic
31

1 enhancement, including scholarships and private fundraising
2 activities.

3 Section 44. Subsections (1), (3), and (4) of section
4 334.065, Florida Statutes, are amended to read:

5 334.065 Center for Urban Transportation Research.--

6 (1) There is established at the University of South
7 Florida the Florida Center for Urban Transportation Research,
8 to be administered by the Board of Governors ~~Regents of and~~
9 the State University System. The responsibilities of the
10 center include, but are not limited to, conducting and
11 facilitating research on issues related to urban
12 transportation problems in this state and serving as an
13 information exchange and depository for the most current
14 information pertaining to urban transportation and related
15 issues.

16 (3) An advisory board shall be created to periodically
17 and objectively review and advise the center concerning its
18 research program. Except for projects mandated by law,
19 state-funded base projects shall not be undertaken without
20 approval of the advisory board. The membership of the board
21 shall consist of nine experts in transportation-related areas,
22 including the secretaries of the Florida Departments of
23 Transportation, Community Affairs, and Environmental
24 Protection, or their designees, and a member of the Florida
25 Transportation Commission. The nomination of the remaining
26 members of the board shall be made to the President of the
27 University of South Florida by the College of Engineering at
28 the University of South Florida, and the appointment of these
29 members must be reviewed and approved by the Florida
30 Transportation Commission and confirmed by the Board of
31 Governors ~~Regents~~.

1 (4) The center shall develop a budget pursuant to
2 chapter 216. This budget shall be submitted to the Governor
3 along with the budget of the Board of Governors ~~Regents~~.

4 Section 45. Subsection (3) of section 377.705, Florida
5 Statutes, is amended to read:

6 377.705 Solar Energy Center; development of solar
7 energy standards.--

8 (3) DEFINITIONS.--

9 (a) "Center" is defined as the Florida Solar Energy
10 Center of the Board of Governors ~~Regents~~.

11 (b) "Solar energy systems" is defined as equipment
12 which provides for the collection and use of incident solar
13 energy for water heating, space heating or cooling, or other
14 applications which normally require or would require a
15 conventional source of energy such as petroleum products,
16 natural gas, or electricity and which performs primarily with
17 solar energy. In such other systems in which solar energy is
18 used in a supplemental way, only those components which
19 collect and transfer solar energy shall be included in this
20 definition.

21 Section 46. Subsection (4) of section 381.79, Florida
22 Statutes, is amended to read:

23 381.79 Brain and Spinal Cord Injury Program Trust
24 Fund.--

25 (4) The Board of Governors of the State University
26 System ~~Board of Regents~~ shall establish a program
27 administration process which shall include: an annual
28 prospective program plan with goals, research design, proposed
29 outcomes, a proposed budget, an annual report of research
30 activities and findings, and an annual end-of-year financial
31 statement. Prospective program plans shall be submitted to the

1 Board of Governors ~~Board of Regents~~, and funds shall be
2 released upon acceptance of the proposed program plans. The
3 annual report of research activities and findings shall be
4 submitted to the Board of Governors ~~Board of Regents~~, with the
5 executive summaries submitted to the President of the Senate,
6 the Speaker of the House of Representatives, and the Secretary
7 of Health.

8 Section 47. Subsection (1) of section 388.43, Florida
9 Statutes, is amended to read:

10 388.43 Florida Medical Entomology Laboratory.--

11 (1) The Florida Medical Entomology Laboratory, located
12 in Vero Beach, shall be a research and training center for the
13 state under the supervision of the Board of Governors ~~Regents~~.
14 The laboratory shall be an operational unit of the University
15 of Florida and an integral part of the Institute of Food and
16 Agricultural Sciences.

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

19 403.073 Pollution prevention; state goal; agency
20 programs; public education.--

21 (1) It is a goal of the state that all its agencies,
22 the State University System, community colleges ~~the State~~
23 ~~Board of Community Colleges~~, and all municipalities, counties,
24 regional agencies, and special districts develop and implement
25 strategies to prevent pollution, including public information
26 programs and education programs.

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

29 403.074 Technical assistance by the department.--

30 (2) The program shall include onsite, nonregulatory
31 technical assistance and shall promote and sponsor conferences

1 on pollution prevention techniques. The program may be
2 conducted in cooperation with trade associations, trade
3 schools, the State University System, community colleges ~~the~~
4 ~~State Board of Community Colleges~~, or other appropriate
5 entities.

6 Section 50. Paragraph (b) of subsection (1) of section
7 409.908, Florida Statutes, is amended to read:

8 409.908 Reimbursement of Medicaid providers.--Subject
9 to specific appropriations, the agency shall reimburse
10 Medicaid providers, in accordance with state and federal law,
11 according to methodologies set forth in the rules of the
12 agency and in policy manuals and handbooks incorporated by
13 reference therein. These methodologies may include fee
14 schedules, reimbursement methods based on cost reporting,
15 negotiated fees, competitive bidding pursuant to s. 287.057,
16 and other mechanisms the agency considers efficient and
17 effective for purchasing services or goods on behalf of
18 recipients. If a provider is reimbursed based on cost
19 reporting and submits a cost report late and that cost report
20 would have been used to set a lower reimbursement rate for a
21 rate semester, then the provider's rate for that semester
22 shall be retroactively calculated using the new cost report,
23 and full payment at the recalculated rate shall be effected
24 retroactively. Medicare-granted extensions for filing cost
25 reports, if applicable, shall also apply to Medicaid cost
26 reports. Payment for Medicaid compensable services made on
27 behalf of Medicaid eligible persons is subject to the
28 availability of moneys and any limitations or directions
29 provided for in the General Appropriations Act or chapter 216.
30 Further, nothing in this section shall be construed to prevent
31 or limit the agency from adjusting fees, reimbursement rates,

1 lengths of stay, number of visits, or number of services, or
2 making any other adjustments necessary to comply with the
3 availability of moneys and any limitations or directions
4 provided for in the General Appropriations Act, provided the
5 adjustment is consistent with legislative intent.

6 (1) Reimbursement to hospitals licensed under part I
7 of chapter 395 must be made prospectively or on the basis of
8 negotiation.

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

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

15 2. Renal dialysis services.

16 3. Other exceptions made by the agency.

17

18 The agency is authorized to receive funds from state entities,
19 including, but not limited to, the Department of Health, the
20 Board of Governors of the State University System ~~Board of~~
21 ~~Regents~~, local governments, and other local political
22 subdivisions, for the purpose of making payments, including
23 federal matching funds, through the Medicaid outpatient
24 reimbursement methodologies. Funds received from state
25 entities and local governments for this purpose shall be
26 separately accounted for and shall not be commingled with
27 other state or local funds in any manner.

28 Section 51. Paragraph (d) of subsection (2) of section
29 413.051, Florida Statutes, is amended to read:

30 413.051 Eligible blind persons; operation of vending
31 stands.--

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

2 (d) "State property" means any building or land owned,
3 leased, or otherwise controlled by the state, but does not
4 include any building or land under the control of a state
5 university board of trustees ~~the Board of Regents~~, a community
6 college district board of trustees, or any state correctional
7 institution as defined in s. 944.02.

8 Section 52. Subsection (2) and (10) of section
9 447.203, Florida Statutes, are amended to read:

10 447.203 Definitions.--As used in this part:

11 (2) "Public employer" or "employer" means the state or
12 any county, municipality, or special district or any
13 subdivision or agency thereof which the commission determines
14 has sufficient legal distinctiveness properly to carry out the
15 functions of a public employer. With respect to all public
16 employees determined by the commission as properly belonging
17 to a statewide bargaining unit composed of State Career
18 Service System employees or Selected Professional Service
19 employees, the Governor shall be deemed to be the public
20 employer; and the Board of Governors of the State University
21 System, or the board's designee, ~~university board of trustees~~
22 shall be deemed to be the public employer with respect to all
23 public employees of each constituent ~~the respective~~ state
24 university. The board of trustees of a community college shall
25 be deemed to be the public employer with respect to all
26 employees of the community college. The district school board
27 shall be deemed to be the public employer with respect to all
28 employees of the school district. The Board of Trustees of the
29 Florida School for the Deaf and the Blind shall be deemed to
30 be the public employer with respect to the academic and
31 academic administrative personnel of the Florida School for

1 | the Deaf and the Blind. The Governor shall be deemed to be the
2 | public employer with respect to all employees in the
3 | Correctional Education Program of the Department of
4 | Corrections established pursuant to s. 944.801.

5 | (10) "Legislative body" means the State Legislature,
6 | the board of county commissioners, the district school board,
7 | the governing body of a municipality, or the governing body of
8 | an instrumentality or unit of government having authority to
9 | appropriate funds and establish policy governing the terms and
10 | conditions of employment and which, as the case may be, is the
11 | appropriate legislative body for the bargaining unit. For
12 | purposes of s. 447.403, the Board of Governors of the State
13 | University System, or the board's designee, ~~state university~~
14 | ~~board of trustees~~ shall be deemed to be the legislative body
15 | with respect to all employees of each constituent ~~the~~ state
16 | university. For purposes of s. 447.403 the board of trustees
17 | of a community college shall be deemed to be the legislative
18 | body with respect to all employees of the community college.

19 | Section 53. Section 455.2125, Florida Statutes, is
20 | amended to read:

21 | 455.2125 Consultation with postsecondary education
22 | boards prior to adoption of changes to training
23 | requirements.--Any state agency or board that has jurisdiction
24 | over the regulation of a profession or occupation shall
25 | consult with the Commission for Independent Education, the
26 | Board of Governors of the State University System ~~Board of~~
27 | ~~Regents~~, and the State Board of Education prior to adopting
28 | any changes to training requirements relating to entry into
29 | the profession or occupation. This consultation must allow the
30 | educational board to provide advice regarding the impact of
31 | the proposed changes in terms of the length of time necessary

1 | to complete the training program and the fiscal impact of the
2 | changes. The educational board must be consulted only when an
3 | institution offering the training program falls under its
4 | jurisdiction.

5 | Section 54. Section 456.028, Florida Statutes, is
6 | amended to read:

7 | 456.028 Consultation with postsecondary education
8 | boards prior to adoption of changes to training
9 | requirements.--Any state agency or board that has jurisdiction
10 | over the regulation of a profession or occupation shall
11 | consult with the Commission for Independent Education, the
12 | Board of Governors of the State University System ~~Board of~~
13 | ~~Regents~~, and the State Board of Education prior to adopting
14 | any changes to training requirements relating to entry into
15 | the profession or occupation. This consultation must allow the
16 | educational board to provide advice regarding the impact of
17 | the proposed changes in terms of the length of time necessary
18 | to complete the training program and the fiscal impact of the
19 | changes. The educational board must be consulted only when an
20 | institution offering the training program falls under its
21 | jurisdiction.

22 | Section 55. Subsection (1) of section 464.0196,
23 | Florida Statutes, is amended to read:

24 | 464.0196 Florida Center for Nursing; board of
25 | directors.--

26 | (1) The Florida Center for Nursing shall be governed
27 | by a policy-setting board of directors. The board shall
28 | consist of 16 members, with a simple majority of the board
29 | being nurses representative of various practice areas. Other
30 | members shall include representatives of other health care
31 | professions, business and industry, health care providers, and

1 consumers. The members of the board shall be appointed by the
2 Governor as follows:

3 (a) Four members recommended by the President of the
4 Senate, at least one of whom shall be a registered nurse
5 recommended by the Florida Organization of Nurse Executives
6 and at least one other representative of the hospital industry
7 recommended by the Florida Hospital Association;

8 (b) Four members recommended by the Speaker of the
9 House of Representatives, at least one of whom shall be a
10 registered nurse recommended by the Florida Nurses Association
11 and at least one other representative of the long-term care
12 industry;

13 (c) Four members recommended by the Governor, two of
14 whom shall be registered nurses; ~~and~~

15 (d) One ~~Four~~ nurse educator ~~educators~~ recommended by
16 the Board of Governors who is State Board of Education, ~~one of~~
17 ~~whom shall be~~ a dean of a College of Nursing at a state
18 university; ~~and, one other shall be a director of a nursing~~
19 ~~program in a state community college.~~

20 (e) Three nurse educators recommended by the State
21 Board of Education, one of whom must be a director of a
22 nursing program at a state community college.

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

25 489.103 Exemptions.--This part does not apply to:

26 (3) An authorized employee of the United States, this
27 state, or any municipality, county, irrigation district,
28 reclamation district, or any other municipal or political
29 subdivision, except school boards, state university boards of
30 trustees, and community college boards of trustees ~~the Board~~
31 ~~of Regents, and community colleges~~, unless for the purpose of

1 performing routine maintenance or repair or construction not
2 exceeding \$200,000 to existing installations, if the employee
3 does not hold himself or herself out for hire or otherwise
4 engage in contracting except in accordance with his or her
5 employment. If the construction, remodeling, or improvement
6 exceeds \$200,000, school boards, state university boards of
7 trustees, and community college boards of trustees ~~the Board~~
8 ~~of Regents, and community colleges,~~ shall not divide the
9 project into separate components for the purpose of evading
10 this section.

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

13 489.503 Exemptions.--This part does not apply to:

14 (2) An authorized employee of the United States, this
15 state, or any municipality, county, irrigation district,
16 reclamation district, or any other municipal or political
17 subdivision of this state, except school boards, state
18 university boards of trustees, and community college boards of
19 trustees ~~the Board of Regents, and community colleges,~~ unless
20 for the purpose of performing routine maintenance or repair or
21 construction not exceeding \$200,000 to existing installations,
22 as long as the employee does not hold himself or herself out
23 for hire or otherwise engage in contracting except in
24 accordance with his or her employment. If the construction,
25 remodeling, or improvement exceeds \$200,000, school boards,
26 state university boards of trustees, and community college
27 boards of trustees ~~the Board of Regents, and community~~
28 ~~colleges,~~ shall not divide the project into separate
29 components for the purpose of evading this section.

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

1 553.71 Definitions.--As used in this part, the term:

2 (5) "Local enforcement agency" means an agency of
3 local government, a local school board, a community college
4 board of trustees, or a university board of trustees in the
5 State University System with jurisdiction to make inspections
6 of buildings and to enforce the codes which establish
7 standards for design, construction, erection, alteration,
8 repair, modification, or demolition of public or private
9 buildings, structures, or facilities.

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

12 633.01 State Fire Marshal; powers and duties; rules.--

13 (7) The State Fire Marshal shall adopt and administer
14 rules prescribing standards for the safety and health of
15 occupants of educational and ancillary facilities pursuant to
16 ss. 633.022, 1013.12, 1013.37, and 1013.371. In addition, in
17 any county that does not employ or appoint a local fire
18 official, the State Fire Marshal shall assume the duties of
19 the local fire official with respect to firesafety inspections
20 of educational property required under s. 1013.12~~(3)(2)~~(b),
21 and the State Fire Marshal may take necessary corrective
22 action as authorized under s. 1013.12~~(6)(5)~~.

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

25 650.03 Federal-state agreement; interstate
26 instrumentalities.--

27 (5) For purposes of this chapter, employees of the
28 institutions of higher learning under the Board of Governors
29 of the State University System ~~Board of Regents~~ who are
30 covered by the Teachers' Retirement System shall be deemed to
31

1 | be covered by a separate retirement system for each
2 | institution.

3 | Section 61. Subsection (2) of section 943.1755,
4 | Florida Statutes, is amended to read:

5 | 943.1755 Florida Criminal Justice Executive
6 | Institute.--

7 | (2) The institute is established within the Department
8 | of Law Enforcement and affiliated with the State University
9 | System. The Board of Governors of the State University System
10 | ~~Board of Regents~~ shall, in cooperation with the Department of
11 | Law Enforcement, determine the specific placement of the
12 | institute within the system.

13 | Section 62. Subsection (5) of section 1000.01, Florida
14 | Statutes, is amended to read:

15 | 1000.01 The Florida K-20 education system; technical
16 | provisions.--

17 | (5) EDUCATION GOVERNANCE TRANSFERS.--

18 | (a) Effective July 1, 2001:

19 | 1. The Board of Regents is abolished.

20 | 2. All of the powers, duties, functions, records,
21 | personnel, and property; unexpended balances of
22 | appropriations, allocations, and other funds; administrative
23 | authority; administrative rules; pending issues; and existing
24 | contracts of the Board of Regents are transferred by a type
25 | two transfer, pursuant to s. 20.06(2), to the State Board of
26 | Education.

27 | 3. The State Board of Community Colleges is abolished.

28 | 4. All of the powers, duties, functions, records,
29 | personnel, and property; unexpended balances of
30 | appropriations, allocations, and other funds; administrative
31 | authority; administrative rules; pending issues; and existing

1 | contracts of the State Board of Community Colleges are
2 | transferred by a type two transfer, pursuant to s. 20.06(2),
3 | from the Department of Education to the State Board of
4 | Education.

5 | 5. The Postsecondary Education Planning Commission is
6 | abolished.

7 | 6. The Council for Education Policy Research and
8 | Improvement is created as an independent office under the
9 | Office of Legislative Services.

10 | 7. All personnel, unexpended balances of
11 | appropriations, and allocations of the Postsecondary Education
12 | Planning Commission are transferred to the Council for
13 | Education Policy Research and Improvement.

14 | 8. The Articulation Coordinating Committee and the
15 | Education Standards Commission are transferred by a type two
16 | transfer, pursuant to s. 20.06(2), from the Department of
17 | Education to the State Board of Education.

18 | (b) All rules of the State Board of Education, the
19 | Commissioner of Education, and the Department of Education,
20 | and all rules of the district school boards, the community
21 | college boards of trustees, and the state university boards of
22 | trustees, in effect on January 2, 2003, remain in effect until
23 | specifically amended or repealed in the manner provided by
24 | law.

25 | (c) Effective January 7, 2003:

26 | 1. The administrative rules of the Department of
27 | Education and the Commissioner of Education shall become the
28 | rules of the State Board of Education.

29 | 2. The administrative rules of the State Board of
30 | Education shall become the rules of the appointed State Board
31 | of Education.

1 (d) All administrative rules of the State Board of
2 Education, the Commissioner of Education, and the Department
3 of Education are transferred by a type two transfer, as
4 defined in s. 20.06(2), to the appointed State Board of
5 Education.

6 (e) This act creating the Florida K-20 Education Code
7 shall not affect the validity of any judicial or
8 administrative action involving the Department of Education,
9 pending on January 7, 2003. This act shall not affect the
10 validity of any judicial or administrative action involving
11 the Commissioner of Education or the State Board of Education,
12 pending on January 7, 2003, and the appointed State Board of
13 Education shall be substituted as a party of interest in any
14 such action.

15 (f) Effective July 1, 2007, any powers, duties,
16 functions, records, property, unexpended balances of
17 appropriations, allocations, and other funds; administrative
18 authority; administrative rules; pending issues; and existing
19 contracts of the Board of Regents that were previously
20 transferred to the State Board of Education after the Board of
21 Regents was abolished pursuant to paragraph (a) are
22 transferred to the Board of Governors in accordance with s.
23 7(d), Art. IX of the State Constitution.

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

27 1000.03 Function, mission, and goals of the Florida
28 K-20 education system.--

29 (1) Florida's K-20 education system shall be a
30 decentralized system without excess layers of bureaucracy. ~~The~~
31 ~~State Board of Education may appoint on an ad hoc basis a~~

1 ~~committee or committees to assist it on any and all issues~~
2 ~~within the K-20 education system.~~ Florida's K-20 education
3 system shall maintain a systemwide technology plan based on a
4 common set of data definitions.

5 (2)

6 (b) With the exception of matters relating to the
7 State University System, the State Board of Education shall
8 oversee the enforcement of all laws and rules, and the timely
9 provision of direction, resources, assistance, intervention
10 when needed, and strong incentives and disincentives to force
11 accountability for results.

12 (c) The Board of Governors shall oversee the
13 enforcement of all state university laws and rules and
14 regulations and the timely provision of direction, resources,
15 assistance, intervention when needed, and strong incentives
16 and disincentives to force accountability for results. The
17 ~~Commissioner of Education shall serve as chief executive~~
18 ~~officer of the K-20 education system. The commissioner shall~~
19 ~~be responsible for enforcing compliance with the mission and~~
20 ~~goals of the K-20 education system. The commissioner's office~~
21 ~~shall operate all statewide functions necessary to support the~~
22 ~~State Board of Education and the K-20 education system.~~

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

26 1000.05 Discrimination against students and employees
27 in the Florida K-20 public education system prohibited;
28 equality of access required.--

29 (3)

30 (d) A public K-20 educational institution which
31 operates or sponsors interscholastic, intercollegiate, club,

1 or intramural athletics shall provide equal athletic
2 opportunity for members of both genders.

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

5 2. The Commissioner of Education shall determine
6 whether equal opportunities are available in school districts
7 and community colleges. In determining whether equal

8 opportunities are available in school districts and community
9 colleges, the Commissioner of Education shall consider, among
10 other factors:

11 a.1. Whether the selection of sports and levels of
12 competition effectively accommodate the interests and
13 abilities of members of both genders.

14 b.2. The provision of equipment and supplies.

15 c.3. Scheduling of games and practice times.

16 d.4. Travel and per diem allowances.

17 e.5. Opportunities to receive coaching and academic
18 tutoring.

19 f.6. Assignment and compensation of coaches and
20 tutors.

21 g.7. Provision of locker room, practice, and
22 competitive facilities.

23 h.8. Provision of medical and training facilities and
24 services.

25 i.9. Provision of housing and dining facilities and
26 services.

27 j.10. Publicity.

28
29 Unequal aggregate expenditures for members of each gender or
30 unequal expenditures for male and female teams if a public
31 school or community college ~~or educational institution~~

1 operates or sponsors separate teams do not constitute
2 nonimplementation of this subsection, but the Commissioner of
3 Education shall consider the failure to provide necessary
4 funds for teams for one gender in assessing equality of
5 opportunity for members of each gender.

6 (e) A public school or community college ~~K-20~~
7 ~~educational institution~~ may provide separate toilet, locker
8 room, and shower facilities on the basis of gender, but such
9 facilities shall be comparable to such facilities provided for
10 students of the other gender.

11 (4) Public schools and community colleges ~~Educational~~
12 ~~institutions within the state public K-20 education system~~
13 shall develop and implement methods and strategies to increase
14 the participation of students of a particular race, ethnicity,
15 national origin, gender, disability, or marital status in
16 programs and courses in which students of that particular
17 race, ethnicity, national origin, gender, disability, or
18 marital status have been traditionally underrepresented,
19 including, but not limited to, mathematics, science, computer
20 technology, electronics, communications technology,
21 engineering, and career education.

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

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

27 (6) The functions of the Office of Equal Educational
28 Opportunity of the Department of Education shall include, but
29 are not limited to:

30 (a) Requiring all district school boards and
31 ~~community college boards of trustees, and state university~~

1 ~~boards of trustees~~ to develop and submit plans for the
2 implementation of this section to the Department of Education.

3 (b) Conducting periodic reviews of school districts
4 and community colleges ~~public K-20 educational agencies~~ to
5 determine compliance with this section and, after a finding
6 that a school district or a community college ~~an educational~~
7 ~~agency~~ is not in compliance with this section, notifying the
8 entity ~~agency~~ of the steps that it must take to attain
9 compliance and performing followup monitoring.

10 (c) Providing technical assistance, including
11 assisting school districts or community colleges ~~public K-20~~
12 ~~educational agencies~~ in identifying unlawful discrimination
13 and instructing them in remedies for correction and prevention
14 of such discrimination and performing followup monitoring.

15 (d) Conducting studies of the effectiveness of methods
16 and strategies designed to increase the participation of
17 students in programs and courses in which students of a
18 particular race, ethnicity, national origin, gender,
19 disability, or marital status have been traditionally
20 underrepresented and monitoring the success of students in
21 such programs or courses, including performing followup
22 monitoring.

23 (e) Requiring all district school boards and
24 ~~community college boards of trustees, and state university~~
25 ~~boards of trustees~~ to submit data and information necessary to
26 determine compliance with this section. The Commissioner of
27 Education shall prescribe the format and the date for
28 submission of such data and any other educational equity data.
29 If any board does not submit the required compliance data or
30 other required educational equity data by the prescribed date,
31 the commissioner shall notify the board of this fact and, if

1 | the board does not take appropriate action to immediately
2 | submit the required report, the State Board of Education shall
3 | impose monetary sanctions.

4 | (f) Based upon rules of the State Board of Education,
5 | developing and implementing enforcement mechanisms with
6 | appropriate penalties to ensure that public K-12 schools and
7 | ~~community colleges, and state universities~~ comply with Title
8 | IX of the Education Amendments of 1972 and subsection (3) of
9 | this section. However, the State Board of Education may not
10 | force a public school or community college ~~an educational~~
11 | ~~agency~~ to conduct, nor penalize such entity ~~an educational~~
12 | ~~agency~~ for not conducting, a program of athletic activity or
13 | athletic scholarship for female athletes unless it is an
14 | athletic activity approved for women by a recognized
15 | association whose purpose is to promote athletics and a
16 | conference or league exists to promote interscholastic or
17 | intercollegiate competition for women in that athletic
18 | activity.

19 | (g) Reporting to the Commissioner of Education any
20 | district school board or ~~community college board of trustees,~~
21 | ~~or state university board of trustees~~ found to be out of
22 | compliance with rules of the State Board of Education adopted
23 | as required by paragraph (f) or paragraph (3)(d). To penalize
24 | the board, the State Board of Education shall:

25 | 1. Declare the school district or community college
26 | ~~educational agency~~ ineligible for competitive state grants.

27 | 2. Notwithstanding the provisions of s. 216.192,
28 | direct the Chief Financial Officer to withhold general revenue
29 | funds sufficient to obtain compliance from the school district
30 | or community college ~~educational agency~~.

31 |

1 The school district or community college ~~educational agency~~
2 shall remain ineligible and the funds shall not be paid until
3 the institution ~~agency~~ comes into compliance or the State
4 Board of Education approves a plan for compliance.

5 Section 65. Subsection (8) is added to section
6 1000.21, Florida Statutes, to read:

7 1000.21 Systemwide definitions.--As used in the
8 Florida K-20 Education Code:

9 (8) "Board of Governors" is the Board of Governors of
10 the State University System.

11 Section 66. Section 1001.02, Florida Statutes, is
12 amended to read:

13 1001.02 General powers of State Board of Education.--

14 (1) The State Board of Education is the chief
15 implementing and coordinating body of public education in
16 Florida except for the State University System, and it shall
17 focus on high-level policy decisions. It has authority to
18 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement
19 the provisions of law conferring duties upon it for the
20 improvement of the state system of K-20 public education
21 except for the State University System. Except as otherwise
22 provided herein, it may, as it finds appropriate, delegate its
23 general powers to the Commissioner of Education or the
24 directors of the divisions of the department.

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

27 (a) To adopt comprehensive educational objectives for
28 public education except for the State University System.

29 (b) To adopt comprehensive long-range plans and
30 short-range programs for the development of the state system
31 of public education except for the State University System.

1 (c) To exercise general supervision over the divisions
2 of the Department of Education as necessary to ensure
3 coordination of educational plans and programs and resolve
4 controversies and to minimize problems of articulation and
5 student transfers, to ensure that students moving from one
6 level of education to the next have acquired competencies
7 necessary for satisfactory performance at that level, and to
8 ensure maximum utilization of facilities.

9 (d) To adopt, in consultation with the Board of
10 Governors ~~for state universities and community colleges~~, and
11 from time to time modify, minimum and uniform standards of
12 college-level communication and computation skills generally
13 associated with successful performance and progression through
14 the baccalaureate level and to identify college-preparatory
15 high school coursework and postsecondary-level coursework that
16 prepares students with the academic skills necessary to
17 succeed in postsecondary education.

18 (e) To adopt and submit to the Governor and
19 Legislature, as provided in s. 216.023 ~~on or before September~~
20 ~~1 of each year~~, a coordinated K-20 education budget that
21 estimates the expenditure requirements for the Board of
22 Governors, as provided in s. 1001.706, the State Board of
23 Education, including the Department of Education and, the
24 Commissioner of Education, and all of the boards,
25 institutions, agencies, and services under the general
26 supervision of the Board of Governors, as provided in s.
27 1001.706, or the State Board of Education for the ensuing
28 fiscal year. Any program recommended by the Board of Governors
29 or the State Board of Education which will require increases
30 in state funding for more than 1 year must be presented in a
31 multiyear budget plan.

1 (f) To hold meetings, transact business, keep records,
2 adopt a seal, and, ~~except as otherwise provided by law,~~
3 perform such other duties as may be necessary for the
4 enforcement of ~~all~~ laws and rules relating to the state system
5 of public education.

6 (g) To approve plans for cooperating with the Federal
7 Government.

8 (h) To approve plans for cooperating with other public
9 agencies in the development of rules and in the enforcement of
10 laws for which the state board and such agencies are jointly
11 responsible.

12 (i) To review plans for cooperating with appropriate
13 nonpublic agencies for the improvement of conditions relating
14 to the welfare of schools.

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

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

20 (l) To assist in the economic development of the state
21 by developing a state-level planning process to identify
22 future training needs for industry, especially high-technology
23 industry.

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

27 (n) To adopt cohesive rules pursuant to ss. 120.536(1)
28 and 120.54, within statutory authority, ~~for education~~
29 ~~systemwide issues.~~

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

1 (p) To contract with independent institutions
2 accredited by an agency whose standards are comparable to the
3 minimum standards required to operate a postsecondary
4 educational institution at that level in the state. The
5 purpose of the contract is to provide those educational
6 programs and facilities which will meet needs unfulfilled by
7 the state system of public postsecondary education.

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

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

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

16 (t) To establish accountability standards for existing
17 legislative performance goals, standards, and measures, and
18 order the development of mechanisms to implement new
19 legislative goals, standards, and measures.

20 (u) To adopt criteria and implementation plans for
21 future growth issues, such as new community colleges and
22 community college ~~universities and~~ campus mergers, and to
23 provide for cooperative agreements between and within public
24 and private education sectors.

25 (v) To develop, in conjunction with the Board of
26 Governors, and periodically review for adjustment, a
27 coordinated 5-year plan for postsecondary enrollment and
28 annually submit the plan to the Legislature.

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

31

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

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

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

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

11 ~~(3) The State Board of Education shall adopt rules to~~
12 ~~establish the criteria for assigning, reviewing, and removing~~
13 ~~limited access status to an educational program. The State~~
14 ~~Board of Education shall monitor the extent of limited access~~
15 ~~programs within the state universities and report to the~~
16 ~~Legislature admissions and enrollment data for limited access~~
17 ~~programs. Such report shall be submitted annually by December~~
18 ~~1 and shall assist in determining the potential need for~~
19 ~~academic program contracts with independent institutions~~
20 ~~pursuant to paragraph (2)(p). The report must specify, for~~
21 ~~each limited access program within each institution, the~~
22 ~~following categories, by race and gender:~~

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

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

25 ~~(c) The number of applicants who are granted admission~~
26 ~~and enroll.~~

27 ~~(d) The number of applicants denied admission.~~

28 ~~(e) The number of applicants neither granted admission~~
29 ~~nor denied admission.~~

30
31

1 ~~Each category must be reported for each term. Each category~~
2 ~~must be reported by type of student, including the following~~
3 ~~subcategories: native students, community college associate in~~
4 ~~arts degree transfer students, and other students. Each~~
5 ~~category and subcategory must further be reported according to~~
6 ~~the number of students who meet or exceed the minimum~~
7 ~~eligibility requirements for admission to the program and the~~
8 ~~number of students who do not meet or exceed the minimum~~
9 ~~eligibility requirements for admission to the program.~~

10 ~~(4) The State Board of Education shall review, and~~
11 ~~approve or disapprove, baccalaureate degree programs that~~
12 ~~exceed 120 semester hours, after considering accreditation~~
13 ~~requirements, employment and earnings of graduates,~~
14 ~~comparative program lengths nationally, and comparisons with~~
15 ~~similar programs offered by independent institutions. By~~
16 ~~December 31 of each year, the State Board of Education must~~
17 ~~report to the Legislature any degrees in the state~~
18 ~~universities that require more than 120 hours, along with~~
19 ~~appropriate evidence of need. At least every 5 years, the~~
20 ~~State Board of Education must determine whether the programs~~
21 ~~still require more than the standard length of 120 hours.~~

22 ~~(3)(5)(a)~~ The State Board of Education shall adopt a
23 ~~systemwide~~ strategic plan that specifies goals and objectives
24 for the state's public schools ~~state universities~~ and
25 community colleges. ~~In developing this plan, the State Board~~
26 ~~of Education shall consider the role of individual public and~~
27 ~~independent institutions within the state.~~ The plan shall be
28 formulated in conjunction with plans of the Board of Governors
29 in order to provide for the roles of the universities and
30 community colleges to be coordinated to best meet state needs
31 and reflect cost-effective use of state resources. The

1 | strategic plan must clarify mission statements and identify
2 | degree programs to be offered at each ~~university and~~ community
3 | college in accordance with the objectives provided in this
4 | subsection. The ~~systemwide~~ strategic plan must cover a period
5 | of 5 years, with modification of the program lists after 2
6 | years. Development of each 5-year plan must be coordinated
7 | with and initiated after completion of the master plan. The
8 | ~~systemwide and university and community college~~ strategic
9 | plans must specifically include programs and procedures for
10 | responding to the educational needs of teachers and students
11 | in the public schools of this state. The state board shall
12 | submit a report to the President of the Senate and the Speaker
13 | of the House of Representatives upon modification of the
14 | ~~system~~ plan.

15 | (b) The State Board of Education and the Board of
16 | Governors shall jointly develop long-range plans and annual
17 | reports for financial aid in this state. The long-range plans
18 | shall establish goals and objectives for a comprehensive
19 | program of financial aid for Florida students and shall be
20 | updated every 5 years. The annual report shall include
21 | programs administered by the department as well as awards made
22 | from financial aid fee revenues, any other funds appropriated
23 | by the Legislature for financial assistance, and the value of
24 | tuition and fees waived for students enrolled in a dual
25 | enrollment course at a public postsecondary educational
26 | institution. The annual report shall include an assessment of
27 | progress made in achieving goals and objectives established in
28 | the long-range plans and recommendations for repealing or
29 | modifying existing financial aid programs or establishing new
30 | programs. A long-range plan shall be submitted by January 1,
31 | 2004, and every 5 years thereafter. An annual report shall be

1 submitted on January 1, 2004, and in each successive year that
2 a long-range plan is not submitted, to the President of the
3 Senate and the Speaker of the House of Representatives.

4 ~~(6) The State Board of Education shall coordinate the~~
5 ~~programs with the Council for Education Policy Research and~~
6 ~~Improvement, including doctoral programs. The programs shall~~
7 ~~be reviewed every 5 years or whenever the state board~~
8 ~~determines that the effectiveness or efficiency of a program~~
9 ~~is jeopardized. The State Board of Education shall define the~~
10 ~~indicators of quality and the criteria for program review for~~
11 ~~every program. Such indicators include need, student demand,~~
12 ~~industry driven competencies for advanced technology and~~
13 ~~related programs, and resources available to support~~
14 ~~continuation. The results of the program reviews must be tied~~
15 ~~to the university and community college budget requests.~~

16 ~~(4)(7)~~ The State Board of Education shall:

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

20 (b) Specify, by rule, procedures to be used by the
21 community college boards of trustees in the annual evaluations
22 of presidents and review the evaluations of presidents by the
23 boards of trustees.

24 (c) Establish, in conjunction with the Board of
25 Governors, an effective information system that will provide
26 composite data concerning the community colleges and state
27 universities and ensure that special analyses and studies
28 concerning the institutions are conducted, as necessary, for
29 provision of accurate and cost-effective information
30 concerning the institutions.

31

1 (d) Establish criteria for making recommendations for
2 modifying district boundary lines for community colleges.

3 (e) Establish criteria for making recommendations
4 concerning all proposals for the establishment of additional
5 centers or campuses for community colleges ~~and state~~
6 ~~universities~~.

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

9 (g) Specify, by rule, the college-credit degree
10 ~~program~~ courses that may be taken by community college
11 students concurrently enrolled in college-preparatory
12 instruction.

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

15 ~~(5)(8)~~ The State Board of Education is responsible for
16 reviewing and administering the state program of support for
17 the community colleges and, subject to existing law, shall
18 establish the tuition and out-of-state fees for
19 college-preparatory instruction and for credit instruction
20 that may be counted toward an associate in arts degree, an
21 associate in applied science degree, or an associate in
22 science degree.

23 ~~(6)(9)~~ The State Board of Education shall prescribe
24 minimum standards, definitions, and guidelines for community
25 colleges ~~and state universities~~ that will ensure the quality
26 of education, coordination among the community colleges and
27 state universities, and efficient progress toward
28 accomplishing the community college ~~and state university~~
29 mission. At a minimum, these rules must address:

30 (a) Personnel.

31 (b) Contracting.

1 (c) Program offerings and classification, including
2 college-level communication and computation skills associated
3 with successful performance in college and with tests and
4 other assessment procedures that measure student achievement
5 of those skills. The performance measures must provide that
6 students moving from one level of education to the next
7 acquire the necessary competencies for that level.

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

10 These provisions must include rules that:

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

14 2. Require all of the credits accepted for the
15 associate in arts degree to be in the statewide course
16 numbering system as credits toward a baccalaureate degree
17 offered by a state university or a community college.

18 3. Require no more than 36 semester credit hours in
19 general education courses in the subject areas of
20 communication, mathematics, social sciences, humanities, and
21 natural sciences.

22
23 The rules should encourage community colleges to enter into
24 agreements with state universities that allow community
25 college students to complete upper-division-level courses at a
26 community college. An agreement may provide for concurrent
27 enrollment at the community college and the state university
28 and may authorize the community college to offer an
29 upper-division-level course or distance learning.

30 (e) Student admissions, conduct and discipline,
31 nonclassroom activities, and fees.

- 1 (f) Budgeting.
2 (g) Business and financial matters.
3 (h) Student services.
4 (i) Reports, surveys, and information systems,
5 including forms and dates of submission.

6 Section 67. Subsections (7), (8), (9), (10), and (13)
7 of section 1001.03, Florida Statutes, are amended to read:

8 1001.03 Specific powers of State Board of Education.--

9 (7) ARTICULATION ACCOUNTABILITY.--The State Board of
10 Education shall develop articulation accountability measures
11 that assess the status of systemwide articulation processes,
12 in conjunction with the Board of Governors regarding the State
13 University System, and shall establish an articulation
14 accountability process in accordance with the provisions of
15 chapter 1008, in conjunction with the Board of Governors
16 regarding the State University System.

17 (8) SYSTEMWIDE ENFORCEMENT.--The State Board of
18 Education shall enforce compliance with law and state board
19 rule by all school districts and public postsecondary
20 educational institutions, except for the State University
21 System, in accordance with the provisions of s. 1008.32.

22 (9) MANAGEMENT INFORMATION DATABASES.--The State Board
23 of Education, in conjunction with the Board of Governors
24 regarding the State University System, shall continue to
25 collect and maintain, at a minimum, the management information
26 databases for state universities, and all other components of
27 the public K-20 education system as such databases existed on
28 June 30, 2002.

29 (10) COMMON PLACEMENT TESTING FOR PUBLIC POSTSECONDARY
30 EDUCATION.--The State Board of Education, in conjunction with
31 the Board of Governors, shall develop and implement a common

1 placement test to assess the basic computation and
2 communication skills of students who intend to enter a degree
3 program at any community college or state university.

4 (13) CYCLIC REVIEW OF POSTSECONDARY ACADEMIC
5 PROGRAMS.--The State Board of Education shall provide for the
6 cyclic review of all academic programs in community colleges
7 ~~and state universities~~ at least every 7 years. Program reviews
8 shall document how individual academic programs are achieving
9 stated student learning and program objectives within the
10 context of the institution's mission. The results of the
11 program reviews shall inform strategic planning, program
12 development, and budgeting decisions at the institutional
13 level.

14 Section 68. Section 1001.10, Florida Statutes, is
15 amended to read:

16 1001.10 Commissioner of Education; general powers and
17 duties.--

18 (1) The Commissioner of Education is the chief
19 educational officer of the state and the sole custodian of the
20 K-20 data warehouse, and is responsible for giving full
21 assistance to the State Board of Education in enforcing
22 compliance with the mission and goals of the ~~seamless~~ K-20
23 education system except for the State University System.

24 (2) The commissioner's office shall operate all
25 statewide functions necessary to support the State Board of
26 Education, including strategic planning and budget
27 development, general administration, assessment, and
28 accountability.

29 (3) To facilitate innovative practices and to allow
30 local selection of educational methods, the State Board of
31 Education may authorize the commissioner to waive, upon the

1 request of a district school board, State Board of Education
2 rules that relate to district school instruction and school
3 operations, except those rules pertaining to civil rights, and
4 student health, safety, and welfare. The Commissioner of
5 Education is not authorized to grant waivers for any
6 provisions in rule pertaining to the allocation and
7 appropriation of state and local funds for public education;
8 the election, compensation, and organization of school board
9 members and superintendents; graduation and state
10 accountability standards; financial reporting requirements;
11 reporting of out-of-field teaching assignments under s.
12 1012.42; public meetings; public records; or due process
13 hearings governed by chapter 120. No later than January 1 of
14 each year, the commissioner shall report to the Legislature
15 and the State Board of Education all approved waiver requests
16 in the preceding year.

17 (4) Additionally, the commissioner has the following
18 general powers and duties:

19 (a)(1) To appoint staff necessary to carry out his or
20 her powers and duties.

21 (b)(2) To advise and counsel with the State Board of
22 Education on all matters pertaining to education; to recommend
23 to the State Board of Education actions and policies as, in
24 the commissioner's opinion, should be acted upon or adopted;
25 and to execute or provide for the execution of all acts and
26 policies as are approved.

27 (c)(3) To keep such records as are necessary to set
28 forth clearly all acts and proceedings of the State Board of
29 Education.

30 (d)(4) To have a seal for his or her office with
31 which, in connection with his or her own signature, the

1 commissioner shall authenticate true copies of decisions,
2 acts, or documents.

3 ~~(e)(5)~~ To recommend to the State Board of Education
4 policies and steps designed to protect and preserve the
5 principal of the State School Fund; to provide an assured and
6 stable income from the fund; to execute such policies and
7 actions as are approved; and to administer the State School
8 Fund.

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

12 ~~(g)(7)~~ To submit to the State Board of Education, on
13 or before October 1 ~~August 1~~ of each year, recommendations for
14 a coordinated K-20 education budget that estimates the
15 expenditures for the Board of Governors, the State Board of
16 Education, including the Department of Education ~~and~~ the
17 Commissioner of Education, and all of the boards,
18 institutions, agencies, and services under the general
19 supervision of the Board of Governors or the State Board of
20 Education for the ensuing fiscal year. Any program recommended
21 to the State Board of Education that will require increases in
22 state funding for more than 1 year must be presented in a
23 multiyear budget plan.

24 ~~(h)(8)~~ To develop and implement a plan for cooperating
25 with the Federal Government in carrying out any or all phases
26 of the educational program and to recommend policies for
27 administering funds that are appropriated by Congress and
28 apportioned to the state for any or all educational purposes.
29 The Commissioner of Education shall submit to the Legislature
30 the proposed state plan for the reauthorization of the No
31 Child Left Behind Act before the proposed plan is submitted to

1 federal agencies. The President of the Senate and the Speaker
2 of the House of Representatives shall appoint members of the
3 appropriate education and appropriations committees to serve
4 as a select committee to review the proposed plan.

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

11 (j)~~(10)~~ To prepare forms and procedures as are
12 necessary to be used by district school boards and all other
13 educational agencies to assure uniformity, accuracy, and
14 efficiency in the keeping of records, the execution of
15 contracts, the preparation of budgets, or the submission of
16 reports; and to furnish at state expense, when deemed
17 advisable by the commissioner, those forms that can more
18 economically and efficiently be provided.

19 (k)~~(11)~~ To implement a program of school improvement
20 and education accountability designed to provide all students
21 the opportunity to make adequate learning gains in each year
22 of school as provided by statute and State Board of Education
23 rule based upon the achievement of the state education goals,
24 recognizing the following:

25 ~~(a) The State Board of Education is the body corporate~~
26 ~~responsible for the supervision of the system of public~~
27 ~~education.~~

28 1.~~(b)~~ The district school board is responsible for
29 school and student performance.

30 2.~~(c)~~ The individual school is the unit for education
31 accountability.

1 ~~3.(d)~~ The community college board of trustees is
2 responsible for community college performance and student
3 performance.

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

6 ~~(l)(12)~~ To maintain ~~establish~~ a Citizen Information
7 Center responsible for the preparation, publication, and
8 dissemination ~~distribution~~ of user-friendly materials relating
9 to the state's state system of seamless K-20 public education
10 system, including the state's K-12 scholarship programs and
11 the Voluntary Prekindergarten Education Program.

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

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

20 ~~(o)(15)~~ To develop criteria for use by state
21 instructional materials committees in evaluating materials
22 submitted for adoption consideration. The criteria shall, as
23 appropriate, be based on instructional expectations reflected
24 in curriculum frameworks and student performance standards.
25 The criteria for each subject or course shall be made
26 available to publishers of instructional materials pursuant to
27 the requirements of chapter 1006.

28 ~~(p)(16)~~ To prescribe procedures for evaluating
29 instructional materials submitted by publishers and
30 manufacturers in each adoption.

31

1 ~~(g)(17)~~ To enter into agreement with Space Florida to
2 develop innovative aerospace-related education programs that
3 promote mathematics and science education for grades K-20.
4

5 ~~The commissioner's office shall operate all statewide~~
6 ~~functions necessary to support the State Board of Education~~
7 ~~and the K-20 education system, including strategic planning~~
8 ~~and budget development, general administration, and assessment~~
9 ~~and accountability.~~

10 Section 69. Paragraph (d) of subsection (1), paragraph
11 (a) of subsection (2), and subsection (3) of section 1001.11,
12 Florida Statutes, are amended to read:

13 1001.11 Commissioner of Education; other duties.--

14 (1) The Commissioner of Education must independently
15 perform the following duties:

16 (d) Integrally work with the boards of trustees of the
17 ~~state universities and~~ community colleges.

18 (2)(a) The Commissioner of Education shall annually
19 report the state's educational performance on state and
20 national measures and shall recommend to the State Board of
21 Education performance goals addressing the educational needs
22 of the state ~~for the K-20 education system. The Council for~~
23 ~~Education Policy Research and Improvement, as an independent~~
24 ~~entity, shall develop a report card assigning grades to~~
25 ~~indicate Florida's progress toward meeting those goals. The~~
26 ~~annual report card shall contain information showing Florida's~~
27 ~~performance relative to other states on selected measures, as~~
28 ~~well as Florida's ability to meet the need for postsecondary~~
29 ~~degrees and programs and how well the Legislature has provided~~
30 ~~resources to meet this need. The information shall include the~~
31 ~~results of the National Assessment of Educational Progress or~~

1 ~~a similar national assessment program administered to students~~
2 ~~in Florida. By January 1 of each year, the Council for~~
3 ~~Education Policy Research and Improvement shall submit the~~
4 ~~report card to the Legislature, the Governor, and the public.~~

5 ~~(b) Prior to the regular legislative session, the~~
6 ~~Commissioner of Education shall present to the Legislature a~~
7 ~~plan for correcting any deficiencies identified in the report~~
8 ~~card.~~

9 (3) Notwithstanding any other provision of law to the
10 contrary, the Commissioner of Education, in conjunction with
11 the Legislature, and the Board of Governors regarding the
12 State University System, must recommend funding priorities for
13 the distribution of capital outlay funds for public
14 postsecondary educational institutions, based on priorities
15 that include, but are not limited to, the following criteria:

- 16 (a) Growth at the institutions.
17 (b) Need for specific skills statewide.
18 (c) Need for maintaining and repairing existing
19 facilities.

20 Section 70. Paragraph (e) of subsection (4) of section
21 1001.20, Florida Statutes, is amended to read:

22 1001.20 Department under direction of state board.--

23 (4) The Department of Education shall establish the
24 following offices within the Office of the Commissioner of
25 Education which shall coordinate their activities with all
26 other divisions and offices:

27 (e) Office of Inspector General.--Organized using
28 existing resources and funds and responsible for promoting
29 accountability, efficiency, and effectiveness and detecting
30 fraud and abuse within school districts, the Florida School
31 for the Deaf and the Blind, and community colleges, ~~and state~~

1 ~~universities~~ in Florida. If the Commissioner of Education
2 determines that a district school board, the Board of Trustees
3 for the Florida School for the Deaf and the Blind, or a
4 community college ~~public postsecondary educational institution~~
5 board of trustees is unwilling or unable to address
6 substantiated allegations made by any person relating to
7 waste, fraud, or financial mismanagement within the school
8 district, the Florida School for the Deaf and the Blind, or
9 the community college, the office shall conduct, coordinate,
10 or request investigations into such substantiated allegations
11 ~~made by any person relating to waste, fraud, or financial~~
12 ~~mismanagement within school districts, the Florida School for~~
13 ~~the Deaf and the Blind, community colleges, and state~~
14 ~~universities in Florida~~. The office shall have access to all
15 information and personnel necessary to perform its duties and
16 shall have all of its current powers, duties, and
17 responsibilities authorized in s. 20.055.

18 Section 71. Section 1001.28, Florida Statutes, is
19 amended to read:

20 1001.28 Distance learning duties.--The duties of the
21 Department of Education concerning distance learning include,
22 but are not limited to, the duty to:

23 (1) Facilitate the implementation of a statewide
24 coordinated system and resource system for cost-efficient
25 advanced telecommunications services and distance education
26 which will increase overall student access to education.

27 (2) Coordinate the use of existing resources,
28 including, but not limited to, the state's satellite
29 transponders on the education satellites, the SUNCOM Network,
30 the Florida Information Resource Network (FIRN), the
31 Department of Management Services, the Department of

1 Corrections, and the Department of Children and Family
2 Services' satellite communication facilities to support a
3 statewide advanced telecommunications services and distance
4 learning network.

5 (3) Assist in the coordination of the utilization of
6 the production and uplink capabilities available through
7 Florida's public television stations, eligible facilities,
8 independent colleges and universities, private firms, and
9 others as needed.

10 (4) Seek the assistance and cooperation of Florida's
11 cable television providers in the implementation of the
12 statewide advanced telecommunications services and distance
13 learning network.

14 (5) Seek the assistance and cooperation of Florida's
15 telecommunications carriers to provide affordable student
16 access to advanced telecommunications services and to distance
17 learning.

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

20 (7) Secure and administer funding for programs and
21 activities for distance learning from federal, state, local,
22 and private sources and from fees derived from services and
23 materials.

24 (8) Manage the state's satellite transponder resources
25 and enter into lease agreements to maximize the use of
26 available transponder time. All net revenue realized through
27 the leasing of available transponder time, after deducting the
28 costs of performing the management function, shall be recycled
29 to support the public education distance learning in this
30 state based upon an allocation formula of one-third to the
31

1 Department of Education, one-third to community colleges, and
2 one-third to state universities.

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

7
8 Nothing in this section shall be construed to abrogate,
9 supersede, alter, or amend the powers and duties of any state
10 agency, district school board, community college board of
11 trustees, university board of trustees, the Board of
12 Governors, or the State Board of Education.

13 Section 72. Subsection (17) of section 1001.64,
14 Florida Statutes, is amended to read:

15 1001.64 Community college boards of trustees; powers
16 and duties.--

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

20 Section 73. Section 1001.70, Florida Statutes, is
21 amended to read:

22 1001.70 Board of Governors of the State University
23 System.--

24 (1) Pursuant to s. 7(d), Art. IX of the State
25 Constitution, the Board of Governors is established as a body
26 corporate comprised of 17 members as follows: 14 citizen
27 members appointed by the Governor subject to confirmation by
28 the Senate; the Commissioner of Education; the chair of the
29 advisory council of faculty senates or the equivalent; and the
30 president of the Florida student association or the
31 equivalent. The appointed members shall serve staggered 7-year

1 terms. In order to achieve staggered terms, beginning July 1,
2 2003, of the initial appointments, 4 members shall serve
3 2-year terms, 5 members shall serve 3-year terms, and 5
4 members shall serve 7-year terms.

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

8 (3) The Board of Governors, in exercising its
9 authority under the State Constitution and statutes, shall
10 exercise its authority in a manner that supports, promotes,
11 and enhances a K-20 education system that provides affordable
12 access to postsecondary educational opportunities for
13 residents of the state to the extent authorized by the State
14 Constitution and state law.

15 Section 74. Section 1001.706, Florida Statutes, is
16 created to read:

17 1001.706 Powers and duties of the Board of
18 Governors.--

19 (1) GENERAL PROVISIONS.--

20 (a) For each constituent university, the Board of
21 Governors, or the board's designee, shall be responsible for
22 cost-effective policy decisions appropriate to the
23 university's mission, the implementation and maintenance of
24 high-quality education programs within law, the measurement of
25 performance, the reporting of information, and the provision
26 of input regarding state policy, budgeting, and education
27 standards.

28 (b) The Board of Governors shall adopt rules pursuant
29 to chapter 120 when acting pursuant to statutory authority
30 derived from the Legislature. The Board of Governors may adopt
31 rules pursuant to chapter 120 when exercising the powers,

1 duties, and authority granted by s. 7, Art. IX of the State
2 Constitution.

3 (2) POWERS AND DUTIES RELATING TO ORGANIZATION AND
4 OPERATION OF STATE UNIVERSITIES.--

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

9 (b) The Board of Governors shall develop guidelines
10 relating to divisions of sponsored research, pursuant to the
11 provisions of s. 1004.22, to serve the function of
12 administration and promotion of the programs of research.

13 (c) The Board of Governors shall prescribe conditions
14 for direct-support organizations and university health
15 services support organizations to be certified and to use
16 university property and services. Conditions relating to
17 certification must provide for audit review and oversight by
18 the Board of Governors.

19 (d) The Board of Governors shall develop guidelines
20 for supervising faculty practice plans for the academic health
21 science centers.

22 (e) The Board of Governors shall ensure that students
23 at state universities have access to general education courses
24 as provided in the statewide articulation agreement, pursuant
25 to s. 1007.23.

26 (f) The Board of Governors shall approve baccalaureate
27 degree programs that require more than 120 semester credit
28 hours of coursework prior to such programs being offered by a
29 state university. At least half of the required coursework for
30 any baccalaureate degree must be offered at the lower-division

31

1 level, except in program areas approved by the Board of
2 Governors.

3 (g) The Board of Governors, or the board's designee,
4 shall adopt a written antihazing policy, appropriate penalties
5 for violations of such policy, and a program for enforcing
6 such policy.

7 (h) The Board of Governors, or the board's designee,
8 may establish a uniform code of conduct and appropriate
9 penalties for violations of its rules by students and student
10 organizations, including rules governing student academic
11 honesty. Such penalties, unless otherwise provided by law, may
12 include reasonable fines, the withholding of diplomas or
13 transcripts pending compliance with rules or payment of fines,
14 and the imposition of probation, suspension, or dismissal.

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

16 (a) The Board of Governors, or the board's designee,
17 shall account for expenditures of all state, local, federal,
18 and other funds. Such accounting systems shall have
19 appropriate audit and internal controls in place that will
20 enable the constituent universities to satisfactorily and
21 timely perform all accounting and reporting functions required
22 by state and federal law and rules.

23 (b) The Board of Governors shall prepare the
24 legislative budget requests for the State University System,
25 including a request for fixed capital outlay, and submit them
26 to the State Board of Education for inclusion in the K-20
27 legislative budget request. The Board of Governors shall
28 provide the state universities with fiscal policy guidelines,
29 formats, and instruction for the development of individual
30 university budget requests.

31

1 (c) The Board of Governors, or the board's designee,
2 shall establish tuition and fees pursuant to ss. 1009.24 and
3 1009.26.

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

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

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

11 (b) The Board of Governors shall develop an
12 accountability plan for the State University System and each
13 constituent university.

14 (c) The Board of Governors shall maintain an effective
15 information system to provide accurate, timely, and
16 cost-effective information about each university. The board
17 shall continue to collect and maintain, at a minimum, the
18 management information databases as such databases existed on
19 June 30, 2002.

20 (d) If the Board of Governors of the State University
21 System determines that a state university board of trustees is
22 unwilling or unable to address substantiated allegations made
23 by any person relating to waste, fraud, or financial
24 mismanagement within the state university, the Office of the
25 Inspector General shall investigate the allegations.

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

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

30 (b) The Department of Management Services shall retain
31 authority over state university employees for programs

1 established in ss. 110.123, 110.161, 110.1232, 110.1234, and
2 110.1238 and in chapters 121, 122, and 238. Unless
3 specifically authorized by law, neither the Board of Governors
4 nor a state university may offer group insurance programs for
5 employees as a substitute for or as an alternative to the
6 health insurance programs offered pursuant to chapter 110.

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

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

12 (a) The Board of Governors shall develop guidelines
13 for university boards of trustees relating to the acquisition
14 of real and personal property and the sale and disposal
15 thereof and the approval and execution of contracts for the
16 purchase, sale, lease, license, or acquisition of commodities,
17 goods, equipment, contractual services, leases of real and
18 personal property, and construction. The acquisition may
19 include purchase by installment or lease-purchase. Such
20 contracts may provide for payment of interest on the unpaid
21 portion of the purchase price. Title to all real property
22 acquired prior to January 7, 2003, and to all real property
23 acquired with funds appropriated by the Legislature shall be
24 vested in the Board of Trustees of the Internal Improvement
25 Trust Fund and shall be transferred and conveyed by it.
26 Notwithstanding any other provisions of this subsection, each
27 board of trustees shall comply with the provisions of s.
28 287.055 for the procurement of professional services as
29 defined therein. Any acquisition pursuant to this paragraph is
30 subject to the provisions of s. 1010.62.

1 (b) The Board of Governors shall develop guidelines
2 for university boards of trustees relating to the use,
3 maintenance, protection, and control of university-owned or
4 university-controlled buildings and grounds, property and
5 equipment, name, trademarks and other proprietary marks, and
6 the financial and other resources of the university. Such
7 authority may include placing restrictions on activities and
8 on access to facilities, firearms, food, tobacco, alcoholic
9 beverages, distribution of printed materials, commercial
10 solicitation, animals, and sound. The authority provided the
11 board of trustees in this subsection includes the
12 prioritization of the use of space, property, equipment, and
13 resources and the imposition of charges for those items.

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

17 (d) The Board of Governors, or the board's designee,
18 shall ensure compliance with the provisions of s. 287.09451
19 for all procurement and ss. 255.101 and 255.102 for
20 construction contracts, and rules adopted pursuant thereto,
21 relating to the utilization of minority business enterprises,
22 except that procurements costing less than the amount provided
23 for in CATEGORY FIVE as provided in s. 287.017 shall not be
24 subject to s. 287.09451.

25 (e) Notwithstanding the provisions of s. 253.025 but
26 subject to the provisions of s. 1010.62, the Board of
27 Governors, or the board's designee, may, with the consent of
28 the Board of Trustees of the Internal Improvement Trust Fund,
29 sell, convey, transfer, exchange, trade, or purchase real
30 property and related improvements necessary and desirable to
31 serve the needs and purposes of the university.

1 1. The Board of Governors, or the board's designee,
2 may secure appraisals and surveys. The Board of Governors, or
3 the board's designee, shall comply with the rules of the Board
4 of Trustees of the Internal Improvement Trust Fund in securing
5 appraisals. Whenever the Board of Governors, or the board's
6 designee, finds it necessary for timely property acquisition,
7 it may contract, without the need for competitive selection,
8 with one or more appraisers whose names are contained on the
9 list of approved appraisers maintained by the Division of
10 State Lands in the Department of Environmental Protection.
11 2. The Board of Governors, or the board's designee,
12 may negotiate and enter into an option contract before an
13 appraisal is obtained. The option contract must state that the
14 final purchase price may not exceed the maximum value allowed
15 by law. The consideration for such an option contract may not
16 exceed 10 percent of the estimate obtained by the Board of
17 Governors, or the board's designee, or 10 percent of the value
18 of the parcel, whichever is greater, unless otherwise
19 authorized by the Board of Governors or the board's designee.
20 3. This paragraph is not intended to abrogate in any
21 manner the authority delegated to the Board of Trustees of the
22 Internal Improvement Trust Fund or the Division of State Lands
23 to approve a contract for purchase of state lands or to
24 require policies and procedures to obtain clear legal title to
25 parcels purchased for state purposes. Title to property
26 acquired by a university board of trustees prior to January 7,
27 2003, and to property acquired with funds appropriated by the
28 Legislature shall vest in the Board of Trustees of the
29 Internal Improvement Trust Fund.
30
31

1 (f) The Board of Governors, or the board's designee,
2 shall prepare and adopt a campus master plan pursuant to s.
3 1013.30.

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

7 (h) Notwithstanding the provisions of s. 216.351, the
8 Board of Governors, or the board's designee, may authorize the
9 rent or lease of parking facilities provided that such
10 facilities are funded through parking fees or parking fines
11 imposed by a university. The Board of Governors, or the
12 board's designee, may authorize a university board of trustees
13 to charge fees for parking at such rented or leased parking
14 facilities.

15 (7) COMPLIANCE WITH LAWS, RULES, REGULATIONS, AND
16 REQUIREMENTS.--The Board of Governors has responsibility for
17 compliance with state and federal laws, rules, regulations,
18 and requirements.

19 (8) COOPERATION WITH OTHER BOARDS.--The Board of
20 Governors shall implement a plan for working on a regular
21 basis with the State Board of Education, the Commission for
22 Independent Education, the university boards of trustees,
23 representatives of the community college boards of trustees,
24 representatives of the private colleges and universities, and
25 representatives of the district school boards to achieve a
26 seamless education system.

27 (9) The Board of Governors is prohibited from
28 assessing any fee on state universities, unless specifically
29 authorized by law.

30 Section 75. Subsections (3) and (4) of section
31 1001.71, Florida Statutes, are amended to read:

1 1001.71 University boards of trustees; membership.--

2 (3) University boards of trustees are a part of the
3 executive branch of state government. ~~Each board of trustees~~
4 ~~shall select its chair and vice chair from the appointed~~
5 ~~members at its first regular meeting after July 1. The chair~~
6 ~~shall serve for 2 years and may be reselected for one~~
7 ~~additional consecutive term. The duties of the chair shall~~
8 ~~include presiding at all meetings of the board of trustees,~~
9 ~~calling special meetings of the board of trustees, and~~
10 ~~attesting to actions of the board of trustees. The duty of the~~
11 ~~vice chair is to act as chair during the absence or disability~~
12 ~~of the chair.~~

13 ~~(4) The university president shall serve as executive~~
14 ~~officer and corporate secretary of the board of trustees and~~
15 ~~shall be responsible to the board of trustees for all~~
16 ~~operations of the university and for setting the agenda for~~
17 ~~meetings of the board of trustees in consultation with the~~
18 ~~chair.~~

19 Section 76. Section 1001.72, Florida Statutes, is
20 amended to read:

21 1001.72 University boards of trustees; boards to
22 constitute a corporation.--

23 (1) Each board of trustees shall be a public body
24 corporate by the name of "The (name of university) Board of
25 Trustees," with all the powers of a body corporate, including
26 the power to adopt a corporate seal, to contract and be
27 contracted with, to sue and be sued, to plead and be impleaded
28 in all courts of law or equity, and to give and receive
29 donations. In all suits against a board of trustees, service
30 of process shall be made on the chair of the board of trustees
31

1 or, in the absence of the chair, on the corporate secretary or
2 designee.

3 ~~(2) It is the intent of the Legislature that the~~
4 ~~university boards of trustees are not departments of the~~
5 ~~executive branch of state government within the scope and~~
6 ~~meaning of s. 6, Art. IV of the State Constitution.~~

7 ~~(2)(3)~~ The corporation is constituted as a public
8 instrumentality, and the exercise by the corporation of the
9 power conferred by this section is considered to be the
10 performance of an essential public function. ~~The corporation~~
11 ~~shall constitute an agency for the purposes of s. 120.52.~~ The
12 corporation is subject to chapter 119 and s. 24, Art. I of the
13 State Constitution, subject to exceptions applicable to the
14 corporation, and to the provisions of chapter 286; however,
15 the corporation shall be entitled to provide notice of
16 internal review committee meetings for competitive proposals
17 or procurement to applicants by mail or facsimile rather than
18 by means of publication. The corporation is not governed by
19 chapter 607, but by the provisions of this part. The
20 corporation shall maintain coverage under the State Risk
21 Management Trust Fund as provided in chapter 284.

22 ~~(4) No bureau, department, division, agency, or~~
23 ~~subdivision of the state shall exercise any responsibility and~~
24 ~~authority to operate any state university except as~~
25 ~~specifically provided by law or rules of the State Board of~~
26 ~~Education. This section shall not prohibit any department,~~
27 ~~bureau, division, agency, or subdivision of the state from~~
28 ~~providing access to programs or systems or providing other~~
29 ~~assistance to a state university pursuant to an agreement~~
30 ~~between the board of trustees and such department, bureau,~~
31 ~~division, agency, or subdivision of the state.~~

1 ~~(5) University boards of trustees shall be~~
2 ~~corporations primarily acting as instrumentalities or agencies~~
3 ~~of the state, pursuant to s. 768.28(2), for purposes of~~
4 ~~sovereign immunity.~~

5 Section 77. Subsections (2) and (4) of section
6 1001.73, Florida Statutes, are amended to read:

7 1001.73 University board empowered to act as
8 trustee.--

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

28 (4) Nothing herein shall be construed to authorize a
29 university board of trustees to contract a debt on behalf of,
30 or in any way to obligate, the state; and the satisfaction of
31 any debt or obligation incurred by the university board as

1 trustee under the provisions of this section shall be
2 exclusively from the trust property, mortgaged or encumbered;
3 and nothing herein shall in any manner affect or relate to the
4 provisions of ~~ss. 1010.61-1010.619 or s. 1013.78~~; and any
5 mortgage, lease, or other agreement entered into pursuant to
6 this section is subject to the provisions of s. 1010.62.

7 Section 78. Section 1001.74, Florida Statutes, is
8 amended to read:

9 (Substantial rewording of section. See
10 s. 1001.74, F.S., for present text.)

11 1001.74 Powers and duties of university boards of
12 trustees.--

13 (1) GENERAL PROVISIONS.--

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

18 (b) To the extent delegated by the Board of Governors
19 pursuant to s. 1001.706, the boards of trustees shall be
20 responsible for cost-effective policy decisions appropriate to
21 the university's mission, the implementation and maintenance
22 of high-quality education programs within law and guidelines
23 of the Board of Governors, the measurement of performance, the
24 reporting of information, and the provision of input regarding
25 state policy, budgeting, and education standards.

26 (c) Each board of trustees is vested with the
27 authority to govern its university as necessary to provide
28 proper governance and improvement of the university in
29 accordance with law and with guidelines of the Board of
30 Governors.

31

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

3 (e) Each board of trustees shall adopt rules pursuant
4 to chapter 120 when acting pursuant to statutory authority
5 derived from the Legislature. Each board of trustees may adopt
6 rules pursuant to chapter 120 when exercising the powers,
7 duties, and authority granted by s. 7, Art. IX of the State
8 Constitution.

9 (2) POWERS AND DUTIES RELATING TO ORGANIZATION AND
10 OPERATION OF STATE UNIVERSITIES.--

11 (a) Each board of trustees constitutes the contracting
12 agent of the university. Each university shall comply with the
13 provisions of s. 287.055 for the procurement of professional
14 services and may approve and execute all contracts for
15 planning, construction, and equipment. For the purpose of a
16 university's contracting authority, a "continuing contract"
17 for professional services under the provisions of s. 287.055
18 is one in which construction costs do not exceed \$1 million or
19 the fee for study activity does not exceed \$100,000. Contracts
20 executed pursuant to this paragraph are subject to the
21 requirements of s. 1010.62.

22 (b) Each board of trustees shall submit to the Board
23 of Governors, for approval, all new campuses and instructional
24 centers.

25 (c) Each board of trustees has responsibility for
26 requiring no more than 120 semester hours of coursework for
27 baccalaureate degree programs unless approved by the Board of
28 Governors. At least half of the required coursework for any
29 baccalaureate degree must be offered at the lower-division
30 level, except in program areas approved by the Board of
31 Governors.

1 (d) Each board of trustees has responsibility for
2 ensuring that students have access to general education
3 courses as provided in the statewide articulation agreement,
4 pursuant to s. 1007.23.

5 (e) To the extent delegated by the Board of Governors
6 pursuant to s. 1001.706, each board of trustees shall adopt a
7 written antihazing policy, appropriate penalties for
8 violations of such policy, and a program for enforcing such
9 policy.

10 (f) To the extent delegated by the Board of Governors
11 pursuant to s. 1001.706, each board of trustees shall
12 establish a uniform code of conduct and appropriate penalties
13 for violations of its rules by students and student
14 organizations, including rules governing student academic
15 honesty. Such penalties, unless otherwise provided by law, may
16 include reasonable fines, the withholding of diplomas or
17 transcripts pending compliance with rules or payment of fines,
18 and the imposition of probation, suspension, or dismissal.

19 (g) Each board of trustees is authorized to create
20 divisions of sponsored research pursuant to the provisions of
21 s. 1004.22 and guidelines of the Board of Governors to serve
22 the function of administration and promotion of the programs
23 of research.

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

28 (i) To the extent delegated by the Board of Governors
29 pursuant to s. 1001.706, each board of trustees shall develop
30 guidelines and procedures related to data and technology,
31

1 including information systems, communications systems,
2 computer hardware and software, and networks.

3 (j) Each board of trustees shall govern traffic on its
4 campus pursuant to s. 1006.66.

5 (k) A board of trustees has responsibility for
6 supervising faculty practice plans for the academic health
7 science centers pursuant to guidelines of the Board of
8 Governors.

9 (l) Each board of trustees may certify direct-support
10 organizations and university health services support
11 organizations to use university property and services in
12 accordance with guidelines of the Board of Governors.

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

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

16 (a) To the extent delegated by the Board of Governors
17 pursuant to s. 1001.706, each board of trustees shall account
18 for expenditures of all state, local, federal, and other
19 funds. Such accounting systems shall have appropriate audit
20 and internal controls in place that will enable the university
21 to satisfactorily and timely perform all accounting and
22 reporting functions required by state and federal law and
23 rules.

24 (b) Each board of trustees shall submit an
25 institutional budget request, including a request for fixed
26 capital outlay, and an operating budget to the Board of
27 Governors for approval in accordance with guidelines
28 established by the Board of Governors.

29 (c) To the extent delegated by the Board of Governors
30 pursuant to s. 1001.706, each board of trustees shall
31

1 establish tuition and fees pursuant to ss. 1009.24 and
2 1009.26.

3 (d) To the extent delegated by the Board of Governors
4 pursuant to s. 1001.706, each board of trustees is authorized
5 to secure comprehensive general liability insurance pursuant
6 to s. 1004.24.

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

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

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

14 (a) Each board of trustees shall develop a strategic
15 plan specifying institutional goals and objectives for the
16 university for recommendation to and approval by the Board of
17 Governors.

18 (b) Each board of trustees shall develop an
19 accountability plan pursuant to guidelines established by the
20 Board of Governors.

21 (c) Each board of trustees shall maintain an effective
22 information system to provide accurate, timely, and
23 cost-effective information about the university pursuant to
24 guidelines of the Board of Governors.

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

26 (a) To the extent delegated by the Board of Governors
27 pursuant to s. 1001.706, each board of trustees shall
28 establish the personnel program for all employees of the
29 university, including the president.

30 (b) The Department of Management Services shall retain
31 authority over state university employees for programs

1 established in ss. 110.123, 110.161, 110.1232, 110.1234, and
2 110.1238 and in chapters 121, 122, and 238. Unless
3 specifically authorized by law, neither the Board of Governors
4 nor a state university may offer group insurance programs for
5 employees as a substitute for or as an alternative to the
6 health insurance programs offered pursuant to chapter 110.

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

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

12 (a) Each board of trustees shall have the authority to
13 acquire real and personal property and contract for its sale
14 and disposal and approve and execute contracts for the
15 purchase, sale, lease, license, or acquisition of commodities,
16 goods, equipment, contractual services, leases of real and
17 personal property, and construction in accordance with law and
18 guidelines of the Board of Governors. The acquisition may
19 include purchase by installment or lease-purchase. Such
20 contracts may provide for payment of interest on the unpaid
21 portion of the purchase price. Title to all real property
22 acquired prior to January 7, 2003, and to all real property
23 acquired with funds appropriated by the Legislature shall be
24 vested in the Board of Trustees of the Internal Improvement
25 Trust Fund and shall be transferred and conveyed by it.
26 Notwithstanding any other provisions of this subsection, each
27 board of trustees shall comply with the provisions of s.
28 287.055 for the procurement of professional services as
29 defined therein. Any acquisition pursuant to this paragraph is
30 subject to the provisions of s. 1010.62.

1 (b) Each board of trustees shall have responsibility
2 for the use, maintenance, protection, and control of
3 university-owned or university-controlled buildings and
4 grounds, property and equipment, name, trademarks and other
5 proprietary marks, and the financial and other resources of
6 the university pursuant to guidelines of the Board of
7 Governors. Such authority may include placing restrictions on
8 activities and on access to facilities, firearms, food,
9 tobacco, alcoholic beverages, distribution of printed
10 materials, commercial solicitation, animals, and sound. The
11 authority vested in the board of trustees in this subsection
12 includes the prioritization of the use of space, property,
13 equipment, and resources and the imposition of charges for
14 those items.

15 (c) To the extent delegated by the Board of Governors
16 pursuant to s. 1001.706, each board of trustees shall
17 administer a program for the maintenance and construction of
18 facilities pursuant to chapter 1013.

19 (d) To the extent delegated by the Board of Governors
20 pursuant to s. 1001.706, each board of trustees shall ensure
21 compliance with the provisions of s. 287.09451 for all
22 procurement and ss. 255.101 and 255.102 for construction
23 contracts, and rules adopted pursuant thereto, relating to the
24 utilization of minority business enterprises, except that
25 procurements costing less than the amount provided for in
26 CATEGORY FIVE as provided in s. 287.017 shall not be subject
27 to s. 287.09451.

28 (e) Each board of trustees may exercise the right of
29 eminent domain pursuant to the provisions of chapter 1013. Any
30 suits or actions brought by the board of trustees shall be
31 brought in the name of the board of trustees, and the

1 Department of Legal Affairs shall conduct the proceedings for,
2 and act as the counsel of, the board of trustees.

3 (f) Notwithstanding the provisions of s. 253.025 but
4 subject to the provisions of s. 1010.62, each board of
5 trustees may, to the extent delegated by the Board of
6 Governors pursuant to s. 1001.706 and with the consent of the
7 Board of Trustees of the Internal Improvement Trust Fund,
8 sell, convey, transfer, exchange, trade, or purchase real
9 property and related improvements necessary and desirable to
10 serve the needs and purposes of the university.

11 1. To the extent delegated by the Board of Governors
12 pursuant to s. 1001.706, each board of trustees may secure
13 appraisals and surveys. The board of trustees shall comply
14 with the rules of the Board of Trustees of the Internal
15 Improvement Trust Fund in securing appraisals. Whenever the
16 board of trustees finds it necessary for timely property
17 acquisition, it may contract, without the need for competitive
18 selection, with one or more appraisers whose names are
19 contained on the list of approved appraisers maintained by the
20 Division of State Lands in the Department of Environmental
21 Protection.

22 2. To the extent delegated by the Board of Governors
23 pursuant to s. 1001.706, each board of trustees may negotiate
24 and enter into an option contract before an appraisal is
25 obtained. The option contract must state that the final
26 purchase price may not exceed the maximum value allowed by
27 law. The consideration for such an option contract may not
28 exceed 10 percent of the estimate obtained by the board of
29 trustees or 10 percent of the value of the parcel, whichever
30 is greater, unless otherwise authorized by the board of
31 trustees.

1 3. This paragraph is not intended to abrogate in any
2 manner the authority delegated to the Board of Trustees of the
3 Internal Improvement Trust Fund or the Division of State Lands
4 to approve a contract for purchase of state lands or to
5 require policies and procedures to obtain clear legal title to
6 parcels purchased for state purposes. Title to property
7 acquired by a university board of trustees prior to January 7,
8 2003, and to property acquired with funds appropriated by the
9 Legislature shall vest in the Board of Trustees of the
10 Internal Improvement Trust Fund.

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

14 (h) To the extent delegated by the Board of Governors
15 pursuant to s. 1001.706, each board of trustees shall prepare,
16 adopt, and execute a campus development agreement pursuant to
17 s. 1013.30.

18 (i) Notwithstanding the provisions of s. 216.351 and
19 to the extent delegated by the Board of Governors pursuant to
20 s. 1001.706, a board of trustees may authorize the rent or
21 lease of parking facilities, provided that such facilities are
22 funded through parking fees or parking fines imposed by a
23 university. With authorization from the Board of Governors, a
24 board of trustees may charge fees for parking at such rented
25 or leased parking facilities.

26 (j) Each board of trustees shall adjust property
27 records and dispose of state-owned tangible property in the
28 university's custody in accordance with procedures established
29 by the board of trustees in accordance with the provisions of
30 chapter 273. Notwithstanding the provisions of s. 273.055(5),
31 all moneys received from the disposition of state-owned

1 tangible personal property shall be retained by the university
2 and disbursed for the acquisition of tangible personal
3 property and for all necessary operating expenditures. The
4 university shall maintain records of the accounts into which
5 such moneys are deposited.

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

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

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

16 1002.35 New World School of the Arts.--

17 (2)(a) For purposes of governance, the New World
18 School of the Arts is assigned to Miami-Dade ~~Community~~
19 College, the Dade County School District, and one or more
20 universities designated by the State Board of Education. The
21 State Board of Education, in conjunction with the Board of
22 Governors, shall assign to the New World School of the Arts a
23 university partner or partners. In this selection, the State
24 Board of Education and the Board of Governors shall consider
25 the accreditation status of the core programs. Florida
26 International University, in its capacity as the provider of
27 university services to Dade County, shall be a partner to
28 serve the New World School of the Arts, upon meeting the
29 accreditation criteria. The respective boards shall appoint
30 members to an executive board for administration of the
31 school. The executive board may include community members and

1 shall reflect proportionately the participating institutions.
2 Miami-Dade ~~Community~~ College shall serve as fiscal agent for
3 the school.

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

9 Section 80. Subsection (8) of section 1002.41, Florida
10 Statutes, is amended to read:

11 1002.41 Home education programs.--

12 (8) Home education students are eligible for admission
13 to state universities in accordance with the policies and
14 guidelines of the Board of Governors ~~provisions of s.~~
15 ~~1007.261.~~

16 Section 81. Subsections (1) and (3) of section
17 1004.03, Florida Statutes, are amended to read:

18 1004.03 Program approval.--

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

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

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

31

1 (c) Cooperative programs, particularly within regions,
2 should be encouraged.

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

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

8 1. The university has taken into account the offerings
9 of its counterparts, including institutions in other sectors,
10 particularly at the regional level.

11 2. The addition of the program will not alter the
12 emphasis on undergraduate education.

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

15 (3) New colleges, schools, or functional equivalents
16 of any program that leads ~~leading~~ to a degree that is offered
17 as a credential for a specific license granted under the
18 Florida Statutes or the State Constitution and that will
19 receive any support from tuition and fees or from funds
20 appropriated by the Legislature through the General
21 Appropriations Act or other law shall not be established
22 without the specific approval of the Legislature.

23 Section 82. Paragraph (b) of subsection (5) of section
24 1004.04, Florida Statutes, is amended to read:

25 1004.04 Public accountability and state approval for
26 teacher preparation programs.--

27 (5) CONTINUED PROGRAM APPROVAL.--Notwithstanding
28 subsection (4), failure by a public or nonpublic teacher
29 preparation program to meet the criteria for continued program
30 approval shall result in loss of program approval. The
31 Department of Education, in collaboration with the departments

1 | and colleges of education, shall develop procedures for
2 | continued program approval that document the continuous
3 | improvement of program processes and graduates' performance.

4 | (b) Additional criteria for continued program approval
5 | for public institutions may be approved by the State Board of
6 | Education. Such criteria must emphasize instruction in
7 | classroom management and must provide for the evaluation of
8 | the teacher candidates' performance in this area. The criteria
9 | shall also require instruction in working with underachieving
10 | students. Program evaluation procedures must include, but are
11 | not limited to, program graduates' satisfaction with
12 | instruction and the program's responsiveness to local school
13 | districts. Additional criteria for continued program approval
14 | for nonpublic institutions shall be developed in the same
15 | manner as for public institutions; however, such criteria must
16 | be based upon significant, objective, and quantifiable
17 | graduate performance measures. Responsibility for collecting
18 | data on outcome measures through survey instruments and other
19 | appropriate means shall be shared by the postsecondary
20 | educational institutions and the Department of Education. By
21 | January 1 of each year, the Department of Education shall
22 | report this information for each postsecondary educational
23 | institution that has state-approved programs of teacher
24 | education to the Governor, the State Board of Education, the
25 | Board of Governors, the Commissioner of Education, the
26 | President of the Senate, the Speaker of the House of
27 | Representatives, all Florida postsecondary teacher preparation
28 | programs, and interested members of the public. This report
29 | must analyze the data and make recommendations for improving
30 | teacher preparation programs in the state.

31 |

1 Section 83. Section 1004.07, Florida Statutes, is
2 amended to read:

3 1004.07 Student withdrawal from courses due to
4 military service; effect.--

5 (1) Each district school board, community college
6 ~~district~~ board of trustees, and state university board of
7 trustees shall establish, ~~by rule and pursuant to guidelines~~
8 ~~of the State Board of Education~~, policies regarding currently
9 enrolled students who are called to, or enlist in, active
10 military service.

11 (2) Such policies shall provide that any student
12 enrolled in a postsecondary course or courses at a career
13 center, a public community college, a public college, or a
14 state university shall not incur academic or financial
15 penalties by virtue of performing military service on behalf
16 of our country. Such student shall be permitted the option of
17 either completing the course or courses at a later date
18 without penalty or withdrawing from the course or courses with
19 a full refund of fees paid. If the student chooses to
20 withdraw, the student's record shall reflect that the
21 withdrawal is due to active military service.

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

25 (4) Policies of state university boards of trustees
26 shall be established by rule and pursuant to guidelines of the
27 Board of Governors.

28 Section 84. Section 1004.21, Florida Statutes, is
29 amended to read:

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

1 1004.21 State universities; general provisions.--State
2 universities are part of the executive branch of state
3 government and are administered by a board of trustees as
4 provided in s. 1001.74.

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

7 1004.22 Divisions of sponsored research at state
8 universities.--

9 (1) Each university is authorized to create, in
10 accordance with guidelines of the Board of Governors as it
11 ~~deems advisable~~, divisions of sponsored research which will
12 serve the function of administration and promotion of the
13 programs of research, including sponsored training programs,
14 of the university at which they are located. ~~A division of~~
15 ~~sponsored research created under the provisions of this~~
16 ~~section shall be under the supervision of the president of~~
17 ~~that university.~~

18 (2) The university shall set such policies to regulate
19 the activities of the divisions of sponsored research as it
20 may consider necessary ~~to effectuate the purposes of this act~~
21 ~~and~~ to administer the research programs in a manner which
22 assures efficiency and effectiveness, producing the maximum
23 benefit for the educational programs and maximum service to
24 the state. To this end, materials that relate to methods of
25 manufacture or production, potential trade secrets,
26 potentially patentable material, actual trade secrets,
27 business transactions, or proprietary information received,
28 generated, ascertained, or discovered during the course of
29 research conducted within the state universities shall be
30 confidential and exempt from the provisions of s. 119.07(1),
31 except that a division of sponsored research shall make

1 available upon request the title and description of a research
2 project, the name of the researcher, and the amount and source
3 of funding provided for such project.

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

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

17 (7) All purchases of a division of sponsored research
18 shall be made in accordance with the policies and procedures
19 of the university pursuant to guidelines of the Board of
20 Governors; however, upon certification addressed to the
21 university president that it is necessary for the efficient or
22 expeditious prosecution of a research project, the president
23 may exempt the purchase of material, supplies, equipment, or
24 services for research purposes from the general purchasing
25 requirement of the Florida Statutes.

26 Section 86. Section 1004.24, Florida Statutes, is
27 amended to read:

28 1004.24 Board of Governors, or the board's designee,
29 ~~State Board of Education~~ authorized to secure liability
30 insurance.--
31

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

7 (a) The Board of Governors ~~State Board of Education~~
8 and its officers and members.

9 (b) A university board of trustees and its officers
10 and members.

11 (c) The faculty and other employees and agents of a
12 university board of trustees.

13 (d) The students of a state university.

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

16 (f) Any not-for-profit corporation organized pursuant
17 to chapter 617, and the directors, officers, employees, and
18 agents thereof, which is affiliated with a state university,
19 if the corporation is operated for the benefit of the state
20 university in a manner consistent with the best interests of
21 the state, and if such participation is approved by a
22 self-insurance program council, the university president, and
23 the board of trustees.

24 (2) In the event the Board of Governors, or the
25 board's designee, ~~State Board of Education~~ adopts a
26 self-insurance program, a governing council chaired by the
27 vice president for health affairs or his or her academic
28 equivalent shall be established to administer the program and
29 its duties and responsibilities, including the administration
30 of self-insurance program assets and expenditure policies,
31 which shall be defined in rules as authorized by this section.

1 The council shall have an annual actuary review performed to
2 establish funding requirements to maintain the fiscal
3 integrity of the self-insurance program. The assets of a
4 self-insurance program shall be deposited outside the State
5 Treasury and shall be administered in accordance with rules as
6 authorized by this section.

7 (3) Any self-insurance program created under this
8 section shall be funded by the entities and individuals
9 protected by such program. There shall be no funds
10 appropriated to any self-insurance program. The assets of the
11 self-insurance program shall be the property of the board that
12 adopts the self-insurance program ~~State Board of Education~~ and
13 shall be used only to pay the administrative expenses of the
14 self-insurance program and to pay any claim, judgment, or
15 claims bill arising out of activities for which the
16 self-insurance program was created. Investment income that is
17 in excess of that income necessary to ensure the solvency of a
18 self-insurance program as established by a casualty actuary
19 may be used to defray the annual contribution paid into the
20 program by the entities and individuals protected by the
21 program.

22 (4) No self-insurance program adopted by the Board of
23 Governors, or the board's designee, ~~State Board of Education~~
24 may sue or be sued. The claims files of any such program are
25 privileged and confidential, exempt from the provisions of s.
26 119.07(1), and are only for the use of the program in
27 fulfilling its duties. Any self-insurance trust fund and
28 revenues generated by that fund shall only be used to pay
29 claims and administration expenses.

30 (5) Each self-insurance program council shall make
31 provision for an annual financial audit pursuant to s. 11.45

1 of its accounts to be conducted by an independent certified
2 public accountant. The annual audit report must include a
3 management letter and shall be submitted to the Board of
4 Governors and the university board of trustees ~~State Board of~~
5 ~~Education~~ for review. The Board of Governors ~~State Board of~~
6 ~~Education~~ shall have the authority to require and receive from
7 the self-insurance program council or from its independent
8 auditor any detail or supplemental data relative to the
9 operation of the self-insurance program.

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

12 Section 87. Paragraph (c) is added to subsection (1)
13 of section 1004.28, Florida Statutes, and paragraph (b) of
14 subsection (2) and subsections (5), (6), and (7) of that
15 section are amended, to read:

16 1004.28 Direct-support organizations; use of property;
17 board of directors; activities; audit; facilities.--

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

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

21 (2) USE OF PROPERTY.--

22 (b) The board of trustees, in accordance with rules
23 and guidelines of the Board of Governors, shall prescribe by
24 rule conditions with which a university direct-support
25 organization must comply in order to use property, facilities,
26 or personal services at any state university. Such rules shall
27 provide for budget and audit review and oversight by the board
28 of trustees.

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

1 accountant in accordance with rules adopted by the Auditor
2 General pursuant to s. 11.45(8) and by the university board of
3 trustees. The annual audit report shall be submitted, within 9
4 months after the end of the fiscal year, to the Auditor
5 General and the Board of Governors State Board of Education
6 for review. The Board of Governors State Board of Education,
7 the university board of trustees, the Auditor General, and the
8 Office of Program Policy Analysis and Government
9 Accountability shall have the authority to require and receive
10 from the organization or from its independent auditor any
11 records relative to the operation of the organization. The
12 identity of donors who desire to remain anonymous shall be
13 protected, and that anonymity shall be maintained in the
14 auditor's report. All records of the organization other than
15 the auditor's report, management letter, and any supplemental
16 data requested by the Board of Governors State Board of
17 Education, the university board of trustees, the Auditor
18 General, and the Office of Program Policy Analysis and
19 Government Accountability shall be confidential and exempt
20 from the provisions of s. 119.07(1).

21 (6) FACILITIES.--~~In addition to issuance of~~
22 ~~indebtedness pursuant to s. 1010.60(2)~~, Each direct-support
23 organization is authorized to enter into agreements to
24 finance, design and construct, lease, lease-purchase,
25 purchase, or operate facilities necessary and desirable to
26 serve the needs and purposes of the university, as determined
27 by the systemwide strategic plan adopted by the Board of
28 Governors State Board of Education. Such agreements are
29 subject to the provisions of ss. s- 1013.171 and 1010.62.

30 (7) ANNUAL BUDGETS AND REPORTS.--Each direct-support
31 organization shall submit to the university president and the

1 ~~Board of Governors State Board of Education~~ its federal
2 Internal Revenue Service Application for Recognition of
3 Exemption form (Form 1023) and its federal Internal Revenue
4 Service Return of Organization Exempt from Income Tax form
5 (Form 990).

6 Section 88. Subsections (3) and (5) of section
7 1004.29, Florida Statutes, are amended to read:

8 1004.29 University health services support
9 organizations.--

10 (3) A state university board of trustees, in
11 accordance with rules and guidelines of the Board of
12 Governors, may prescribe, by rule, conditions with which a
13 university health services support organization must comply in
14 order to be certified and to use property, facilities, or
15 personal services at any state university. The rules must
16 provide for budget, audit review, and oversight by the board
17 of trustees. Such rules shall provide that the university
18 health services support organization may provide salary
19 supplements and other compensation or benefits for university
20 faculty and staff employees only as set forth in the
21 organization's budget, which shall be subject to approval by
22 the university president.

23 (5) Each university health services support
24 organization shall provide for an annual financial audit in
25 accordance with s. 1004.28(5). The auditor's report,
26 management letter, and any supplemental data requested by the
27 ~~Board of Governors State Board of Education~~, the university
28 board of trustees, and the Auditor General shall be considered
29 public records, pursuant to s. 119.07.

30 Section 89. Section 1004.35, Florida Statutes, is
31 amended to read:

1 1004.35 Broward County campuses of Florida Atlantic
2 University; coordination with other institutions.--The State
3 Board of Education, the Board of Governors, and Florida
4 Atlantic University shall consult with Broward Community
5 College and Florida International University in coordinating
6 course offerings at the postsecondary level in Broward County.
7 Florida Atlantic University may contract with the Board of
8 Trustees of Broward Community College and with Florida
9 International University to provide instruction in courses
10 offered at the Southeast Campus. Florida Atlantic University
11 shall increase course offerings at the Southeast Campus as
12 facilities become available.

13 Section 90. Subsection (4) of section 1004.36, Florida
14 Statutes, is amended to read:

15 1004.36 Florida Atlantic University campuses.--

16 (4) ~~The Board of Governors State Board of Education,~~
17 as a function of its comprehensive master planning process,
18 pursuant to s. 1001.706, shall continue to evaluate the need
19 for undergraduate programs in Broward County and shall assess
20 the extent to which existing postsecondary programs are
21 addressing those needs.

22 Section 91. Subsection (5) of section 1004.39, Florida
23 Statutes, is amended to read:

24 1004.39 College of law at Florida International
25 University.--

26 (5) ~~The Florida International University Board of~~
27 ~~Trustees shall commence the planning of a college of law at~~
28 ~~Florida International University. In planning the college of~~
29 ~~law,~~ The Florida International University Board of Trustees
30 and the Board of Governors State Board of Education may accept
31 grants, donations, gifts, and moneys available for this

1 | purpose, including moneys for planning and constructing the
2 | college. The Florida International University Board of
3 | Trustees may procure and accept any federal funds that are
4 | available for the planning, creation, and establishment of the
5 | college of law. ~~Classes must commence by the fall semester~~
6 | ~~2003.~~ If the American Bar Association or any other nationally
7 | recognized association for the accreditation of colleges of
8 | law issues a third disapproval of an application for
9 | provisional approval or for full approval or fails to grant,
10 | within 5 years following the graduation of the first class, a
11 | provisional approval, to the college of law at Florida
12 | International University, the Board of Governors ~~State Board~~
13 | ~~of Education~~ shall make recommendations to the Governor and
14 | the Legislature as to whether the college of law will cease
15 | operations at the end of the full academic year subsequent to
16 | the receipt by the college of law of any such third
17 | disapproval, or whether the college of law will continue
18 | operations and any conditions for continued operations. If the
19 | college of law ceases operations pursuant to this section, the
20 | following conditions apply:

21 | (a) The authority for the college of law at Florida
22 | International University and the authority of the Florida
23 | International University Board of Trustees and the Board of
24 | Governors ~~State Board of Education~~ provided in this section
25 | shall terminate upon the cessation of operations of the
26 | college of law at Florida International University. The
27 | college of law at Florida International University shall
28 | receive no moneys allocated for the planning, construction, or
29 | operation of the college of law after its cessation of
30 | operations other than moneys to be expended for the cessation
31 | of operations of the college of law. Any moneys allocated to

1 | the college of law at Florida International University not
2 | expended prior to or scheduled to be expended after the date
3 | of the cessation of the college of law shall be appropriated
4 | for other use by the Legislature of the State of Florida.

5 | (b) Any buildings of the college of law at Florida
6 | International University constructed from the expenditure of
7 | capital outlay funds appropriated by the Legislature shall be
8 | owned by the Board of Trustees of the Internal Improvement
9 | Trust Fund and managed by the Florida International University
10 | Board of Trustees upon the cessation of the college of law.

11 |
12 | Nothing in this section shall undermine commitments to current
13 | students receiving support as of the date of the enactment of
14 | this section from the law school scholarship program of the
15 | Florida Education Fund as provided in s. 1009.70(8). Students
16 | attending the college of law at Florida International
17 | University shall be eligible for financial, academic, or other
18 | support from the Florida Education Fund as provided in s.
19 | 1009.70(8) without the college's obtaining accreditation by
20 | the American Bar Association.

21 | Section 92. Subsection (5) of section 1004.40, Florida
22 | Statutes, is amended to read:

23 | 1004.40 College of law at Florida Agricultural and
24 | Mechanical University.--

25 | (5) ~~The Florida Agricultural and Mechanical University~~
26 | ~~Board of Trustees shall commence the planning of a college of~~
27 | ~~law under the auspices of Florida Agricultural and Mechanical~~
28 | ~~University to be located in the I 4 corridor area. In planning~~
29 | ~~the college of law,~~ The Florida Agricultural and Mechanical
30 | University Board of Trustees and the Board of Governors State
31 | ~~Board of Education~~ may accept grants, donations, gifts, and

1 moneys available for this purpose, including moneys for
2 planning and constructing the college. The Florida
3 Agricultural and Mechanical University Board of Trustees may
4 procure and accept any federal funds that are available for
5 the planning, creation, and establishment of the college of
6 law. ~~Classes must commence by the fall semester 2003.~~ If the
7 American Bar Association or any other nationally recognized
8 association for the accreditation of colleges of law issues a
9 third disapproval of an application for provisional approval
10 or for full approval or fails to grant, within 5 years
11 following the graduation of the first class, a provisional
12 approval, to the college of law at Florida Agricultural and
13 Mechanical University, the Board of Governors ~~State Board of~~
14 ~~Education~~ shall make recommendations to the Governor and
15 Legislature as to whether the college of law will cease
16 operations at the end of the full academic year subsequent to
17 the receipt by the college of law of any such third
18 disapproval, or whether the college of law will continue
19 operations and any conditions for continued operations. If the
20 college of law ceases operations of the college of law
21 pursuant to this section, the following conditions apply:
22 (a) The authority for the college of law at Florida
23 Agricultural and Mechanical University and the authority of
24 the Florida Agricultural and Mechanical University Board of
25 Trustees and the Board of Governors ~~State Board of Education~~
26 provided in this section shall terminate upon the cessation of
27 operations of the college of law at Florida Agricultural and
28 Mechanical University. The college of law at Florida
29 Agricultural and Mechanical University shall receive no moneys
30 allocated for the planning, construction, or operation of the
31 college of law after its cessation of operations other than

1 moneys to be expended for the cessation of operations of the
2 college of law. Any moneys allocated to the college of law at
3 Florida Agricultural and Mechanical University not expended
4 prior to or scheduled to be expended after the date of the
5 cessation of the college of law shall be appropriated for
6 other use by the Legislature of the State of Florida.

7 (b) Any buildings of the college of law at Florida
8 Agricultural and Mechanical University constructed from the
9 expenditure of capital outlay funds appropriated by the
10 Legislature shall be owned by the Board of Trustees of the
11 Internal Improvement Trust Fund and managed by the Florida
12 Agricultural and Mechanical University Board of Trustees upon
13 the cessation of the college of law.

14
15 Nothing in this section shall undermine commitments to current
16 students receiving support as of the date of the enactment of
17 this section from the law school scholarship program of the
18 Florida Education Fund as provided in s. 1009.70(8). Students
19 attending the college of law at Florida Agricultural and
20 Mechanical University shall be eligible for financial,
21 academic, or other support from the Florida Education Fund as
22 provided in s. 1009.70(8) without the college's obtaining
23 accreditation by the American Bar Association.

24 Section 93. Paragraph (e) of subsection (4) of section
25 1004.41, Florida Statutes, is amended to read:

26 1004.41 University of Florida; J. Hillis Miller Health
27 Center.--

28 (4)

29 (e) In the event that the lease of the hospital
30 facilities to the not-for-profit corporation is terminated for
31 any reason, the University of Florida Board of Trustees shall

1 resume management and operation of the hospital facilities. In
2 such event, the University of Florida Board of Trustees
3 ~~Administration Commission~~ is authorized to utilize appropriate
4 revenues generated from the operation of the hospital
5 facilities ~~to the University of Florida Board of Trustees~~ to
6 pay the costs and expenses of operating the hospital facility
7 for the remainder of the fiscal year in which such termination
8 occurs.

9 Section 94. Subsections (1) through (4), paragraphs
10 (a), (f), and (g) of subsection (5), and paragraph (b) of
11 subsection (8) of section 1004.43, Florida Statutes, are
12 amended to read:

13 1004.43 H. Lee Moffitt Cancer Center and Research
14 Institute.--There is established the H. Lee Moffitt Cancer
15 Center and Research Institute at the University of South
16 Florida.

17 (1) The State Board of Education shall enter into an
18 agreement for the utilization of the facilities on the campus
19 of the University of South Florida to be known as the H. Lee
20 Moffitt Cancer Center and Research Institute, including all
21 furnishings, equipment, and other chattels used in the
22 operation of said facilities, with a Florida not-for-profit
23 corporation organized solely for the purpose of governing and
24 operating the H. Lee Moffitt Cancer Center and Research
25 Institute. This not-for-profit corporation, acting as an
26 instrumentality of the State of Florida, shall govern and
27 operate the H. Lee Moffitt Cancer Center and Research
28 Institute in accordance with the terms of the agreement
29 between the Board of Governors ~~State Board of Education~~ and
30 the not-for-profit corporation. The not-for-profit corporation
31 may, with the prior approval of the Board of Governors ~~State~~

1 ~~Board of Education~~, create either for-profit or not-for-profit
2 corporate subsidiaries, or both, to fulfill its mission.
3 For-profit subsidiaries of the not-for-profit corporation may
4 not compete with for-profit health care providers in the
5 delivery of radiation therapy services to patients. The
6 not-for-profit corporation and its subsidiaries are authorized
7 to receive, hold, invest, and administer property and any
8 moneys received from private, local, state, and federal
9 sources, as well as technical and professional income
10 generated or derived from practice activities of the
11 institute, for the benefit of the institute and the
12 fulfillment of its mission. The affairs of the corporation
13 shall be managed by a board of directors who shall serve
14 without compensation. The President of the University of South
15 Florida and the chair of the Board of Governors ~~State Board of~~
16 ~~Education~~, or his or her designee, shall be directors of the
17 not-for-profit corporation, together with 5 representatives of
18 the state universities and no more than 14 nor fewer than 10
19 directors who are not medical doctors or state employees. Each
20 director shall have only one vote, shall serve a term of 3
21 years, and may be reelected to the board. Other than the
22 President of the University of South Florida and the chair of
23 the Board of Governors ~~State Board of Education~~, directors
24 shall be elected by a majority vote of the board. The chair of
25 the board of directors shall be selected by majority vote of
26 the directors.

27 (2) The Board of Governors ~~State Board of Education~~
28 shall provide in the agreement with the not-for-profit
29 corporation for the following:
30
31

1 (a) Approval of the articles of incorporation of the
2 not-for-profit corporation by the Board of Governors State
3 ~~Board of Education~~.

4 (b) Approval of the articles of incorporation of any
5 not-for-profit corporate subsidiary created by the
6 not-for-profit corporation.

7 (c) Utilization of lands, facilities, and personnel by
8 the not-for-profit corporation and its subsidiaries for
9 research, education, treatment, prevention, and the early
10 detection of cancer and for mutually approved teaching and
11 research programs conducted by the University of South Florida
12 or other accredited medical schools or research institutes.

13 (d) Preparation of an annual financial audit of the
14 not-for-profit corporation's accounts and records and the
15 accounts and records of any subsidiaries to be conducted by an
16 independent certified public accountant. The annual audit
17 report shall include a management letter, as defined in s.
18 11.45, and shall be submitted to the Auditor General and the
19 Board of Governors State Board of Education. The Board of
20 Governors State Board of Education, the Auditor General, and
21 the Office of Program Policy Analysis and Government
22 Accountability shall have the authority to require and receive
23 from the not-for-profit corporation and any subsidiaries or
24 from their independent auditor any detail or supplemental data
25 relative to the operation of the not-for-profit corporation or
26 subsidiary.

27 (e) Provision by the not-for-profit corporation and
28 its subsidiaries of equal employment opportunities to all
29 persons regardless of race, color, religion, sex, age, or
30 national origin.
31

1 (3) The Board of Governors ~~State Board of Education~~ is
2 authorized to secure comprehensive general liability
3 protection, including professional liability protection, for
4 the not-for-profit corporation and its subsidiaries pursuant
5 to s. 1004.24. The not-for-profit corporation and its
6 subsidiaries shall be exempt from any participation in any
7 property insurance trust fund established by law, including
8 any property insurance trust fund established pursuant to
9 chapter 284, so long as the not-for-profit corporation and its
10 subsidiaries maintain property insurance protection with
11 comparable or greater coverage limits.

12 (4) In the event that the agreement between the
13 not-for-profit corporation and the Board of Governors ~~State~~
14 ~~Board of Education~~ is terminated for any reason, the Board of
15 Governors ~~State Board of Education~~ shall resume governance and
16 operation of such ~~said~~ facilities.

17 (5) The institute shall be administered by a chief
18 executive officer who shall serve at the pleasure of the board
19 of directors of the not-for-profit corporation and who shall
20 have the following powers and duties subject to the approval
21 of the board of directors:

22 (a) The chief executive officer shall establish
23 programs which fulfill the mission of the institute in
24 research, education, treatment, prevention, and the early
25 detection of cancer; however, the chief executive officer
26 shall not establish academic programs for which academic
27 credit is awarded and which terminate in the conference of a
28 degree without prior approval of the Board of Governors ~~State~~
29 ~~Board of Education~~.

30
31

1 (f) The chief executive officer shall have a reporting
2 relationship to the Board of Governors or its designee
3 ~~Commissioner of Education~~.

4 (g) The chief executive officer shall provide a copy
5 of the institute's annual report to the Governor and Cabinet,
6 the President of the Senate, the Speaker of the House of
7 Representatives, and the chair of the Board of Governors State
8 ~~Board of Education~~.

9 (8)

10 (b) Proprietary confidential business information is
11 confidential and exempt from the provisions of s. 119.07(1)
12 and s. 24(a), Art. I of the State Constitution. However, the
13 Auditor General, the Office of Program Policy Analysis and
14 Government Accountability, and the Board of Governors State
15 ~~Board of Education~~, pursuant to their oversight and auditing
16 functions, must be given access to all proprietary
17 confidential business information upon request and without
18 subpoena and must maintain the confidentiality of information
19 so received. As used in this paragraph, the term "proprietary
20 confidential business information" means information,
21 regardless of its form or characteristics, which is owned or
22 controlled by the not-for-profit corporation or its
23 subsidiaries; is intended to be and is treated by the
24 not-for-profit corporation or its subsidiaries as private and
25 the disclosure of which would harm the business operations of
26 the not-for-profit corporation or its subsidiaries; has not
27 been intentionally disclosed by the corporation or its
28 subsidiaries unless pursuant to law, an order of a court or
29 administrative body, a legislative proceeding pursuant to s.
30 5, Art. III of the State Constitution, or a private agreement
31

1 | that provides that the information may be released to the
2 | public; and which is information concerning:
3 | 1. Internal auditing controls and reports of internal
4 | auditors;
5 | 2. Matters reasonably encompassed in privileged
6 | attorney-client communications;
7 | 3. Contracts for managed-care arrangements, including
8 | preferred provider organization contracts, health maintenance
9 | organization contracts, and exclusive provider organization
10 | contracts, and any documents directly relating to the
11 | negotiation, performance, and implementation of any such
12 | contracts for managed-care arrangements;
13 | 4. Bids or other contractual data, banking records,
14 | and credit agreements the disclosure of which would impair the
15 | efforts of the not-for-profit corporation or its subsidiaries
16 | to contract for goods or services on favorable terms;
17 | 5. Information relating to private contractual data,
18 | the disclosure of which would impair the competitive interest
19 | of the provider of the information;
20 | 6. Corporate officer and employee personnel
21 | information;
22 | 7. Information relating to the proceedings and records
23 | of credentialing panels and committees and of the governing
24 | board of the not-for-profit corporation or its subsidiaries
25 | relating to credentialing;
26 | 8. Minutes of meetings of the governing board of the
27 | not-for-profit corporation and its subsidiaries, except
28 | minutes of meetings open to the public pursuant to subsection
29 | (9);
30 |
31 |

1 9. Information that reveals plans for marketing
2 services that the corporation or its subsidiaries reasonably
3 expect to be provided by competitors;

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

5 a. Information relating to methods of manufacture or
6 production, potential trade secrets, potentially patentable
7 materials, or proprietary information received, generated,
8 ascertained, or discovered during the course of research
9 conducted by the not-for-profit corporation or its
10 subsidiaries; and

11 b. Reimbursement methodologies or rates;

12 11. The identity of donors or prospective donors of
13 property who wish to remain anonymous or any information
14 identifying such donors or prospective donors. The anonymity
15 of these donors or prospective donors must be maintained in
16 the auditor's report; or

17 12. Any information received by the not-for-profit
18 corporation or its subsidiaries from an agency in this or
19 another state or nation or the Federal Government which is
20 otherwise exempt or confidential pursuant to the laws of this
21 or another state or nation or pursuant to federal law.

22
23 As used in this paragraph, the term "managed care" means
24 systems or techniques generally used by third-party payors or
25 their agents to affect access to and control payment for
26 health care services. Managed-care techniques most often
27 include one or more of the following: prior, concurrent, and
28 retrospective review of the medical necessity and
29 appropriateness of services or site of services; contracts
30 with selected health care providers; financial incentives or
31 disincentives related to the use of specific providers,

1 services, or service sites; controlled access to and
2 coordination of services by a case manager; and payor efforts
3 to identify treatment alternatives and modify benefit
4 restrictions for high-cost patient care.

5 (c) Subparagraphs 10. and 12. of paragraph (b) are
6 subject to the Open Government Sunset Review Act of 1995 in
7 accordance with s. 119.15 and shall stand repealed on October
8 2, 2010, unless reviewed and saved from repeal through
9 reenactment by the Legislature.

10 Section 95. Paragraph (b) of subsection (3) and
11 subsections (4) and (5) of section 1004.435, Florida Statutes,
12 are amended to read:

13 1004.435 Cancer control and research.--

14 (3) DEFINITIONS.--The following words and phrases when
15 used in this section have, unless the context clearly
16 indicates otherwise, the meanings given to them in this
17 subsection:

18 (b) "Council" means the Florida Cancer Control and
19 Research Advisory Council, which is an advisory body appointed
20 to function on a continuing basis for the study of cancer and
21 which recommends solutions and policy alternatives to the
22 Board of Governors State Board of Education and the secretary
23 and which is established by this section.

24 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY
25 COUNCIL; CREATION; COMPOSITION.--

26 (a) There is created within the H. Lee Moffitt Cancer
27 Center and Research Institute, Inc., the Florida Cancer
28 Control and Research Advisory Council. The council shall
29 consist of 34 ~~35~~ members, which includes the chairperson, all
30 of whom must be residents of this state. All members, except
31 those appointed by the Speaker of the House of Representatives

1 and the President of the Senate, must be appointed by the
2 Governor. At least one of the members appointed by the
3 Governor must be 60 years of age or older. One member must be
4 a representative of the American Cancer Society; one member
5 must be a representative of the Florida Tumor Registrars
6 Association; one member must be a representative of the
7 Sylvester Comprehensive Cancer Center of the University of
8 Miami; one member must be a representative of the Department
9 of Health; one member must be a representative of the
10 University of Florida Shands Cancer Center; one member must be
11 a representative of the Agency for Health Care Administration;
12 one member must be a representative of the Florida Nurses
13 Association; one member must be a representative of the
14 Florida Osteopathic Medical Association; one member must be a
15 representative of the American College of Surgeons; one member
16 must be a representative of the School of Medicine of the
17 University of Miami; one member must be a representative of
18 the College of Medicine of the University of Florida; one
19 member must be a representative of NOVA Southeastern College
20 of Osteopathic Medicine; one member must be a representative
21 of the College of Medicine of the University of South Florida;
22 one member must be a representative of the College of Public
23 Health of the University of South Florida; one member must be
24 a representative of the Florida Society of Clinical Oncology;
25 one member must be a representative of the Florida Obstetric
26 and Gynecologic Society who has had training in the specialty
27 of gynecologic oncology; one member must be a representative
28 of the Florida Medical Association; one member must be a
29 member of the Florida Pediatric Society; one member must be a
30 representative of the Florida Radiological Society; one member
31 must be a representative of the Florida Society of

1 Pathologists; one member must be a representative of the H.
2 Lee Moffitt Cancer Center and Research Institute, Inc.; three
3 members must be representatives of the general public acting
4 as consumer advocates; one member must be a member of the
5 House of Representatives appointed by the Speaker of the House
6 of Representatives; one member must be a member of the Senate
7 appointed by the President of the Senate; ~~one member must be a~~
8 ~~representative of the Department of Education;~~ one member must
9 be a representative of the Florida Dental Association; one
10 member must be a representative of the Florida Hospital
11 Association; one member must be a representative of the
12 Association of Community Cancer Centers; one member shall be a
13 representative from a statutory teaching hospital affiliated
14 with a community-based cancer center; one member must be a
15 representative of the Florida Association of Pediatric Tumor
16 Programs, Inc.; one member must be a representative of the
17 Cancer Information Service; one member must be a
18 representative of the Florida Agricultural and Mechanical
19 University Institute of Public Health; and one member must be
20 a representative of the Florida Society of Oncology Social
21 Workers. Of the members of the council appointed by the
22 Governor, at least 10 must be individuals who are minority
23 persons as defined by s. 288.703(3).

24 (b) The terms of the members shall be 4 years from
25 their respective dates of appointment.

26 (c) A chairperson shall be appointed by the Governor
27 for a term of 2 years. The chairperson shall appoint an
28 executive committee of no fewer than three persons to serve at
29 the pleasure of the chairperson. This committee will prepare
30 material for the council but make no final decisions.
31

1 (d) The council shall meet no less than semiannually
2 at the call of the chairperson or, in his or her absence or
3 incapacity, at the call of the secretary. Sixteen members
4 constitute a quorum for the purpose of exercising all of the
5 powers of the council. A vote of the majority of the members
6 present is sufficient for all actions of the council.

7 (e) The council members shall serve without pay.
8 Pursuant to the provisions of s. 112.061, the council members
9 may be entitled to be reimbursed for per diem and travel
10 expenses.

11 (f) No member of the council shall participate in any
12 discussion or decision to recommend grants or contracts to any
13 qualified nonprofit association or to any agency of this state
14 or its political subdivisions with which the member is
15 associated as a member of the governing body or as an employee
16 or with which the member has entered into a contractual
17 arrangement.

18 (g) The council may prescribe, amend, and repeal
19 bylaws governing the manner in which the business of the
20 council is conducted.

21 (h) The council shall advise the Board of Governors
22 ~~State Board of Education~~, the secretary, and the Legislature
23 with respect to cancer control and research in this state.

24 (i) The council shall approve each year a program for
25 cancer control and research to be known as the "Florida Cancer
26 Plan" which shall be consistent with the State Health Plan and
27 integrated and coordinated with existing programs in this
28 state.

29 (j) The council shall formulate and recommend to the
30 secretary a plan for the care and treatment of persons
31 suffering from cancer and recommend the establishment of

1 standard requirements for the organization, equipment, and
2 conduct of cancer units or departments in hospitals and
3 clinics in this state. The council may recommend to the
4 secretary the designation of cancer units following a survey
5 of the needs and facilities for treatment of cancer in the
6 various localities throughout the state. The secretary shall
7 consider the plan in developing departmental priorities and
8 funding priorities and standards under chapter 395.

9 (k) The council is responsible for including in the
10 Florida Cancer Plan recommendations for the coordination and
11 integration of medical, nursing, paramedical, lay, and other
12 plans concerned with cancer control and research. Committees
13 shall be formed by the council so that the following areas
14 will be established as entities for actions:

15 1. Cancer plan evaluation: tumor registry, data
16 retrieval systems, and epidemiology of cancer in the state and
17 its relation to other areas.

18 2. Cancer prevention.

19 3. Cancer detection.

20 4. Cancer patient management: treatment,
21 rehabilitation, terminal care, and other patient-oriented
22 activities.

23 5. Cancer education: lay and professional.

24 6. Unproven methods of cancer therapy: quackery and
25 unorthodox therapies.

26 7. Investigator-initiated project research.

27 (l) In order to implement in whole or in part the
28 Florida Cancer Plan, the council shall recommend to the Board
29 of Governors ~~State Board of Education~~ or the secretary the
30 awarding of grants and contracts to qualified profit or
31 nonprofit associations or governmental agencies in order to

1 | plan, establish, or conduct programs in cancer control or
2 | prevention, cancer education and training, and cancer
3 | research.

4 | (m) If funds are specifically appropriated by the
5 | Legislature, the council shall develop or purchase
6 | standardized written summaries, written in layperson's terms
7 | and in language easily understood by the average adult
8 | patient, informing actual and high-risk breast cancer
9 | patients, prostate cancer patients, and men who are
10 | considering prostate cancer screening of the medically viable
11 | treatment alternatives available to them in the effective
12 | management of breast cancer and prostate cancer; describing
13 | such treatment alternatives; and explaining the relative
14 | advantages, disadvantages, and risks associated therewith.
15 | The breast cancer summary, upon its completion, shall be
16 | printed in the form of a pamphlet or booklet and made
17 | continuously available to physicians and surgeons in this
18 | state for their use in accordance with s. 458.324 and to
19 | osteopathic physicians in this state for their use in
20 | accordance with s. 459.0125. The council shall periodically
21 | update both summaries to reflect current standards of medical
22 | practice in the treatment of breast cancer and prostate
23 | cancer. The council shall develop and implement educational
24 | programs, including distribution of the summaries developed or
25 | purchased under this paragraph, to inform citizen groups,
26 | associations, and voluntary organizations about early
27 | detection and treatment of breast cancer and prostate cancer.

28 | (n) The council shall have the responsibility to
29 | advise the Board of Governors ~~State Board of Education~~ and the
30 | secretary on methods of enforcing and implementing laws
31 |

1 already enacted and concerned with cancer control, research,
2 and education.

3 (o) The council may recommend to the Board of
4 ~~Governors State Board of Education~~ or the secretary rules not
5 inconsistent with law as it may deem necessary for the
6 performance of its duties and the proper administration of
7 this section.

8 (p) The council shall formulate and put into effect a
9 continuing educational program for the prevention of cancer
10 and its early diagnosis and disseminate to hospitals, cancer
11 patients, and the public information concerning the proper
12 treatment of cancer.

13 (q) The council shall be physically located at the H.
14 Lee Moffitt Cancer Center and Research Institute, Inc., at the
15 University of South Florida.

16 (r) On February 15 of each year, the council shall
17 report to the Governor and to the Legislature.

18 (5) RESPONSIBILITIES OF THE BOARD OF GOVERNORS STATE
19 ~~BOARD OF EDUCATION~~, THE H. LEE MOFFITT CANCER CENTER AND
20 RESEARCH INSTITUTE, INC., AND THE SECRETARY.--

21 (a) The Board of Governors State Board of Education or
22 the secretary, after consultation with the council, shall
23 award grants and contracts to qualified nonprofit associations
24 and governmental agencies in order to plan, establish, or
25 conduct programs in cancer control and prevention, cancer
26 education and training, and cancer research.

27 (b) The H. Lee Moffitt Cancer Center and Research
28 Institute, Inc., shall provide such staff, information, and
29 other assistance as reasonably necessary for the completion of
30 the responsibilities of the council.

31

1 (c) The Board of Governors ~~State Board of Education~~ or
2 the secretary, after consultation with the council, may adopt
3 rules necessary for the implementation of this section.

4 (d) The secretary, after consultation with the
5 council, shall make rules specifying to what extent and on
6 what terms and conditions cancer patients of the state may
7 receive financial aid for the diagnosis and treatment of
8 cancer in any hospital or clinic selected. The department may
9 furnish to citizens of this state who are afflicted with
10 cancer financial aid to the extent of the appropriation
11 provided for that purpose in a manner which in its opinion
12 will afford the greatest benefit to those afflicted and may
13 make arrangements with hospitals, laboratories, or clinics to
14 afford proper care and treatment for cancer patients in this
15 state.

16 Section 96. Subsections (2) through (5), paragraphs
17 (a), (f), (g), and (h) of subsection (6), and subsection (10)
18 of section 1004.445, Florida Statutes, are amended to read:

19 1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and
20 Research Institute.--

21 (2)(a) The State Board of Education shall enter into
22 an agreement for the utilization of the facilities on the
23 campus of the University of South Florida to be known as the
24 Johnnie B. Byrd, Sr., Alzheimer's Center and Research
25 Institute, including all furnishings, equipment, and other
26 chattels used in the operation of those facilities, with a
27 Florida not-for-profit corporation organized solely for the
28 purpose of governing and operating the Johnnie B. Byrd, Sr.,
29 Alzheimer's Center and Research Institute. This not-for-profit
30 corporation, acting as an instrumentality of the state, shall
31 govern and operate the Johnnie B. Byrd, Sr., Alzheimer's

1 Center and Research Institute in accordance with the terms of
2 the agreement between the State Board of Education and the
3 not-for-profit corporation. The not-for-profit corporation
4 may, with the prior approval of the Board of Governors State
5 ~~Board of Education~~, create either for-profit or not-for-profit
6 corporate subsidiaries, or both, to fulfill its mission. The
7 not-for-profit corporation and its subsidiaries are authorized
8 to receive, hold, invest, and administer property and any
9 moneys acquired from private, local, state, and federal
10 sources, as well as technical and professional income
11 generated or derived from practice activities of the
12 institute, for the benefit of the institute and the
13 fulfillment of its mission. Effective July 1, 2007, the
14 agreement authority provided to the State Board of Education
15 is transferred to the Board of Governors.

16 (b) The affairs of the not-for-profit corporation
17 shall be managed by a board of directors who shall serve
18 without compensation. The board of directors shall consist of
19 the President of the University of South Florida and the chair
20 of the Board of Governors State Board of Education, or their
21 designees, five representatives of the state universities, and
22 nine representatives of the public who are neither medical
23 doctors nor state employees. Each director who is a
24 representative of a state university or of the public shall be
25 appointed to serve a term of 3 years. The chair of the board
26 of directors shall be selected by a majority vote of the
27 directors. Each director shall have only one vote. Of the five
28 university representatives, one shall be appointed by the
29 Governor, two by the President of the Senate, and two by the
30 Speaker of the House of Representatives; and of the nine
31 public representatives, three shall be appointed by the

1 Governor, three by the President of the Senate, and three by
2 the Speaker of the House of Representatives. Any vacancy in
3 office shall be filled in the same manner as the original
4 appointment. Any director may be reappointed.

5 (3) The Board of Governors ~~State Board of Education~~
6 shall provide in the agreement with the not-for-profit
7 corporation for the following:

8 (a) Approval by the Board of Governors ~~State Board of~~
9 ~~Education~~ of the articles of incorporation of the
10 not-for-profit corporation.

11 (b) Approval by the Board of Governors ~~State Board of~~
12 ~~Education~~ of the articles of incorporation of any
13 not-for-profit corporate subsidiary created by the
14 not-for-profit corporation.

15 (c) Utilization of lands, facilities, and personnel by
16 the not-for-profit corporation and its subsidiaries for
17 research, education, treatment, prevention, and the early
18 detection of Alzheimer's disease and for mutually approved
19 teaching and research programs conducted by the University of
20 South Florida or other accredited medical schools or research
21 institutes.

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

1 corporation and any subsidiaries, or from their independent
2 auditor, any detail or supplemental data relative to the
3 operation of the not-for-profit corporation or subsidiary.

4 (e) Provision by the not-for-profit corporation and
5 its subsidiaries of equal employment opportunities for all
6 persons regardless of race, color, religion, gender, age, or
7 national origin.

8 (4) The Board of Governors ~~State Board of Education~~ is
9 authorized to secure comprehensive general liability
10 protection, including professional liability protection, for
11 the not-for-profit corporation and its subsidiaries, pursuant
12 to s. 1004.24. The not-for-profit corporation and its
13 subsidiaries shall be exempt from any participation in any
14 property insurance trust fund established by law, including
15 any property insurance trust fund established pursuant to
16 chapter 284, so long as the not-for-profit corporation and its
17 subsidiaries maintain property insurance protection with
18 comparable or greater coverage limits.

19 (5) In the event that the agreement between the
20 not-for-profit corporation and the Board of Governors ~~State~~
21 ~~Board of Education~~ is terminated for any reason, the Board of
22 Governors ~~State Board of Education~~ shall assume governance and
23 operation of the facilities.

24 (6) The institute shall be administered by a chief
25 executive officer, who shall be appointed by and serve at the
26 pleasure of the board of directors of the not-for-profit
27 corporation, and who shall exercise the following powers and
28 duties, subject to the approval of the board of directors:

29 (a) The chief executive officer shall establish
30 programs that fulfill the mission of the institute in
31 research, education, treatment, prevention, and early

1 | detection of Alzheimer's disease; however, the chief executive
2 | officer may not establish academic programs for which academic
3 | credit is awarded and which culminate in the conferring of a
4 | degree, without prior approval of the Board of Governors State
5 | ~~Board of Education~~.

6 | (f) The chief executive officer shall have a reporting
7 | relationship to the Board of Governors or its designee
8 | ~~Commissioner of Education~~.

9 | (g) The chief executive officer shall provide a copy
10 | of the institute's annual report to the Governor and Cabinet,
11 | the President of the Senate, the Speaker of the House of
12 | Representatives, and the chair of the Board of Governors State
13 | ~~Board of Education~~. The annual report shall describe the
14 | expenditure of all funds and shall provide information
15 | regarding research that has been conducted or funded by the
16 | center, as well as the expected and actual results of such
17 | research.

18 | (h) By August 1 of each year, the chief executive
19 | officer shall develop and submit to the Governor and Cabinet,
20 | the President of the Senate, the Speaker of the House of
21 | Representatives, and the chair of the Board of Governors State
22 | ~~Board of Education~~ an annual operating budget detailing the
23 | planned use of state, federal, and private funds for the
24 | fiscal year.

25 | (10) The following information is confidential and
26 | exempt from s. 119.07(1) and s. 24, Art. I of the State
27 | Constitution:

28 | (a) Personal identifying information relating to
29 | clients of programs created or funded through the Johnnie B.
30 | Byrd, Sr., Alzheimer's Center and Research Institute that is
31 |

1 held by the institute, the University of South Florida, the
2 Board of Governors, or the State Board of Education;

3 (b) Medical or health records relating to patients
4 held by the institute;

5 (c) Materials that relate to methods of manufacture or
6 production, potential trade secrets, potentially patentable
7 material, actual trade secrets as defined in s. 688.002, or
8 proprietary information received, generated, ascertained, or
9 discovered during the course of research conducted by or
10 through the institute and business transactions resulting from
11 such research;

12 (d) The personal identifying information of a donor or
13 prospective donor to the institute who wishes to remain
14 anonymous; and

15 (e) Any information received by the institute from a
16 person from another state or nation or the Federal Government
17 that is otherwise confidential or exempt pursuant to the laws
18 of that state or nation or pursuant to federal law.

19

20 Any governmental entity that demonstrates a need to access
21 such confidential and exempt information in order to perform
22 its duties and responsibilities shall have access to such
23 information.

24 Section 97. Paragraph (f) of subsection (7) of section
25 1004.447, Florida Statutes, is amended to read:

26 1004.447 Florida Institute for Human and Machine
27 Cognition, Inc.--

28 (7) The corporation shall employ a chief executive
29 officer to administer the affairs of the Florida Institute for
30 Human and Machine Cognition, Inc. The chief executive officer
31 shall be appointed by and serve at the pleasure of the board

1 of directors. The chief executive officer shall exercise the
2 following powers and duties, subject to the approval of the
3 board of directors:

4 (f) Annually report in writing to the Board of
5 Governors ~~Commissioner of Education~~ on the activities of the
6 institute and state budget allocation expenditures.

7 Section 98. Section 1004.47, Florida Statutes, is
8 amended to read:

9 1004.47 Research activities relating to solid and
10 hazardous waste management.--Research, training, and service
11 activities related to solid and hazardous waste management
12 conducted by state universities shall be coordinated by the
13 Board of Governors ~~State Board of Education~~. Proposals for
14 research contracts and grants; public service assignments; and
15 responses to requests for information and technical assistance
16 by state and local government, business, and industry shall be
17 addressed by a formal ~~Type I Center~~ process involving an
18 advisory board of university personnel appointed by the
19 Chancellor of the State University System ~~Commissioner of~~
20 ~~Education~~ and chaired and directed by an individual appointed
21 by the Chancellor of the State University System ~~Commissioner~~
22 ~~of Education~~. The Board of Governors ~~State Board of Education~~
23 shall consult with the Department of Environmental Protection
24 in developing the research programs and provide the department
25 with a copy of the proposed research program for review and
26 comment before the research is undertaken. Research contracts
27 shall be awarded to independent nonprofit colleges and
28 universities within the state which are accredited by the
29 Southern Association of Colleges and Schools on the same basis
30 as those research contracts awarded to the state universities.
31

1 Research activities shall include, but are not limited to, the
2 following areas:

3 (1) Methods and processes for recycling solid and
4 hazardous waste.

5 (2) Methods of treatment for detoxifying hazardous
6 waste.

7 (3) Technologies for disposing of solid and hazardous
8 waste.

9 Section 99. Paragraph (b) of subsection (1),
10 paragraphs (a) and (i) of subsection (2), and subsection (3)
11 of section 1004.58, Florida Statutes, are amended to read:

12 1004.58 Leadership Board for Applied Research and
13 Public Service.--

14 (1) There is created the Leadership Board for Applied
15 Research and Public Service to be staffed by the Institute of
16 Science and Public Affairs at Florida State University. The
17 purpose of the board is to focus, coordinate, and maximize
18 university resources on current issues and events affecting
19 Florida's residents and elected officials. Emphasis shall be
20 placed on being responsive to and providing accurate, timely,
21 useful, and relevant information to decisionmakers in state
22 and local governments. The board shall set forth a process to
23 provide comprehensive guidance and advice for improving the
24 types and quality of services to be delivered by the state
25 universities. Specifically, the board shall better identify
26 and define the missions and roles of existing institutes and
27 centers at each state university, work to eliminate
28 duplication and confusion over conflicting roles and missions,
29 involve more students in learning with applied research and
30 public service activities, and be organizationally separate
31 from academic departments. The board shall meet at least

1 quarterly. The board may create internal management councils
2 that may include working institute and center directors. The
3 board is responsible for, but is not limited to:

4 (b) Addressing state university policy matters and
5 making recommendations to the Board of Governors State Board
6 ~~of Education~~ as they relate to applied public service and
7 research.

8 (2) Membership of the board shall be:

9 (a) The Chancellor of the State University System
10 ~~Commissioner of Education~~, or the chancellor's commissioner's
11 designee, who shall serve as chair.

12 (i) Five additional university president members,
13 designated by the chancellor commissioner, to rotate annually.

14 (3) The board shall prepare a report for the Board of
15 Governors State Board of Education to be submitted to the
16 Governor and the Legislature by January 1 of each year which
17 summarizes the work and recommendations of the board in
18 meeting its purpose and mission.

19 Section 100. Paragraph (d) of subsection (1) of
20 section 1005.03, Florida Statutes, is amended to read:

21 1005.03 Designation "college" or "university".--

22 (1) The use of the designation "college" or
23 "university" in combination with any series of letters,
24 numbers, or words is restricted in this state to colleges or
25 universities as defined in s. 1005.02 that offer degrees as
26 defined in s. 1005.02 and fall into at least one of the
27 following categories:

28 (d) A college that is ~~under the jurisdiction of the~~
29 ~~Division of Colleges and Universities of the Department of~~
30 ~~Education, whose students are eligible to participate in for~~
31 the William L. Boyd, IV, Florida Resident Access Grant

1 ~~Program~~ and that is a nonprofit independent college or
2 university located and chartered in this state and accredited
3 by the Commission on Colleges of the Southern Association of
4 Colleges and Schools to grant baccalaureate degrees.

5 Section 101. Paragraph (c) of subsection (1) of
6 section 1005.06, Florida Statutes, is amended to read:

7 1005.06 Institutions not under the jurisdiction or
8 purview of the commission.--

9 (1) Except as otherwise provided in law, the following
10 institutions are not under the jurisdiction or purview of the
11 commission and are not required to obtain licensure:

12 (c) Any institution that is ~~under the jurisdiction of~~
13 ~~the Division of Colleges and Universities of the Department of~~
14 ~~Education, whose students are eligible to participate in for~~
15 the William L. Boyd, IV, Florida Resident Access Grant
16 Program, and that is a nonprofit independent college or
17 university located and chartered in this state and accredited
18 by the Commission on Colleges of the Southern Association of
19 Colleges and Schools to grant baccalaureate degrees.

20 Section 102. Paragraph (e) of subsection (2) of
21 section 1005.22, Florida Statutes, is amended to read:

22 1005.22 Powers and duties of commission.--

23 (2) The commission may:

24 (e) Advise the Governor, the Legislature, the State
25 Board of Education, ~~the Council for Education Policy Research~~
26 ~~and Improvement~~, and the Commissioner of Education on issues
27 relating to private postsecondary education.

28 Section 103. Section 1006.53, Florida Statutes, is
29 amended to read:

30 1006.53 Religious observances.--Each public
31 postsecondary educational institution shall adopt a policy ~~in~~

1 ~~accordance with rules of the State Board of Education~~ which
2 reasonably accommodates the religious observance, practice,
3 and belief of individual students in regard to admissions,
4 class attendance, and the scheduling of examinations and work
5 assignments. Each policy shall include a grievance procedure
6 by which a student who believes that he or she has been
7 unreasonably denied an educational benefit due to his or her
8 religious belief or practices may seek redress. Such policy
9 shall be made known to faculty and students annually in
10 inclusion in the institution's handbook, manual, or other
11 similar document regularly provided to faculty and students.

12 Section 104. Subsection (3) of section 1006.60,
13 Florida Statutes, is amended to read:

14 1006.60 Codes of conduct; disciplinary measures;
15 rulemaking authority.--

16 (3) Sanctions authorized by such codes of conduct may
17 be imposed only for acts or omissions in violation of rules
18 adopted by the institution, including rules adopted under this
19 section, rules of the State Board of Education or the Board of
20 Governors regarding the State University System, county and
21 municipal ordinances, and the laws of this state, the United
22 States, or any other state.

23 Section 105. Subsection (1) of section 1006.61,
24 Florida Statutes, is amended to read:

25 1006.61 Participation by students in disruptive
26 activities at public postsecondary educational institution;
27 penalties.--

28 (1) Any person who accepts the privilege extended by
29 the laws of this state of attendance at any public
30 postsecondary educational institution shall, by attending such
31 institution, be deemed to have given his or her consent to the

1 policies of that institution, the State Board of Education,
2 and the Board of Governors regarding the State University
3 System, and the laws of this state. Such policies shall
4 include prohibition against disruptive activities at public
5 postsecondary educational institutions.

6 Section 106. Subsections (1) and (3) of section
7 1006.62, Florida Statutes, are amended to read:

8 1006.62 Expulsion and discipline of students of
9 community colleges and state universities.--

10 (1) Each student in a community college or state
11 university is subject to federal and state law, respective
12 county and municipal ordinances, and all rules and regulations
13 of the State Board of Education, the Board of Governors
14 regarding the State University System, or the board of
15 trustees of the institution.

16 (3) Each president of a community college or state
17 university may, after notice to the student of the charges and
18 after a hearing thereon, ~~to~~ expel, suspend, or otherwise
19 discipline any student who is found to have violated any law,
20 ordinance, or rule or regulation of the State Board of
21 Education, the Board of Governors regarding the State
22 University System, or ~~of~~ the board of trustees of the
23 institution. A student may be entitled to waiver of expulsion:

24 (a) If the student provides substantial assistance in
25 the identification, arrest, or conviction of any of his or her
26 accomplices, accessories, coconspirators, or principals or of
27 any other person engaged in violations of chapter 893 within a
28 state university or community college;

29 (b) If the student voluntarily discloses his or her
30 violations of chapter 893 prior to his or her arrest; or
31

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

4 Section 107. Section 1006.65, Florida Statutes, is
5 amended to read:

6 1006.65 Safety issues in courses offered by public
7 postsecondary educational institutions.--

8 (1) The State Board of Education shall adopt rules to
9 ensure that policies and procedures are in place to protect
10 the health and safety of students, instructional personnel,
11 and visitors who participate in courses offered by a community
12 college ~~public postsecondary educational institution~~.

13 (2) The Board of Governors shall adopt rules to ensure
14 that policies and procedures are in place to protect the
15 health and safety of students, instructional personnel, and
16 visitors who participate in courses offered by a state
17 university.

18 ~~(3)(2)~~ Such policies and procedures shall be guided by
19 industry standards for practices in the course content area
20 and shall conform with all related and relevant state and
21 federal health and safety requirements.

22 Section 108. Section 1006.71, Florida Statutes, is
23 amended to read:

24 1006.71 Gender equity in intercollegiate athletics.--

25 (1) GENDER EQUITY PLAN.--

26 (a) Each community college and state university shall
27 develop a gender equity plan pursuant to s. 1000.05.

28 (b) The plan shall include consideration of equity in
29 sports offerings, participation, availability of facilities,
30 scholarship offerings, and funds allocated for administration,
31

1 recruitment, comparable coaching, publicity and promotion, and
2 other support costs.

3 (c) The Commissioner of Education shall annually
4 assess the progress of each community college's ~~institution's~~
5 plan and advise the State Board of Education and the
6 Legislature regarding compliance.

7 (d) The Chancellor of the State University System
8 shall annually assess the progress of each state university's
9 plan and advise the Board of Governors and the Legislature
10 regarding compliance.

11 (e)(d) Each board of trustees of a public community
12 college or state university shall annually evaluate the
13 presidents on the extent to which the gender equity goals have
14 been achieved.

15 (f)(e) To determine the proper level of support for
16 women's athletic scholarships, an equity plan may determine,
17 where appropriate, that support for women's scholarships may
18 be disproportionate to the support of scholarships for men.

19 (g)1.(f) If a community college ~~or state university~~ is
20 not in compliance with Title IX of the Education Amendments of
21 1972 and the Florida Educational Equity Act, the State Board
22 of Education shall:

23 a.1. Declare the community college institution
24 ineligible for competitive state grants.

25 b.2. Withhold funds sufficient to obtain compliance.

26
27 The community college institution shall remain ineligible and
28 the funds shall not be paid until the community college
29 ~~institution~~ comes into compliance or the Commissioner of
30 Education approves a plan for compliance.

31

1 2. If a state university is not in compliance with
2 Title IX of the Education Amendments of 1972 and the Florida
3 Educational Equity Act, the Board of Governors shall:

4 a. Declare the state university ineligible for
5 competitive state grants.

6 b. Withhold funds sufficient to obtain compliance.

7
8 The state university shall remain ineligible and the funds
9 shall not be paid until the state university comes into
10 compliance or the Board of Governors approves a plan for
11 compliance.

12 (2) FUNDING.--

13 (a) An equitable portion of all separate athletic fees
14 shall be designated for women's intercollegiate athletics.

15 (b) The level of funding and percentage share of
16 support for women's intercollegiate athletics for community
17 colleges shall be determined by the State Board of Education.
18 The level of funding and percentage share of support for
19 women's intercollegiate athletics for state universities shall
20 be determined by the Board of Governors. The level of funding
21 and percentage share attained in the 1980-1981 fiscal year
22 shall be the minimum level and percentage maintained by each
23 institution, except as the State Board of Education or the
24 Board of Governors otherwise directs its respective
25 institutions for the purpose of assuring equity. Consideration
26 shall be given by the State Board of Education or the Board of
27 Governors to emerging athletic programs at institutions which
28 may not have the resources to secure external funds to provide
29 athletic opportunities for women. It is the intent that the
30 effect of any redistribution of funds among institutions shall
31 not negate the requirements as set forth in this section.

1 (c) In addition to the above amount, an amount equal
2 to the sales taxes collected from admission to athletic events
3 sponsored by a state university shall be retained and utilized
4 by each university to support women's athletics.

5 (3) STATE BOARD OF EDUCATION.--The State Board of
6 Education shall assure equal opportunity for female athletes
7 at community colleges and establish:

8 (a) Guidelines for reporting of intercollegiate
9 athletics data concerning financial, program, and facilities
10 information for review by the State Board of Education
11 annually.

12 (b) Systematic audits for the evaluation of such data.

13 (c) Criteria for determining and assuring equity.

14 (4) BOARD OF GOVERNORS.--The Board of Governors shall
15 ensure equal opportunity for female athletes at state
16 universities and establish:

17 (a) Guidelines for reporting of intercollegiate
18 athletics data concerning financial, program, and facilities
19 information for review by the Board of Governors annually.

20 (b) Systematic audits for the evaluation of such data.

21 (c) Criteria for determining and ensuring equity.

22 Section 109. Section 1007.01, Florida Statutes, is
23 amended to read:

24 1007.01 Articulation; legislative intent; purpose;
25 role of the State Board of Education and the Board of
26 Governors.--

27 (1) It is the intent of the Legislature to facilitate
28 articulation and seamless integration of the K-20 education
29 system by building and sustaining relationships among K-20
30 public organizations, between public and private
31 organizations, and between the education system as a whole and

1 Florida's communities. The purpose of building and sustaining
2 these relationships is to provide for the efficient and
3 effective progression and transfer of students within the
4 education system and to allow students to proceed toward their
5 educational objectives as rapidly as their circumstances
6 permit.

7 (2) To improve and facilitate articulation systemwide,
8 the State Board of Education and the Board of Governors shall
9 recommend ~~develop~~ policies and guidelines to the Legislature
10 with input from statewide K-20 advisory groups established by
11 the Commissioner of Education relating to:

12 (a) The alignment between the exit requirements of one
13 system and the admissions requirements of another system into
14 which students typically transfer.

15 (b) The identification of common courses, the level of
16 courses, institutional participation in a statewide course
17 numbering system, and the transferability of credits among
18 such institutions.

19 (c) Identification of courses that meet general
20 education or common degree program prerequisite requirements
21 at public postsecondary educational institutions.

22 (d) Dual enrollment course equivalencies.

23 (e) Articulation agreements.

24 Section 110. Subsection (1) of section 1007.22,
25 Florida Statutes, is amended to read:

26 1007.22 Articulation; postsecondary institution
27 coordination and collaboration.--

28 (1) The university boards of trustees, community
29 college boards of trustees, and district school boards are
30 encouraged to ~~may~~ establish intrainstitutional and
31 interinstitutional programs to maximize articulation. Programs

1 may include upper-division-level courses offered at the
2 community college, distance learning, transfer agreements that
3 facilitate the transfer of credits between public and
4 nonpublic postsecondary institutions, and the concurrent
5 enrollment of students at a community college and a state
6 university to enable students to take any level of
7 baccalaureate degree coursework.

8 Section 111. Subsections (1), (2), and (5) of section
9 1007.23, Florida Statutes, are amended to read:

10 1007.23 Statewide articulation agreement.--

11 (1) The State Board of Education, in consultation with
12 the Board of Governors, shall establish in rule a statewide
13 articulation agreement that governs:

14 (a) Articulation between secondary and postsecondary
15 education;

16 (b) Admission of associate in arts degree graduates
17 from community colleges and state universities;

18 (c) Admission of applied technology diploma program
19 graduates from community colleges or career centers;

20 (d) Admission of associate in science degree and
21 associate in applied science degree graduates from community
22 colleges;

23 (e) The use of acceleration mechanisms, including
24 nationally standardized examinations through which students
25 may earn credit;

26 (f) General education requirements and statewide
27 course numbers as provided for in ss. 1007.24 and 1007.25; and

28 (g) Articulation among programs in nursing.

29 (2) The articulation agreement must specifically
30 provide that every associate in arts graduate of a community
31 college shall have met all general education requirements and

1 | must be granted admission to the upper division of a state
2 | university except to a limited access or teacher certification
3 | program or a major program requiring an audition. ~~After~~
4 | ~~admission has been granted to students under provisions of~~
5 | ~~this section and to university students who have successfully~~
6 | ~~completed 60 credit hours of coursework, including 36 hours of~~
7 | ~~general education, and met the requirements of s. 1008.29,~~
8 | ~~admission shall be granted to state university and community~~
9 | ~~college students who have successfully completed 60 credit~~
10 | ~~hours of work, including 36 hours of general education.~~

11 | Community college associate in arts graduates shall receive
12 | priority for admission to a state university over out-of-state
13 | students. Orientation programs and student handbooks provided
14 | to freshman enrollees and transfer students at state
15 | universities must include an explanation of this provision of
16 | the articulation agreement.

17 | (5) The articulation agreement must guarantee the
18 | articulation of 9 credit hours toward a postsecondary degree
19 | in early childhood education for programs approved by the
20 | State Board of Education and the Board of Governors which:

21 | (a) Award a child development associate credential
22 | issued by the National Credentialing Program of the Council
23 | for Professional Recognition or award a credential approved
24 | under s. 1002.55(3)(c)1.b. or s. 402.305(3)(c) as being
25 | equivalent to the child development associate credential; and

26 | (b) Include training in emergent literacy which meets
27 | or exceeds the minimum standards for training courses for
28 | prekindergarten instructors of the Voluntary Prekindergarten
29 | Education Program in s. 1002.59.

30 | Section 112. Subsections (1), (2), (3), and (4) of
31 | section 1007.24, Florida Statutes, are amended to read:

1 1007.24 Statewide course numbering system.--

2 (1) The Department of Education, in conjunction with
3 the Board of Governors, shall develop, coordinate, and
4 maintain a statewide course numbering system for postsecondary
5 and dual enrollment education in school districts, public
6 postsecondary educational institutions, and participating
7 nonpublic postsecondary educational institutions that will
8 improve program planning, increase communication among all
9 delivery systems, and facilitate student acceleration and the
10 transfer of students and credits between public school
11 districts, public postsecondary educational institutions, and
12 participating nonpublic educational institutions. The
13 continuing maintenance of the system shall be accomplished
14 with the assistance of appropriate faculty committees
15 representing public and participating nonpublic educational
16 institutions.

17 (2) The Commissioner of Education, in conjunction with
18 the Chancellor of the State University System, shall appoint
19 faculty committees representing faculties of participating
20 institutions to recommend a single level for each course,
21 including postsecondary career education courses, included in
22 the statewide course numbering system.

23 (a) Any course designated as an upper-division-level
24 course must be characterized by a need for advanced academic
25 preparation and skills that a student would be unlikely to
26 achieve without significant prior coursework.

27 (b) A course that is offered as part of an associate
28 in science degree program and as an upper-division course for
29 a baccalaureate degree shall be designated for both the lower
30 and upper division.
31

1 (c) A course designated as lower-division may be
2 offered by any community college.

3 (3) The Commissioner of Education shall recommend to
4 the State Board of Education the levels for the courses. The
5 State Board of Education, with input from the Board of
6 Governors, shall approve the levels for the courses.

7 (4) The statewide course numbering system shall
8 include the courses at the recommended levels.

9 Section 113. Subsections (5), (6), (8), (9), and (11)
10 of section 1007.25, Florida Statutes, are amended to read:

11 1007.25 General education courses; common
12 prerequisites; and other degree requirements.--

13 (5) The department shall identify common prerequisite
14 courses and course substitutions for degree programs across
15 all institutions. Common degree program prerequisites shall be
16 offered and accepted by all state universities and community
17 colleges, except in cases approved by the State Board of
18 Education for community colleges and the Board of Governors
19 for state universities pursuant to s. 1001.02(2)(x). The
20 department shall develop a centralized database containing the
21 list of courses and course substitutions that meet the
22 prerequisite requirements for each baccalaureate degree
23 program.

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

1 | curricula and to prepare students for college-level work. Core
2 | curricula for associate in arts programs shall be adopted in
3 | rule by the State Board of Education and shall include 36
4 | semester hours of general education courses in the subject
5 | areas of communication, mathematics, social sciences,
6 | humanities, and natural sciences.

7 | (8) A baccalaureate degree program shall require no
8 | more than 120 semester hours of college credit, including 36
9 | semester hours of general education coursework, unless prior
10 | approval has been granted by the Board of Governors for
11 | baccalaureate degree programs offered by state universities
12 | and by the State Board of Education for baccalaureate degree
13 | programs offered by community colleges.

14 | (9) A student who received an associate in arts degree
15 | for successfully completing 60 semester credit hours may
16 | continue to earn additional credits at a community college.
17 | The university must provide credit toward the student's
18 | baccalaureate degree for an additional community college
19 | course if, according to the statewide course numbering, the
20 | community college course is a course listed in the university
21 | catalog as required for the degree or as prerequisite to a
22 | course required for the degree. Of the courses required for
23 | the degree, at least half of the credit hours required for the
24 | degree shall be achievable through courses designated as lower
25 | division, except in degree programs approved by the State
26 | Board of Education for programs offered by community colleges
27 | and by the Board of Governors for programs offered by state
28 | universities.

29 | (11) The Commissioner of Education shall appoint
30 | faculty committees representing both community college and
31 | public school faculties to recommend to the commissioner for

1 approval by the State Board of Education a standard program
2 length and appropriate occupational completion points for each
3 postsecondary career certificate program, diploma, and degree
4 offered by a school district or a community college.

5 Section 114. Paragraph (b) of subsection (2) and
6 paragraph (d) of subsection (3) of section 1007.2615, Florida
7 Statutes, are amended to read:

8 1007.2615 American Sign Language; findings;
9 foreign-language credits authorized; teacher licensing.--

10 (2) AMERICAN SIGN LANGUAGE; FOREIGN-LANGUAGE CREDIT.--

11 (b) Any public or independent school may offer
12 American Sign Language for foreign-language credit. Students
13 taking American Sign Language for foreign-language credit must
14 be advised by the school board prior to enrollment in such
15 course that state universities and postsecondary institutions
16 outside of Florida may not accept such credits as satisfying
17 foreign-language requirements.

18 (3) DUTIES OF COMMISSIONER OF EDUCATION AND STATE
19 BOARD OF EDUCATION; LICENSING OF AMERICAN SIGN LANGUAGE
20 TEACHERS; PLAN FOR POSTSECONDARY EDUCATION PROVIDERS.--

21 (d) The Commissioner of Education shall work with
22 providers of postsecondary education, except for state
23 universities, to develop and implement a plan to ensure that
24 these postsecondary institutions in this state will accept
25 secondary school credits in ASL as credits in a foreign
26 language and to encourage postsecondary institutions to offer
27 ASL courses to students as a fulfillment of the requirement
28 for studying a foreign language.

29 Section 115. Section 1007.262, Florida Statutes, is
30 amended to read:

31

1 1007.262 Foreign language competence; equivalence
2 determinations.--The Department of Education shall identify
3 the competencies demonstrated by students upon the successful
4 completion of 2 credits of sequential high school foreign
5 language instruction. For the purpose of determining
6 postsecondary equivalence ~~pursuant to s. 1007.261(1)(b)~~, the
7 department shall develop rules through which community
8 colleges correlate such competencies to the competencies
9 required of students in the colleges' respective courses.
10 Based on this correlation, each community college shall
11 identify the minimum number of postsecondary credits that
12 students must earn in order to demonstrate a level of
13 competence in a foreign language at least equivalent to that
14 of students who have completed 2 credits of such instruction
15 in high school. The department may also specify alternative
16 means by which students can demonstrate equivalent foreign
17 language competence, including means by which a student whose
18 native language is not English may demonstrate proficiency in
19 the native language. A student who demonstrates proficiency in
20 a native language other than English is exempt from ~~a the~~
21 requirement of completing foreign language courses at the
22 secondary or community college ~~postsecondary~~ level.

23 Section 116. Section 1007.264, Florida Statutes, is
24 amended to read:

25 1007.264 Impaired and learning disabled persons;
26 admission to postsecondary educational institutions;
27 substitute requirements; rules.--

28 (1) Any student with a disability, as defined in s.
29 1007.02(2), except those students who have been documented as
30 having mental retardation, shall be eligible for reasonable
31 substitution for any requirement for admission into a public

1 postsecondary educational institution where documentation can
2 be provided that the person's failure to meet the admission
3 requirement is related to the disability.

4 (2) The State Board of Education shall adopt rules to
5 implement this section for community colleges and shall
6 develop substitute admission requirements where appropriate.

7 (3) The Board of Governors shall adopt rules to
8 implement this section for state universities and shall
9 develop substitute admission requirements where appropriate.

10 Section 117. Section 1007.265, Florida Statutes, is
11 amended to read:

12 1007.265 Impaired and learning disabled persons;
13 graduation, study program admission, and upper-division entry;
14 substitute requirements; rules.--

15 (1) Any student with a disability, as defined in s.
16 1007.02(2), in a public postsecondary educational institution,
17 except those students who have been documented as having
18 mental retardation, shall be eligible for reasonable
19 substitution for any requirement for graduation, for admission
20 into a program of study, or for entry into the upper division
21 where documentation can be provided that the person's failure
22 to meet the requirement is related to the disability and where
23 failure to meet the graduation requirement or program
24 admission requirement does not constitute a fundamental
25 alteration in the nature of the program.

26 (2) The State Board of Education shall adopt rules to
27 implement this section for community colleges and shall
28 develop substitute requirements where appropriate.

29 (3) The Board of Governors shall adopt rules to
30 implement this section for state universities and shall
31 develop substitute requirements where appropriate.

1 Section 118. Subsections (6), (7), (8), (9), and (11)
2 of section 1007.27, Florida Statutes, are amended to read:

3 1007.27 Articulated acceleration mechanisms.--

4 (6) Advanced placement shall be the enrollment of an
5 eligible secondary student in a course offered through the
6 Advanced Placement Program administered by the College Board.
7 Postsecondary credit for an advanced placement course shall be
8 limited to students who score a minimum of 3, on a 5-point
9 scale, on the corresponding Advanced Placement Examination.
10 The specific courses for which students receive such credit
11 shall be identified in the statewide articulation agreement
12 required by s. 1007.23(1) ~~determined by the department.~~

13 Students of Florida public secondary schools enrolled pursuant
14 to this subsection shall be exempt from the payment of any
15 fees for administration of the examination regardless of
16 whether or not the student achieves a passing score on the
17 examination.

18 (7) Credit by examination shall be the program through
19 which secondary and postsecondary students generate
20 postsecondary credit based on the receipt of a specified
21 minimum score on nationally standardized general or
22 subject-area examinations. For the purpose of statewide
23 application, such examinations and the corresponding minimum
24 scores required for an award of credit shall be delineated by
25 the State Board of Education and the Board of Governors in the
26 statewide articulation agreement required by s. 1007.23(1).
27 The maximum credit generated by a student pursuant to this
28 subsection shall be mitigated by any related postsecondary
29 credit earned by the student prior to the administration of
30 the examination. This subsection shall not preclude community
31 colleges and universities from awarding credit by examination

1 based on student performance on examinations developed within
2 and recognized by the individual postsecondary institutions.

3 (8) The International Baccalaureate Program shall be
4 the curriculum in which eligible secondary students are
5 enrolled in a program of studies offered through the
6 International Baccalaureate Program administered by the
7 International Baccalaureate Office. The State Board of
8 Education and the Board of Governors shall ~~establish rules~~
9 ~~which~~ specify in the statewide articulation agreement required
10 by s. 1007.23(1) the cutoff scores and International
11 Baccalaureate Examinations which will be used to grant
12 postsecondary credit at community colleges and universities.
13 Any changes to the articulation agreement ~~such rules~~, which
14 have the effect of raising the required cutoff score or of
15 changing the International Baccalaureate Examinations which
16 will be used to grant postsecondary credit, shall only apply
17 to students taking International Baccalaureate Examinations
18 after such changes ~~rules~~ are adopted by the State Board of
19 Education and the Board of Governors. Students shall be
20 awarded a maximum of 30 semester credit hours pursuant to this
21 subsection. The specific course for which a student may
22 ~~receive receives~~ such credit shall be specified in the
23 statewide articulation agreement required by s. 1007.23(1)
24 ~~determined by the department~~. Students enrolled pursuant to
25 this subsection shall be exempt from the payment of any fees
26 for administration of the examinations regardless of whether
27 or not the student achieves a passing score on the
28 examination.

29 (9) The Advanced International Certificate of
30 Education Program and the International General Certificate of
31 Secondary Education (pre-AICE) Program shall be the curricula

1 | in which eligible secondary students are enrolled in programs
2 | of study offered through the Advanced International
3 | Certificate of Education Program or the International General
4 | Certificate of Secondary Education (pre-AICE) Program
5 | administered by the University of Cambridge Local Examinations
6 | Syndicate. The State Board of Education and the Board of
7 | Governors shall ~~establish rules which~~ specify in the statewide
8 | articulation agreement required by s. 1007.23(1) the cutoff
9 | scores and Advanced International Certificate of Education
10 | examinations which will be used to grant postsecondary credit
11 | at community colleges and universities. Any changes to the
12 | cutoff scores ~~such rules~~, which changes have the effect of
13 | raising the required cutoff score or of changing the Advanced
14 | International Certification of Education examinations which
15 | will be used to grant postsecondary credit, shall apply to
16 | students taking Advanced International Certificate of
17 | Education examinations after such changes ~~rules~~ are adopted by
18 | the State Board of Education and the Board of Governors.
19 | Students shall be awarded a maximum of 30 semester credit
20 | hours pursuant to this subsection. The specific course for
21 | which a student may receive ~~receives~~ such credit shall be
22 | determined by the community college or university that accepts
23 | the student for admission. Students enrolled in either program
24 | of study pursuant to this subsection shall be exempt from the
25 | payment of any fees for administration of the examinations
26 | regardless of whether the student achieves a passing score on
27 | the examination.

28 | ~~(11)(a) The State Board of Education shall conduct a~~
29 | ~~review of the extent to which the acceleration mechanisms~~
30 | ~~authorized by this section are currently utilized by school~~
31 | ~~districts and public postsecondary educational institutions~~

1 ~~and shall submit a report to the Governor and the Legislature~~
2 ~~by December 31, 2003.~~

3 ~~(b) The report must include a summary of ongoing~~
4 ~~activities and a plan to increase and enhance the use of~~
5 ~~acceleration mechanisms as a way to shorten the length of time~~
6 ~~as well as the funding required for a student, including a~~
7 ~~student with a documented disability, to obtain a~~
8 ~~postsecondary degree.~~

9 ~~(c) The review and plan shall address, but are not~~
10 ~~limited to, the following issues:~~

11 ~~1. The manner in which students, including students~~
12 ~~with documented disabilities, are advised regarding the~~
13 ~~availability of acceleration mechanism options.~~

14 ~~2. The availability of acceleration mechanism options~~
15 ~~to eligible students, including students with documented~~
16 ~~disabilities, who wish to participate.~~

17 ~~3. The grading practices, including weighting of~~
18 ~~courses, of school districts and public postsecondary~~
19 ~~educational institutions with regard to credit earned through~~
20 ~~acceleration mechanisms.~~

21 ~~4. The extent to which credit earned through an~~
22 ~~acceleration mechanism is used to meet the general education~~
23 ~~requirements of a public postsecondary educational~~
24 ~~institution.~~

25 ~~5. The extent to which the secondary instruction~~
26 ~~associated with acceleration mechanism options could be~~
27 ~~offered at sites other than public K through 12 school sites~~
28 ~~to assist in meeting class size reduction needs.~~

29 ~~6. The manner in which funding for instruction~~
30 ~~associated with acceleration mechanism options is provided.~~

31

1 ~~7. The feasibility of providing students, including~~
2 ~~students with documented disabilities, the option of choosing~~
3 ~~Advanced Placement credit or College Level Examination Program~~
4 ~~(CLEP) credit as an alternative to dual enrollment credit upon~~
5 ~~completion of a dual enrollment course.~~

6 Section 119. Section 1007.28, Florida Statutes, is
7 amended to read:

8 1007.28 Computer-assisted student advising
9 system.--The Department State Board of Education, in
10 conjunction with the Board of Governors, shall establish and
11 maintain ~~within the Department of Education~~ a single,
12 statewide computer-assisted student advising system, which
13 must be an integral part of the process of advising,
14 registering, and certifying students for graduation. ~~It is~~
15 ~~intended that an advising system be the primary advising and~~
16 ~~tracking tool for students enrolled in public postsecondary~~
17 ~~educational institutions~~ and must be accessible to all Florida
18 students. The state universities and community colleges shall
19 interface institutional systems with the computer-assisted
20 advising system required by this section. The State Board of
21 Education and the Board of Governors shall specify in the
22 statewide articulation agreement required by s. 1007.23(1)
23 ~~prescribe by rule~~ the roles and responsibilities of the
24 department, the state universities, and the community colleges
25 in the design, implementation, promotion, development, and
26 analysis of the system. The system shall consist of a degree
27 audit and an articulation component that includes the
28 following characteristics:

29 (1) The system shall constitute an integral part of
30 the process of advising students and assisting them in course
31

1 selection. The system shall be accessible to students in the
2 following ways:

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

6 (b) A status report from the system shall be generated
7 and sent with each grade report to each student enrolled in
8 public postsecondary educational institutions with a declared
9 major.

10 (2) The system shall be an integral part of the
11 registration process at public postsecondary educational
12 institutions. As part of the process, the system shall:

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

15 (b) Verify that a student has completed requirements
16 for graduation.

17 (3) The system must provide students information
18 related to career descriptions and corresponding educational
19 requirements, admissions requirements, and available sources
20 of student financial assistance. Such advising must enable
21 students to examine their interests and aptitudes for the
22 purpose of curricular and career planning.

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

28 Section 120. Subsection (3) of section 1007.33,
29 Florida Statutes, is amended to read:

30 1007.33 Site-determined baccalaureate degree access.--
31

1 (3) A community college may develop a proposal to
2 deliver specified baccalaureate degree programs in its
3 district to meet local workforce needs. The proposal must be
4 submitted to the State Board of Education for approval. The
5 community college's proposal must include the following
6 information:

7 (a) Demand for the baccalaureate degree program is
8 identified by the workforce development board, local
9 businesses and industry, local chambers of commerce, and
10 potential students.

11 (b) Unmet need for graduates of the proposed degree
12 program is substantiated.

13 (c) The community college has the facilities and
14 academic resources to deliver the program.

15
16 ~~The proposal must be submitted to the Council for Education~~
17 ~~Policy Research and Improvement for review and comment.~~ Upon
18 approval of the State Board of Education for the specific
19 degree program or programs, the community college shall pursue
20 regional accreditation by the Commission on Colleges of the
21 Southern Association of Colleges and Schools. Any additional
22 baccalaureate degree programs the community college wishes to
23 offer must be approved by the State Board of Education.

24 Section 121. Subsections (4), (8), and (9) of section
25 1008.29, Florida Statutes, are amended to read:

26 1008.29 College-level communication and mathematics
27 skills examination (CLAST).--

28 (4) The State Board of Education, in conjunction with
29 the Board of Governors ~~by rule~~, shall set the minimum scores
30 that constitute successful completion of the examination. In
31 establishing the minimum scores that constitute successful

1 completion of the examination, the ~~boards~~ ~~State Board of~~
2 ~~Education~~ shall consider any possible negative impact of the
3 tests on minority students. Determinations regarding a
4 student's successful completion of the examination shall be
5 based on the minimum standards ~~prescribed by rule~~ for the date
6 the student initially takes the examination.

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

14 (b) The Board of Governors may establish fees for the
15 administration of the examination by state universities at
16 times other than regularly scheduled dates to accommodate
17 examinees who are unable to be tested on those dates. The
18 Board of Governors may establish the conditions under which
19 examinees may be admitted to the special administrations.

20 (9) Any student fulfilling one or both of the
21 following requirements before completion of associate in arts
22 degree requirements or baccalaureate degree requirements is
23 exempt from the testing requirements of this section:

24 (a) Achieves a score that meets or exceeds a minimum
25 score on a nationally standardized examination, as established
26 by the State Board of Education in conjunction with the Board
27 of Governors; or

28 (b) Demonstrates successful remediation of any
29 academic deficiencies identified by the college placement test
30 and achieves a cumulative grade point average of 2.5 or above,
31 on a 4.0 scale, in postsecondary-level coursework identified

1 by the State Board of Education in conjunction with the Board
2 of Governors. The Department of Education shall specify the
3 means by which a student may demonstrate successful
4 remediation.

5
6 Any student denied a degree prior to January 1, 1996, based on
7 the failure of at least one subtest of the CLAST may use
8 either of the alternatives specified in this subsection for
9 receipt of a degree if such student meets all degree program
10 requirements at the time of application for the degree under
11 the exemption provisions of this subsection. This section does
12 not require a student to take the CLAST before being given the
13 opportunity to use any of the alternatives specified in this
14 subsection. The exemptions provided herein do not apply to
15 requirements for certification as provided in s. 1012.56.

16 Section 122. Subsections (1) and (4) of section
17 1008.30, Florida Statutes, are amended to read:

18 1008.30 Common placement testing for public
19 postsecondary education.--

20 (1) The State Board of Education shall develop and
21 implement a common placement test for the purpose of assessing
22 the basic computation and communication skills of students who
23 intend to enter a degree program at any public postsecondary
24 educational institution. ~~The State Board of Education shall~~
25 ~~adopt rules which enable~~ Public postsecondary educational
26 institutions shall provide to implement appropriate
27 modifications of the test instruments or test procedures for
28 students with disabilities.

29 (4)(a) Public postsecondary educational institution
30 students who have been identified as requiring additional
31 preparation pursuant to subsection (1) shall enroll in

1 college-preparatory or other adult education pursuant to s.
2 1004.93 in community colleges to develop needed college-entry
3 skills. These students shall be permitted to take courses
4 within their degree program concurrently in other curriculum
5 areas for which they are qualified while enrolled in
6 college-preparatory instruction courses. A student enrolled in
7 a college-preparatory course may concurrently enroll only in
8 college credit courses that do not require the skills
9 addressed in the college-preparatory course. The State Board
10 of Education, in conjunction with the Board of Governors,
11 shall specify the college credit courses that are acceptable
12 for students enrolled in each college-preparatory skill area,
13 ~~pursuant to s. 1001.02(7)(g).~~ A student who wishes to earn an
14 associate in arts or a baccalaureate degree, but who is
15 required to complete a college-preparatory course, must
16 successfully complete the required college-preparatory studies
17 by the time the student has accumulated 12 hours of
18 lower-division college credit degree coursework; however, a
19 student may continue enrollment in degree-earning coursework
20 provided the student maintains enrollment in
21 college-preparatory coursework for each subsequent semester
22 until college-preparatory coursework requirements are
23 completed, and the student demonstrates satisfactory
24 performance in degree-earning coursework. A passing score on a
25 standardized, institutionally developed test must be achieved
26 before a student is considered to have met basic computation
27 and communication skills requirements; however, no student
28 shall be required to retake any test or subtest that was
29 previously passed by said student. Credit awarded for
30 college-preparatory instruction may not be counted toward
31 fulfilling the number of credits required for a degree.

1 (b) ~~A~~ The university board of trustees may contract
2 with a community college board of trustees for the community
3 college to provide such instruction on the state university
4 campus. Any state university in which the percentage of
5 incoming students requiring college-preparatory instruction
6 equals or exceeds the average percentage of such students for
7 the community college system may offer college-preparatory
8 instruction without contracting with a community college;
9 however, any state university offering college-preparatory
10 instruction as of January 1, 1996, may continue to provide
11 such services.

12 Section 123. Section 1008.32, Florida Statutes, is
13 amended to read:

14 1008.32 State Board of Education oversight enforcement
15 authority.--The State Board of Education shall oversee the
16 performance of district school boards and community college
17 boards of trustees ~~public postsecondary educational~~
18 ~~institution boards~~ in enforcement of all laws and rules.
19 District school boards and community college boards of
20 trustees ~~public postsecondary educational institution boards~~
21 shall be primarily responsible for compliance with law and
22 state board rule.

23 (1) In order to ensure compliance with law or state
24 board rule, the State Board of Education shall have the
25 authority to request and receive information, data, and
26 reports from school districts and community colleges ~~public~~
27 ~~postsecondary educational institutions~~. District school
28 superintendents and community college ~~public postsecondary~~
29 ~~educational institution~~ presidents are responsible for the
30 accuracy of the information and data reported to the state
31 board.

1 (2) The Commissioner of Education may investigate
2 allegations of noncompliance with law or state board rule and
3 determine probable cause. The commissioner shall report
4 determinations of probable cause to the State Board of
5 Education which shall require the district school board or
6 community college board of trustees ~~public postsecondary~~
7 ~~educational institution board~~ to document compliance with law
8 or state board rule.

9 (3) If the district school board or community college
10 board of trustees ~~public postsecondary educational institution~~
11 ~~board~~ cannot satisfactorily document compliance, the State
12 Board of Education may order compliance within a specified
13 timeframe.

14 (4) If the State Board of Education determines that a
15 district school board or community college board of trustees
16 ~~public postsecondary educational institution board~~ is
17 unwilling or unable to comply with law or state board rule
18 within the specified time, the state board shall have the
19 authority to initiate any of the following actions:

20 (a) Report to the Legislature that the school district
21 or community college ~~public postsecondary educational~~
22 ~~institution~~ has been unwilling or unable to comply with law or
23 state board rule and recommend action to be taken by the
24 Legislature.

25 (b) Reduce the discretionary lottery appropriation
26 until the school district or community college ~~public~~
27 ~~postsecondary education institution~~ complies with the law or
28 state board rule.

29 (c) Withhold the transfer of state funds,
30 discretionary grant funds, or any other funds specified as
31 eligible for this purpose by the Legislature until the school

1 district or community college ~~public postsecondary educational~~
2 ~~institution~~ complies with the law or state board rule.

3 (d) Declare the school district or community college
4 ~~public postsecondary educational institution~~ ineligible for
5 competitive grants.

6 (e) Require monthly or periodic reporting on the
7 situation related to noncompliance until it is remedied.

8 (5) Nothing in this section shall be construed to
9 create a private cause of action or create any rights for
10 individuals or entities in addition to those provided
11 elsewhere in law or rule.

12 Section 124. Paragraphs (e) through (i) of subsection
13 (8) of section 1008.345, Florida Statutes, are amended to
14 read:

15 1008.345 Implementation of state system of school
16 improvement and education accountability.--

17 (8) As a part of the system of educational
18 accountability, the Department of Education shall:

19 (e) Maintain a listing of college-level communication
20 and mathematics skills defined pursuant to s. 1008.29 ~~by the~~
21 ~~State Board of Education~~ as being associated with successful
22 student performance through the baccalaureate level and submit
23 ~~it the same~~ to the State Board of Education and the Board of
24 Governors for approval.

25 (f) Maintain a listing of tests and other assessment
26 procedures which measure and diagnose student achievement of
27 college-level communication and computation skills and submit
28 ~~it the same~~ to the State Board of Education and the Board of
29 Governors for approval.

30 (g) Maintain for the information of the State Board of
31 Education, the Board of Governors, and the Legislature a file

1 of data to reflect achievement of college-level communication
2 and mathematics competencies by students in state universities
3 and community colleges.

4 (h) Develop or contract for, and submit to the State
5 Board of Education and the Board of Governors for approval,
6 tests which measure and diagnose student achievement of
7 college-level communication and mathematics skills. Any tests
8 and related documents developed are exempt from the provisions
9 of s. 119.07(1). The commissioner shall maintain statewide
10 responsibility for the administration of such tests and may
11 assign administrative responsibilities for the tests to any
12 state university or community college. The state board, upon
13 recommendation of the commissioner, may enter into contracts
14 for such services beginning in one fiscal year and continuing
15 into the next year which are paid from the appropriation for
16 either or both fiscal years.

17 (i) Perform any other functions that may be involved
18 in educational planning, research, and evaluation or that may
19 be required by the commissioner, the State Board of Education,
20 the Board of Governors, or law.

21 Section 125. Subsections (1) and (2) of section
22 1008.37, Florida Statutes, are amended to read:

23 1008.37 Postsecondary feedback of information to high
24 schools.--

25 (1) ~~The State Board of Education shall adopt rules~~
26 ~~that require the~~ Commissioner of Education shall ~~to~~ report to
27 the State Board of Education, the Board of Governors, the
28 Legislature, and the district school boards on the performance
29 of each first-time-in-postsecondary education student from
30 each public high school in this state who is enrolled in a
31 public postsecondary institution or public career center. Such

1 reports must be based on information databases maintained by
2 the Department of Education. In addition, the public
3 postsecondary educational institutions and career centers
4 shall provide district school boards access to information on
5 student performance in regular and preparatory courses and
6 shall indicate students referred for remediation pursuant to
7 s. 1004.91 or s. 1008.30.

8 (2) The Commissioner of Education shall report, by
9 high school, to the State Board of Education, the Board of
10 Governors, and the Legislature, no later than November 30 of
11 each year, on the number of prior year Florida high school
12 graduates who enrolled for the first time in public
13 postsecondary education in this state during the previous
14 summer, fall, or spring term, indicating the number of
15 students whose scores on the common placement test indicated
16 the need for remediation through college-preparatory or
17 vocational-preparatory instruction pursuant to s. 1004.91 or
18 s. 1008.30.

19 Section 126. Section 1008.38, Florida Statutes, is
20 amended to read:

21 1008.38 Articulation accountability process.--The
22 State Board of Education, in conjunction with the Board of
23 Governors, shall develop articulation accountability measures
24 which assess the status of systemwide articulation processes
25 authorized under s. 1007.23 and. ~~The State Board of Education~~
26 ~~shall~~ establish an articulation accountability process which
27 at a minimum shall address:

28 (1) The impact of articulation processes on ensuring
29 educational continuity and the orderly and unobstructed
30 transition of students between public secondary and
31

1 | postsecondary education systems and facilitating the
2 | transition of students between the public and private sectors.

3 | (2) The adequacy of preparation of public secondary
4 | students to smoothly articulate to a public postsecondary
5 | institution.

6 | (3) The effectiveness of articulated acceleration
7 | mechanisms available to secondary students.

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

10 | (5) An examination of degree requirements that exceed
11 | the parameters of 60 credit hours for an associate degree and
12 | 120 hours for a baccalaureate degree in public postsecondary
13 | programs.

14 | (6) The relationship between the College Level
15 | Academic Skills Test Program and articulation to the upper
16 | division in public postsecondary institutions.

17 | Section 127. Paragraph (h) of subsection (1) of
18 | section 1008.45, Florida Statutes, is amended to read:

19 | 1008.45 Community college accountability process.--

20 | (1) It is the intent of the Legislature that a
21 | management and accountability process be implemented which
22 | provides for the systematic, ongoing improvement and
23 | assessment of the improvement of the quality and efficiency of
24 | the Florida community colleges. Accordingly, the State Board
25 | of Education and the community college boards of trustees
26 | shall develop and implement an accountability plan to improve
27 | and evaluate the instructional and administrative efficiency
28 | and effectiveness of the Florida Community College System.
29 | This plan shall be designed in consultation with staff of the
30 | Governor and the Legislature and must address the following
31 | issues:

1 (h) Other measures ~~as identified by the Council for~~
2 ~~Education Policy Research and Improvement~~ and approved by the
3 State Board of Education.

4 Section 128. Section 1008.46, Florida Statutes, is
5 amended to read:

6 1008.46 State university accountability process.--It
7 is the intent of the Legislature that an accountability
8 process be implemented that provides for the systematic,
9 ongoing evaluation of quality and effectiveness of state
10 universities. It is further the intent of the Legislature that
11 this accountability process monitor performance at the system
12 level in each of the major areas of instruction, research, and
13 public service, while recognizing the differing missions of
14 each of the state universities. The accountability process
15 shall provide for the adoption of systemwide performance
16 standards and performance goals for each standard identified
17 through a collaborative effort involving state universities,
18 the Board of Governors, the Legislature, and the Governor's
19 Office. These standards and goals shall be consistent with s.
20 216.011(1) to maintain congruity with the performance-based
21 budgeting process. This process requires that university
22 accountability reports reflect measures defined through
23 performance-based budgeting. The performance-based budgeting
24 measures must also reflect the elements of teaching, research,
25 and service inherent in the missions of the state
26 universities.

27 (1) By December 31 of each year, the Board of
28 Governors ~~State Board of Education~~ shall submit an annual
29 accountability report providing information on the
30 implementation of performance standards, actions taken to
31 improve university achievement of performance goals, the

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

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

9 Section 129. Subsection (2) of section 1009.01,
10 Florida Statutes, is amended to read:

11 1009.01 Definitions.--The term:

12 (2) "Out-of-state fee" means the additional fee for
13 instruction provided by a public postsecondary educational
14 institution in this state, which fee is charged to a student
15 who does not qualify for the in-state tuition rate pursuant to
16 s. 1009.21 ~~non Florida student as defined in rules of the~~
17 ~~State Board of Education~~. A charge for any other purpose shall
18 not be included within this fee.

19 Section 130. Subsection (11) of section 1009.21,
20 Florida Statutes, is amended to read:

21 1009.21 Determination of resident status for tuition
22 purposes.--Students shall be classified as residents or
23 nonresidents for the purpose of assessing tuition in community
24 colleges and state universities.

25 (11) The State Board of Education and the Board of
26 Governors shall adopt rules to implement this section ~~by rule~~
27 ~~designate classifications of students as residents or~~
28 ~~nonresidents for tuition purposes at community colleges and~~
29 ~~state universities~~.

30 Section 131. Present subsections (3) through (14) of
31 section 1009.24, Florida Statutes, are renumbered subsections

1 (4) through (15), respectively, new subsections (3) and (16)
2 are added to that section, and present subsections (6), (9),
3 (10), and (11) of that section are amended to read:

4 1009.24 State university student fees.--

5 (3) All moneys from tuition and fees shall be
6 deposited pursuant to s. 1011.42.

7 (7)(6) A university board of trustees is authorized to
8 collect for financial aid purposes an amount not to exceed 5
9 percent of the tuition and out-of-state fee. The revenues from
10 fees are to remain at each campus and replace existing
11 financial aid fees. Such funds shall be disbursed to students
12 as quickly as possible. A minimum of 75 percent of funds from
13 the student financial aid fee for new financial aid awards
14 shall be used to provide financial aid based on absolute need.
15 A student who has received an award prior to July 1, 1984,
16 shall have his or her eligibility assessed on the same
17 criteria that were used at the time of his or her original
18 award. The Board of Governors ~~State Board of Education~~ shall
19 develop criteria for making financial aid awards. Each
20 university shall report annually to the Board of Governors
21 ~~Department of Education~~ on the revenue collected pursuant to
22 this subsection, the amount carried forward, the criteria used
23 to make awards, the amount and number of awards for each
24 criterion, and a delineation of the distribution of such
25 awards. The report shall include an assessment by category of
26 the financial need of every student who receives an award,
27 regardless of the purpose for which the award is received.
28 Awards which are based on financial need shall be distributed
29 in accordance with a nationally recognized system of need
30 analysis approved by the Board of Governors ~~State Board of~~
31 ~~Education~~. An award for academic merit shall require a minimum

1 overall grade point average of 3.0 on a 4.0 scale or the
2 equivalent for both initial receipt of the award and renewal
3 of the award.

4 ~~(10)~~(9)(a) Each university board of trustees shall
5 establish a student activity and service fee on the main
6 campus of the university. The university board may also
7 establish a student activity and service fee on any branch
8 campus or center. Any subsequent increase in the activity and
9 service fee must be recommended by an activity and service fee
10 committee, at least one-half of whom are students appointed by
11 the student body president. The remainder of the committee
12 shall be appointed by the university president. A chairperson,
13 appointed jointly by the university president and the student
14 body president, shall vote only in the case of a tie. The
15 recommendations of the committee shall take effect only after
16 approval by the university president, after consultation with
17 the student body president, with final approval by the
18 university board of trustees. An increase in the activity and
19 service fee may occur only once each fiscal year and must be
20 implemented beginning with the fall term. The Board of
21 Governors State Board of Education is responsible for adopting
22 ~~promulgating~~ the rules and timetables necessary to implement
23 this fee.

24 (b) The student activity and service fees shall be
25 expended for lawful purposes to benefit the student body in
26 general. This shall include, but shall not be limited to,
27 student publications and grants to duly recognized student
28 organizations, the membership of which is open to all students
29 at the university without regard to race, sex, or religion.
30 The fund may not benefit activities for which an admission fee
31 is charged to students, except for

1 student-government-association-sponsored concerts. The
2 allocation and expenditure of the fund shall be determined by
3 the student government association of the university, except
4 that the president of the university may veto any line item or
5 portion thereof within the budget when submitted by the
6 student government association legislative body. The
7 university president shall have 15 school days from the date
8 of presentation of the budget to act on the allocation and
9 expenditure recommendations, which shall be deemed approved if
10 no action is taken within the 15 school days. If any line item
11 or portion thereof within the budget is vetoed, the student
12 government association legislative body shall within 15 school
13 days make new budget recommendations for expenditure of the
14 vetoed portion of the fund. If the university president vetoes
15 any line item or portion thereof within the new budget
16 revisions, the university president may reallocate by line
17 item that vetoed portion to bond obligations guaranteed by
18 activity and service fees. Unexpended funds and undisbursed
19 funds remaining at the end of a fiscal year shall be carried
20 over and remain in the student activity and service fund and
21 be available for allocation and expenditure during the next
22 fiscal year.

23 (11)~~(10)~~ Each university board of trustees shall
24 establish a student health fee on the main campus of the
25 university. The university board of trustees may also
26 establish a student health fee on any branch campus or center.
27 Any subsequent increase in the health fee must be recommended
28 by a health committee, at least one-half of whom are students
29 appointed by the student body president. The remainder of the
30 committee shall be appointed by the university president. A
31 chairperson, appointed jointly by the university president and

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

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

30 | (16) A state university may not charge any fee except
31 | as specifically authorized by law.

1 Section 132. Subsections (4) and (6) of section
2 1009.26, Florida Statutes, are amended, and subsection (10) is
3 added to that section, to read:

4 1009.26 Fee waivers.--

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

19 (6) A university board of trustees may waive the State
20 ~~Board of Education may establish rules to allow for the waiver~~
21 ~~of~~ out-of-state fees for nondegree-seeking students enrolled
22 at a state university if the earned student credit hours
23 generated by such students are nonfundable and the direct cost
24 for the program of study is recovered from the fees charged to
25 all students.

26 (10) Each university board of trustees is authorized
27 to waive tuition and out-of-state fees for purposes that
28 support and enhance the mission of the university. All fees
29 waived must be based on policies that are adopted by
30 university boards of trustees pursuant to rules adopted by the
31 Board of Governors. Each university shall report the purpose,

1 number, and value of all fee waivers granted annually in a
2 format prescribed by the Board of Governors.

3 Section 133. Subsection (1) of section 1009.27,
4 Florida Statutes, is amended to read:

5 1009.27 Deferral of fees.--

6 (1) School districts, community colleges, and state
7 universities may defer ~~The State Board of Education shall~~
8 ~~adopt rules to allow the deferral of~~ tuition and ~~registration~~
9 fees for students receiving financial aid from a federal or
10 state assistance program when the aid is delayed in being
11 transmitted to the student through circumstances beyond the
12 control of the student. The failure to make timely application
13 for the aid is an insufficient reason to receive a deferral of
14 fees. ~~The rules must provide for the enforcement and~~
15 ~~collection or other settlement of delinquent accounts.~~

16 Section 134. Section 1009.285, Florida Statutes, is
17 amended to read:

18 1009.285 Fees for repeated enrollment in
19 college-credit courses.--A student enrolled in the same
20 undergraduate college-credit course more than twice shall pay
21 tuition at 100 percent of the full cost of instruction and
22 shall not be included in calculations of full-time equivalent
23 enrollments for state funding purposes. However, students who
24 withdraw or fail a class due to extenuating circumstances may
25 be granted an exception only once for each class, provided
26 that approval is granted according to policy established by
27 the community college board of trustees or the university
28 board of trustees. Each community college and state university
29 may review and reduce fees paid by students due to continued
30 enrollment in a college-credit class on an individual basis
31 contingent upon the student's financial hardship, ~~pursuant to~~

1 ~~definitions and fee levels established by the State Board of~~
2 ~~Education.~~ For purposes of this section, first-time enrollment
3 in a class shall mean enrollment in a class beginning fall
4 semester 1997, and calculations of the full cost of
5 instruction shall be based on the systemwide average of the
6 prior year's cost of undergraduate programs for the community
7 colleges and the state universities. Boards of trustees may
8 make exceptions to this section for individualized study,
9 elective coursework, courses that are repeated as a
10 requirement of a major, and courses that are intended as
11 continuing over multiple semesters, excluding the repeat of
12 coursework more than two times to increase grade point average
13 or meet minimum course grade requirements.

14 Section 135. Subsection (1) of section 1009.29,
15 Florida Statutes, is amended to read:

16 1009.29 Increased fees for funding financial aid
17 program.--

18 (1) Student tuition and registration fees at each
19 state university and community college shall include up to
20 \$4.68 per quarter, or \$7.02 per semester, per full-time
21 student, or the per-student credit hour equivalents of such
22 amounts. The fees provided for by this section shall be
23 adjusted from time to time, as necessary, to comply with the
24 debt service coverage requirements of the student loan revenue
25 bonds issued pursuant to s. 1009.79. If the Division of Bond
26 Finance of the State Board of Administration ~~State Board of~~
27 ~~Education~~ and the Commissioner of Education determine that
28 such fees are no longer required as security for revenue bonds
29 issued pursuant to ss. 1009.78-1009.88, moneys previously
30 collected pursuant to this section which are held in escrow,
31 after administrative expenses have been met and up to \$150,000

1 | has been used to establish a financial aid data processing
2 | system for the state universities incorporating the necessary
3 | features to meet the needs of all 11 universities for
4 | application through disbursement processing, shall be
5 | reallocated to the generating institutions to be used for
6 | student financial aid programs, including, but not limited to,
7 | scholarships and grants for educational purposes. Upon such
8 | determination, such fees shall no longer be assessed and
9 | collected.

10 | Section 136. Section 1009.40, Florida Statutes, is
11 | amended to read:

12 | 1009.40 General requirements for student eligibility
13 | for state financial aid awards and tuition assistance
14 | grants.--

15 | (1)(a) The general requirements for eligibility of
16 | students for state financial aid awards and tuition assistance
17 | grants consist of the following:

18 | 1. Achievement of the academic requirements of and
19 | acceptance at a state university or community college; a
20 | nursing diploma school approved by the Florida Board of
21 | Nursing; a Florida college, university, or community college
22 | which is accredited by an accrediting agency recognized by the
23 | State Board of Education; any Florida institution the credits
24 | of which are acceptable for transfer to state universities;
25 | any career center; or any private career institution
26 | accredited by an accrediting agency recognized by the State
27 | Board of Education.

28 | 2. Residency in this state for no less than 1 year
29 | preceding the award of aid or a tuition assistance grant for a
30 | program established pursuant to s. 1009.50, s. 1009.51, s.
31 | 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s. 1009.57, s.

1 | 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s. 1009.72, s.
2 | 1009.73, s. 1009.76, s. 1009.77, ~~or~~ s. 1009.89, or s.
3 | 1009.891. Residency in this state must be for purposes other
4 | than to obtain an education. Resident status for purposes of
5 | receiving state financial aid awards shall be determined in
6 | the same manner as resident status for tuition purposes
7 | pursuant to s. 1009.21 ~~and rules of the State Board of~~
8 | ~~Education~~.

9 | 3. Submission of certification attesting to the
10 | accuracy, completeness, and correctness of information
11 | provided to demonstrate a student's eligibility to receive
12 | state financial aid awards or tuition assistance grants.
13 | Falsification of such information shall result in the denial
14 | of any pending application and revocation of any award or
15 | grant currently held to the extent that no further payments
16 | shall be made. Additionally, students who knowingly make false
17 | statements in order to receive state financial aid awards or
18 | tuition assistance grants ~~commit shall be guilty of a~~
19 | misdemeanor of the second degree subject to the provisions of
20 | s. 837.06 and shall be required to return all state financial
21 | aid awards or tuition assistance grants wrongfully obtained.

22 | (b)1. Eligibility for the renewal of undergraduate
23 | financial aid awards shall be evaluated at the end of the
24 | second semester or third quarter of each academic year. As a
25 | condition for renewal, a student shall:

26 | a. Have earned a minimum cumulative grade point
27 | average of 2.0 on a 4.0 scale; and

28 | b. Have earned, for full-time study, 12 credits per
29 | term or the equivalent for the number of terms for which aid
30 | was received.

31 |

1 2. A student who earns the minimum number of credits
2 required for renewal, but who fails to meet the minimum 2.0
3 cumulative grade point average, may be granted a probationary
4 award for up to the equivalent of 1 academic year and shall be
5 required to earn a cumulative grade point average of 2.0 on a
6 4.0 scale by the end of the probationary period to be eligible
7 for subsequent renewal. A student who receives a probationary
8 award and who fails to meet the conditions for renewal by the
9 end of his or her probationary period shall be ineligible to
10 receive additional awards for the equivalent of 1 academic
11 year following his or her probationary period. Each such
12 student may, however, reapply for assistance during a
13 subsequent application period and may be eligible for an award
14 if he or she has earned a cumulative grade point average of
15 2.0 on a 4.0 scale.

16 3. A student who fails to earn the minimum number of
17 credits required for renewal shall lose his or her eligibility
18 for renewal for a period equivalent to 1 academic year.
19 However, the student may reapply during a subsequent
20 application period and may be eligible for an award if he or
21 she has earned a minimum cumulative grade point average of 2.0
22 on a 4.0 scale.

23 4. Students who receive state student aid and
24 subsequently fail to meet state academic progress requirements
25 due to verifiable illness or other emergencies may be granted
26 an exception from the academic requirements. Such students
27 shall make a written appeal to the institution. The appeal
28 shall include a description and verification of the
29 circumstances. Verification of illness or other emergencies
30 may include but not be limited to a physician's statement or
31 written statement of a parent or college official. The

1 institution shall recommend exceptions with necessary
2 documentation to the department. The department may accept or
3 deny such recommendations for exception from the institution.

4 (2) These requirements do not preclude higher
5 standards specified in other sections of this part, in rules
6 of the state board, or in rules of a participating
7 institution.

8 (3) Undergraduate students are eligible to receive
9 financial aid for a maximum of 8 semesters or 12 quarters.
10 However, undergraduate students participating in
11 college-preparatory instruction, students requiring additional
12 time to complete the college-level communication and
13 computation skills testing programs, or students enrolled in a
14 5-year undergraduate degree program are eligible to receive
15 financial aid for a maximum of 10 semesters or 15 quarters.

16 (4) No student is eligible to receive more than one
17 state scholarship that is based on academic merit. Students
18 who qualify for more than one such scholarship shall be
19 notified of all awards for which they qualify and shall be
20 provided the opportunity to accept one of their choosing.

21 Section 137. Subsections (9) and (12) of section
22 1009.90, Florida Statutes, are amended to read:

23 1009.90 Duties of the Department of Education.--The
24 duties of the department shall include:

25 (9) Development and submission of a report, annually,
26 to the State Board of Education, the Board of Governors, the
27 President of the Senate, and the Speaker of the House of
28 Representatives, which shall include, but not be limited to,
29 recommendations for the distribution of state financial aid
30 funds.

31

1 (12) Calculation of the amount of need-based student
2 financial aid required to offset fee increases recommended by
3 the State Board of Education and the Board of Governors and
4 inclusion of such amount within the legislative budget request
5 for student assistance grant programs.

6 Section 138. Subsection (4) of section 1009.91,
7 Florida Statutes, is amended to read:

8 1009.91 Assistance programs and activities of the
9 department.--

10 (4) The department shall maintain records on the
11 student loan default rate of each Florida postsecondary
12 institution and report that information annually to both the
13 institution and the State Board of Education. Information
14 relating to state universities shall also be reported annually
15 to the Board of Governors.

16 Section 139. Subsection (2) of section 1009.971,
17 Florida Statutes, is amended to read:

18 1009.971 Florida Prepaid College Board.--

19 (2) FLORIDA PREPAID COLLEGE BOARD; MEMBERSHIP.--The
20 board shall consist of seven members to be composed of the
21 Attorney General, the Chief Financial Officer, the Chancellor
22 of the State University System ~~Deputy Commissioner of Colleges~~
23 ~~and Universities~~, the Deputy Commissioner of Community
24 Colleges, and three members appointed by the Governor and
25 subject to confirmation by the Senate. Each member appointed
26 by the Governor shall possess knowledge, skill, and experience
27 in the areas of accounting, actuary, risk management, or
28 investment management. Each member of the board not appointed
29 by the Governor may name a designee to serve on the board on
30 behalf of the member; however, any designee so named shall
31 meet the qualifications required of gubernatorial appointees

1 to the board. Members appointed by the Governor shall serve
2 terms of 3 years. Any person appointed to fill a vacancy on
3 the board shall be appointed in a like manner and shall serve
4 for only the unexpired term. Any member shall be eligible for
5 reappointment and shall serve until a successor qualifies.
6 Members of the board shall serve without compensation but
7 shall be reimbursed for per diem and travel in accordance with
8 s. 112.061. Each member of the board shall file a full and
9 public disclosure of his or her financial interests pursuant
10 to s. 8, Art. II of the State Constitution and corresponding
11 statute.

12 Section 140. Section 1010.01, Florida Statutes, is
13 amended to read:

14 1010.01 Uniform records and accounts.--

15 (1)(a) The financial records and accounts of each
16 school district, community college, ~~university,~~ and other
17 institution or agency under the supervision of the State Board
18 of Education shall be prepared and maintained as prescribed by
19 law and rules of the State Board of Education.

20 (b) The financial records and accounts of each state
21 university under the supervision of the Board of Governors
22 shall be prepared and maintained as prescribed by law and
23 rules of the Board of Governors.

24 (2) Rules of the State Board of Education and rules of
25 the Board of Governors shall incorporate the requirements of
26 law and accounting principles generally accepted in the United
27 States ~~the appropriate requirements of the Governmental~~
28 ~~Accounting Standards Board (GASB) for State and Local~~
29 ~~Government.~~ Such rules shall include a uniform classification
30 of accounts.

31

1 (3) Each state university shall annually file with the
2 Board of Governors financial statements prepared in conformity
3 with accounting principles generally accepted by the United
4 States and the uniform classification of accounts prescribed
5 by the Board of Governors. The Board of Governors' rules shall
6 prescribe the filing deadline for the financial statements.

7 ~~(4)(3)~~ Required financial accounts and reports shall
8 include provisions that are unique to each of the following:
9 K-12 school districts, community colleges, and state
10 universities, and shall provide for the data to be reported to
11 the National Center of Educational Statistics and other
12 governmental and professional educational data information
13 services as appropriate.

14 Section 141. Section 1010.011, Florida Statutes, is
15 amended to read:

16 1010.011 Definition.--For purposes of this chapter and
17 chapter 1011, the ~~following~~ terms+ "university,"
18 "universities," and "university board of trustees" include all
19 state universities ~~New College~~ under the supervision of the
20 Board of Governors ~~State Board of Education~~.

21 Section 142. Section 1010.02, Florida Statutes, is
22 amended to read:

23 1010.02 Financial accounting and expenditures.--

24 (1) All funds accruing to a school district ~~or~~ a
25 community college, ~~or a university~~ must be received, accounted
26 for, and expended in accordance with law and rules of the
27 State Board of Education.

28 (2) All funds accruing to a state university must be
29 received, accounted for, and expended in accordance with law
30 and rules of the Board of Governors.

31

1 Section 143. Subsections (1) and (4) of section
2 1010.04, Florida Statutes, are amended to read:

3 1010.04 Purchasing.--

4 (1)~~(a)~~ Purchases and leases by school districts ~~and~~
5 community colleges, ~~and universities~~ shall comply with the
6 requirements of law and rules of the State Board of Education.

7 (b) Purchases and leases by state universities shall
8 comply with the requirements of law and rules of the Board of
9 Governors.

10 (4)~~(a)~~ The State Board of Education may, by rule,
11 provide for alternative procedures for school districts and
12 community colleges for bidding or purchasing in cases in which
13 the character of the item requested renders competitive
14 bidding impractical.

15 (b) The Board of Governors may, by rule, provide for
16 alternative procedures for state universities for bidding or
17 purchasing in cases in which the character of the item
18 requested renders competitive bidding impractical.

19 Section 144. Subsection (2) of section 1010.07,
20 Florida Statutes, is amended to read:

21 1010.07 Bonds or insurance required.--

22 (2)~~(a)~~ Contractors paid from school district ~~or~~
23 community college, ~~or university~~ funds shall give bond for the
24 faithful performance of their contracts in such amount and for
25 such purposes as prescribed by s. 255.05 or by rules of the
26 State Board of Education relating to the type of contract
27 involved. It shall be the duty of the district school board
28 ~~or~~ community college board of trustees, ~~and university board~~
29 ~~of trustees~~ to require from construction contractors a bond
30 adequate to protect the board and the board's funds involved.

31

1 (b) Contractors paid from university funds shall give
2 bond for the faithful performance of their contracts in such
3 amount and for such purposes as prescribed by s. 255.05 or by
4 rules of the Board of Governors relating to the type of
5 contract involved. It shall be the duty of the university
6 board of trustees to require from construction contractors a
7 bond adequate to protect the board and the board's funds
8 involved.

9 Section 145. Section 1010.09, Florida Statutes, is
10 amended to read:

11 1010.09 Direct-support organizations.--

12 (1) School district ~~and~~, community college, ~~and~~
13 university direct-support organizations shall be organized and
14 conducted under the provisions of ss. 1001.453, ~~1004.28~~, and
15 1004.70 and rules of the State Board of Education, as
16 applicable.

17 (2) State university direct-support organizations
18 shall be organized and conducted under the provisions of s.
19 1004.28 and rules of the Board of Governors, as applicable.

20 Section 146. Section 1010.30, Florida Statutes, is
21 amended to read:

22 1010.30 Audits required.--School districts, community
23 colleges, ~~universities~~, and other institutions and agencies
24 under the supervision of the State Board of Education and
25 state universities under the supervision of the Board of
26 Governors are subject to the audit provisions under ss. 11.45
27 and 218.39.

28 Section 147. Section 1010.86, Florida Statutes, is
29 amended to read:

30 1010.86 Administration of capital improvement and
31 building fees trust funds.--The Board of Governors ~~State Board~~

1 ~~of Education~~ shall administer the Capital Improvement Fee
2 Trust Fund and the Building Fee Trust Fund which include
3 receipts from capital improvement and building student fee
4 assessments, interest earnings, and subsidy grants. All funds,
5 except those to be used for debt service payments, reserve
6 requirements, and educational research centers for child
7 development, pursuant to s. 1011.48, shall be used to fund
8 projects appropriated by the Legislature. Projects funded
9 pursuant to this section may be expanded by the use of
10 supplemental funds such as grants, auxiliary enterprises,
11 private donations, and other nonstate sources.

12 Section 148. Section 1011.01, Florida Statutes, is
13 amended to read:

14 1011.01 Budget system established.--

15 (1) The State Board of Education shall prepare and
16 submit a coordinated K-20 education annual legislative budget
17 request to the Governor and the Legislature on or before the
18 date provided by the Governor and the Legislature. The board's
19 legislative budget request must clearly define the needs of
20 school districts, community colleges, universities, other
21 institutions, organizations, programs, and activities under
22 the supervision of the board and that are assigned by law or
23 the General Appropriations Act to the Department of Education.

24 (2)(a) There shall be established in each school
25 district and, ~~community college, and university~~ a budget
26 system as prescribed by law and rules of the State Board of
27 Education.

28 (b) There shall be established in each state
29 university a budget system as prescribed by law and rules of
30 the Board of Governors.

31

1 (3)(a) Each district school board ~~and~~, each community
2 college board of trustees, ~~and each state university board of~~
3 ~~trustees~~ shall prepare, adopt, and submit to the Commissioner
4 of Education for review an annual operating budget. Operating
5 budgets shall be prepared and submitted in accordance with the
6 provisions of law, rules of the State Board of Education, the
7 General Appropriations Act, and for district school boards in
8 accordance with the provisions of ss. 200.065 and 1011.64.

9 (b) Each state university board of trustees shall
10 prepare, adopt, and submit to the Chancellor of the State
11 University System for review an annual operating budget in
12 accordance with provisions of law, rules of the Board of
13 Governors, and the General Appropriations Act.

14 (4) The State Board of Education shall coordinate with
15 the Board of Governors to facilitate the budget system
16 requirements of this section. The Board of Governors
17 exclusively retains the review and approval powers of this
18 section for state universities.

19 Section 149. Section 1011.011, Florida Statutes, is
20 amended to read:

21 1011.011 Legislative capital outlay budget
22 request.--The State Board of Education shall submit an
23 integrated, comprehensive budget request for educational
24 facilities construction and fixed capital outlay needs for
25 school districts, community colleges, and, in conjunction with
26 the Board of Governors, universities pursuant to this section
27 and s. 1013.46 and applicable provisions of chapter 216.

28 Section 150. Section 1011.40, Florida Statutes, is
29 amended to read:

30 1011.40 Budgets for universities.--
31

1 (1) LEGISLATIVE BUDGET REQUEST.--The Board of
2 ~~Governors State Board of Education~~ shall provide instructions,
3 guidelines, and standard formats to be used by each university
4 that will provide to the Board of Governors ~~State Board of~~
5 ~~Education~~ and the Legislature adequate information to support
6 and justify the legislative budget requests submitted pursuant
7 to ss. 216.023, 1011.90, and 1013.60 for each university.

8 (2) OPERATING BUDGET.--Each university board of
9 trustees shall adopt an operating budget for the operation of
10 the university as prescribed by law and rules of the Board of
11 ~~Governors State Board of Education~~. Each university president
12 shall prepare and implement the operating budget of the
13 university as prescribed by law, rules of the Board of
14 ~~Governors State Board of Education~~, policies of the university
15 board of trustees, and provisions of the General
16 Appropriations Act. The proposed expenditures, plus transfers,
17 and balances shall not exceed the estimated income, transfers,
18 and balances. The budget and each part thereof shall balance.
19 If at any time the unencumbered balance in the education and
20 general fund of the university board of trustees approved
21 operating budget goes below 5 percent, the president shall
22 provide written notification to the Board of Governors ~~State~~
23 ~~Board of Education~~.

24 (3) EXPENDITURES.--Expenditures from any source of
25 funds by any university shall not exceed the funds available.
26 Expenditures shall not exceed the amount budgeted under each
27 classification of accounts for each fund and the total amount
28 of the budget, as amended as prescribed by rules of the Board
29 ~~of Governors State Board of Education~~. No expenditure of
30 funds, contract, or agreement of any nature shall be made that
31 requires additional appropriation of funds by the Legislature

1 unless specifically authorized in advance by law or the
2 General Appropriations Act.

3 (4) DISTRIBUTION OF APPROPRIATION.--Funds appropriated
4 in the General Appropriations Act for the operation of state
5 universities shall be distributed ~~by the State Board of~~
6 ~~Education~~ to the universities twice monthly. The Executive
7 Office of the Governor may modify this schedule if required to
8 meet specific needs of a university.

9 Section 151. Section 1011.41, Florida Statutes, is
10 amended to read:

11 1011.41 University appropriations.--Funds for the
12 general operations of universities shall be requested and
13 appropriated as Aid to Local Governments Grants and Aids,
14 subject to provisions of the General Appropriations Act. Funds
15 provided to state universities in the General Appropriations
16 Act are contingent upon each university complying with the
17 tuition and fee policies established in the proviso language
18 and with the tuition and fee policies for state universities
19 included in part II of chapter 1009. However, the funds
20 appropriated to a specific university shall not be affected by
21 the failure of another university to comply with this
22 provision.

23 Section 152. Section 1011.4106, Florida Statutes, is
24 amended to read:

25 1011.4106 Trust fund dissolution and local account
26 appropriations.--

27 (1) Notwithstanding the provisions of ss. 215.3206(2)
28 and 215.3208(2), and pursuant to s. 216.351, all unexpended
29 balances as of June 30, 2002, in the following State
30 University System trust funds are hereby appropriated to the
31 appropriate accounts of each university based upon the

1 original source of the trust fund revenue and any accrued
2 interest: the Education/General Student and Other Fees Trust
3 Fund, the Experiment Station Federal Grant Trust Fund, the
4 Experiment Station Incidental Trust Fund, the Extension
5 Service Federal Grant Trust Fund, the Extension Service
6 Incidental Trust Fund, the Incidental Trust Fund, the UF
7 Health Center Operations and Maintenance Trust Fund, the
8 Operations and Maintenance Trust Fund, and all other trust
9 funds in the State Treasury for universities. Expenditure of
10 these funds by each university must be based on the laws,
11 rules, grant agreements, or other legal controlling factors
12 associated with all trust fund balances which are appropriated
13 to local accounts pursuant to this section, and included in
14 each university board of trustees' approved operating budget.
15 Each university shall be responsible for the payment of
16 outstanding debts or obligations associated with these funds.

17 (2) Any appropriations provided in the General
18 Appropriations Act from the Education/General Student and
19 Other Fees Trust Fund are the only budget authority for the
20 fiscal year to the named universities to expend tuition and
21 fees that are collected during the fiscal year and carried
22 forward from the prior fiscal year. The expenditure of tuition
23 and fee revenues from local accounts by each university shall
24 not exceed the authority provided in the General
25 Appropriations Act unless approved pursuant to the provisions
26 of chapter 216. If a court of competent jurisdiction finds
27 that the restriction in this subsection is invalid, the moneys
28 described in this section shall be deposited in the State
29 Treasury.

30 Section 153. Section 1011.411, Florida Statutes, is
31 amended to read:

1 1011.411 Budgets for sponsored research at
2 universities.--Funds for sponsored research at each university
3 shall be budgeted and expended pursuant to ss. 1004.22 ~~1010.30~~
4 and 1011.42.

5 Section 154. Subsections (3), (4), and (5) of section
6 1011.48, Florida Statutes, are amended to read:

7 1011.48 Establishment of educational research centers
8 for child development.--

9 (3) Each center is authorized to charge fees for the
10 care and services it provides. Such fees must be approved by
11 the Board of Governors ~~State Board of Education~~ and may be
12 imposed on a sliding scale based on ability to pay or any
13 other factors deemed relevant by the board.

14 (4) The Board of Governors ~~may adopt State Board of~~
15 ~~Education is authorized and directed to promulgate~~ rules for
16 the establishment, operation, and supervision of educational
17 research centers for child development. Such rules shall
18 include, but need not be limited to: a defined method of
19 establishment of and participation in the operation of centers
20 by the appropriate student government associations; guidelines
21 for the establishment of an intern program in each center; and
22 guidelines for the receipt and monitoring of funds from grants
23 and other sources of funds consistent with existing laws.

24 (5) Each educational research center for child
25 development shall be funded by a portion of the Capital
26 Improvement Trust Fund fee established by the Board of
27 Governors ~~State Board of Education~~ pursuant to s. 1009.24(7).
28 Each university that establishes a center shall receive a
29 portion of such fees collected from the students enrolled at
30 that university, usable only at that university, equal to 22.5
31 cents per student per credit hour taken per term, based on the

1 | summer term and fall and spring semesters. This allocation
2 | shall be used by the university only for the establishment and
3 | operation of a center as provided by this section and rules
4 | adopted ~~promulgated~~ hereunder. Said allocation may be made
5 | only after all bond obligations required to be paid from such
6 | fees have been met.

7 | Section 155. Subsection (1) of section 1011.82,
8 | Florida Statutes, is amended to read:

9 | 1011.82 Requirements for participation in Community
10 | College Program Fund.--Each community college district which
11 | participates in the state appropriations for the Community
12 | College Program Fund shall provide evidence of its effort to
13 | maintain an adequate community college program which shall:

14 | (1) Meet the minimum standards prescribed by the State
15 | Board of Education in accordance with s.1001.02(6) ~~s.~~
16 | ~~1001.02(9)~~.

17 | Section 156. Subsection (4) of section 1011.90,
18 | Florida Statutes, is amended to read:

19 | 1011.90 State university funding.--

20 | (4) The Board of Governors ~~State Board of Education~~
21 | shall establish and validate a cost-estimating system
22 | consistent with the requirements of subsection (1) and shall
23 | report as part of its legislative budget request the actual
24 | expenditures for the fiscal year ending the previous June 30.
25 | Expenditure analysis, operating budgets, and annual financial
26 | statements of each university must be prepared using the
27 | standard financial reporting procedures and formats prescribed
28 | by the Board of Governors ~~State Board of Education~~. These
29 | formats shall be the same as used for the 2000-2001 fiscal
30 | year reports. Any revisions to these financial and reporting
31 | procedures and formats must be approved by the Executive

1 Office of the Governor and the appropriations committees of
2 the Legislature jointly under the provisions of s. 216.023(3).
3 The Board of Governors State Board of Education shall continue
4 to collect and maintain at a minimum the management
5 information databases existing on June 30, 2002. The
6 expenditure analysis report shall include total expenditures
7 from all sources for the general operation of the university
8 and shall be in such detail as needed to support the
9 legislative budget request.

10 Section 157. Subsections (1) and (2) of section
11 1011.91, Florida Statutes, are amended to read:

12 1011.91 Additional appropriation.--

13 (1) Except as otherwise provided in the General
14 Appropriations Act, all moneys received by universities, other
15 than from state and federal sources, from student ~~building and~~
16 ~~capital improvement~~ fees authorized in s. 1009.24, and from
17 vending machine collections, are hereby appropriated to the
18 use of the respective universities collecting same, to be
19 expended as the university board of trustees may direct;
20 however, the funds shall not be expended except in pursuance
21 of detailed budgets filed with the Board of Governors State
22 ~~Board of Education~~ and shall not be expended for the
23 construction or reconstruction of buildings except as provided
24 under s. 1013.74.

25 (2) All moneys received from vending machine
26 collections by a state university ~~universities~~ shall be
27 expended only as set forth in detailed budgets approved by the
28 university's board of trustees ~~State Board of Education~~.

29 Section 158. Section 1012.01, Florida Statutes, is
30 amended to read:

31

1 1012.01 Definitions.--As used in this chapter, the
2 following terms have the following meanings ~~Specific~~
3 ~~definitions shall be as follows, and wherever such defined~~
4 ~~words or terms are used in the Florida K-20 Education Code,~~
5 ~~they shall be used as follows:~~

6 (1) SCHOOL OFFICERS.--The officers of the state system
7 of public K-12 and community college education shall be the
8 Commissioner of Education and the members of the State Board
9 of Education; ~~and,~~ for each district school system, the
10 officers shall be the district school superintendent and
11 members of the district school board; and for each community
12 college, the officers shall be the community college president
13 and members of the community college board of trustees.

14 (2) INSTRUCTIONAL PERSONNEL.--"Instructional
15 personnel" means any K-12 staff member whose function includes
16 the provision of direct instructional services to students.
17 Instructional personnel also includes K-12 personnel whose
18 functions provide direct support in the learning process of
19 students. Included in the classification of instructional
20 personnel are the following K-12 personnel:

21 (a) Classroom teachers.--Classroom teachers are staff
22 members assigned the professional activity of instructing
23 students in courses in classroom situations, including basic
24 instruction, exceptional student education, career education,
25 and adult education, including substitute teachers.

26 (b) Student personnel services.--Student personnel
27 services include staff members responsible for: advising
28 students with regard to their abilities and aptitudes,
29 educational and occupational opportunities, and personal and
30 social adjustments; providing placement services; performing
31 educational evaluations; and similar functions. Included in

1 | this classification are guidance counselors, social workers,
2 | career specialists, and school psychologists.

3 | (c) Librarians/media specialists.--Librarians/media
4 | specialists are staff members responsible for providing school
5 | library media services. These employees are responsible for
6 | evaluating, selecting, organizing, and managing media and
7 | technology resources, equipment, and related systems;
8 | facilitating access to information resources beyond the
9 | school; working with teachers to make resources available in
10 | the instructional programs; assisting teachers and students in
11 | media productions; and instructing students in the location
12 | and use of information resources.

13 | (d) Other instructional staff.--Other instructional
14 | staff are staff members who are part of the instructional
15 | staff but are not classified in one of the categories
16 | specified in paragraphs (a)-(c). Included in this
17 | classification are primary specialists, learning resource
18 | specialists, instructional trainers, adjunct educators
19 | certified pursuant to s. 1012.57, and similar positions.

20 | (e) Education paraprofessionals.--Education
21 | paraprofessionals are individuals who are under the direct
22 | supervision of an instructional staff member, aiding the
23 | instructional process. Included in this classification are
24 | classroom paraprofessionals in regular instruction,
25 | exceptional education paraprofessionals, career education
26 | paraprofessionals, adult education paraprofessionals, library
27 | paraprofessionals, physical education and playground
28 | paraprofessionals, and other school-level paraprofessionals.

29 | (3) ADMINISTRATIVE PERSONNEL.--"Administrative
30 | personnel" includes K-12 personnel who perform management
31 | activities such as developing broad policies for the school

1 | district and executing those policies through the direction of
2 | personnel at all levels within the district. Administrative
3 | personnel are generally high-level, responsible personnel who
4 | have been assigned the responsibilities of systemwide or
5 | schoolwide functions, such as district school superintendents,
6 | assistant superintendents, deputy superintendents, school
7 | principals, assistant principals, career center directors, and
8 | others who perform management activities. Broad
9 | classifications of K-12 administrative personnel are as
10 | follows:

11 | (a) District-based instructional
12 | administrators.--Included in this classification are persons
13 | with district-level administrative or policymaking duties who
14 | have broad authority for management policies and general
15 | school district operations related to the instructional
16 | program. Such personnel often report directly to the district
17 | school superintendent and supervise other administrative
18 | employees. This classification includes assistant, associate,
19 | or deputy superintendents and directors of major instructional
20 | areas, such as curriculum, federal programs such as Title I,
21 | specialized instructional program areas such as exceptional
22 | student education, career education, and similar areas.

23 | (b) District-based noninstructional
24 | administrators.--Included in this classification are persons
25 | with district-level administrative or policymaking duties who
26 | have broad authority for management policies and general
27 | school district operations related to the noninstructional
28 | program. Such personnel often report directly to the district
29 | school superintendent and supervise other administrative
30 | employees. This classification includes assistant, associate,
31 | or deputy superintendents and directors of major

1 noninstructional areas, such as personnel, construction,
2 facilities, transportation, data processing, and finance.

3 (c) School administrators.--Included in this
4 classification are:

5 1. School principals or school directors who are staff
6 members performing the assigned activities as the
7 administrative head of a school and to whom have been
8 delegated responsibility for the coordination and
9 administrative direction of the instructional and
10 noninstructional activities of the school. This classification
11 also includes career center directors.

12 2. Assistant principals who are staff members
13 assisting the administrative head of the school. This
14 classification also includes assistant principals for
15 curriculum and administration.

16 (4) YEAR OF SERVICE.--The minimum time which may be
17 recognized in administering K-12 ~~the state program of~~
18 education, not including retirement, as a year of service by a
19 school employee shall be full-time actual service; and,
20 beginning July 1963, such service shall also include sick
21 leave and holidays for which compensation was received but
22 shall exclude all other types of leave and holidays for a
23 total of more than one-half of the number of days required for
24 the normal contractual period of service for the position
25 held, which shall be 196 days or longer, or the minimum
26 required for the district to participate in the Florida
27 Education Finance Program in the year service was rendered, or
28 the equivalent for service performed on a daily or hourly
29 basis; provided, further, that absence from duty after the
30 date of beginning service shall be covered by leave duly
31 authorized and granted; further, the school board shall have

1 authority to establish a different minimum for local district
2 school purposes.

3 (5) SCHOOL VOLUNTEER.--A K-12 school volunteer is any
4 nonpaid person who may be appointed by a district school board
5 or its designee. School volunteers may include, but may not be
6 limited to, parents, senior citizens, students, and others who
7 assist the teacher or other members of the school staff.

8 (6) EDUCATIONAL SUPPORT EMPLOYEES.--"Educational
9 support employees" means K-12 employees whose job functions
10 are neither administrative nor instructional, yet whose work
11 supports the educational process.

12 (a) Other professional staff or
13 nonadministrative/noninstructional employees are staff members
14 who perform professional job functions which are
15 nonadministrative/noninstructional in nature and who are not
16 otherwise classified in this section. Included in this
17 classification are employees such as doctors, nurses,
18 attorneys, certified public accountants, and others
19 appropriate to the classification.

20 (b) Technicians are individuals whose occupations
21 require a combination of knowledge and manual skill which can
22 be obtained through about 2 years of post-high school
23 education, such as is offered in many career centers and
24 community colleges, or through equivalent on-the-job training.

25 (c) Clerical/secretarial workers are individuals whose
26 job requires skills and training in clerical-type work,
27 including activities such as preparing, transcribing,
28 systematizing, or preserving written communications and
29 reports or operating equipment performing those functions.
30 Included in this classification are secretaries, bookkeepers,
31 messengers, and office machine operators.

1 (d) Skilled crafts workers are individuals who perform
2 jobs which require special manual skill and a thorough and
3 comprehensive knowledge of the processes involved in the work
4 which is acquired through on-the-job training and experience
5 or through apprenticeship or other formal training programs.
6 Lead workers for the various skilled crafts areas shall be
7 included in this classification.

8 (e) Service workers are staff members performing a
9 service for which there are no formal qualifications,
10 including those responsible for: cleaning the buildings,
11 school plants, or supporting facilities; maintenance and
12 operation of such equipment as heating and ventilation
13 systems; preserving the security of school property; and
14 keeping the school plant safe for occupancy and use. Lead
15 workers in the various service areas shall be included in this
16 broad classification.

17 (7) MANAGERS.--"Managers" includes those K-12 staff
18 members who perform managerial and supervisory functions while
19 usually also performing general operations functions. Managers
20 may be either instructional or noninstructional in their
21 responsibility. They may direct employees' work, plan the work
22 schedule, control the flow and distribution of work or
23 materials, train employees, handle complaints, authorize
24 payments, and appraise productivity and efficiency of
25 employees. This classification includes coordinators and
26 supervisors working under the general direction of those staff
27 identified as district-based instructional or noninstructional
28 administrators.

29 Section 159. Subsection (1) of section 1012.80,
30 Florida Statutes, is amended to read:
31

1 1012.80 Participation by employees in disruptive
2 activities at public postsecondary educational institutions;
3 penalties.--

4 (1)(a) Any person who accepts the privilege extended
5 by the laws of this state of employment at any community
6 ~~college public postsecondary educational institution~~ shall, by
7 ~~so~~ working at such institution, be deemed to have given his or
8 her consent to the policies of that institution, the policies
9 of the State Board of Education, and the laws of this state.
10 Such policies shall include prohibition against disruptive
11 activities at community colleges ~~public postsecondary~~
12 ~~educational institutions~~.

13 (b) Any person who accepts the privilege extended by
14 the laws of this state of employment at any state university
15 shall, by working at such institution, be deemed to have given
16 his or her consent to the policies of that institution, the
17 policies of the Board of Governors, and the laws of this
18 state. Such policies shall include prohibition against
19 disruptive activities at state universities.

20 Section 160. Section 1012.801, Florida Statutes, is
21 amended to read:

22 1012.801 Employees of the Board of Governors Division
23 ~~of Colleges and Universities~~--Employees of the Board of
24 ~~Governors Division of Colleges and Universities of the~~
25 ~~Department of Education~~ who were ~~are~~ participating in the
26 State University Optional Retirement Program prior to June 30,
27 2002, shall be eligible to continue such participation as long
28 as they remain employees of the Board of Governors ~~Department~~
29 ~~of Education~~ or a state university without a break in
30 continuous service.
31

1 Section 161. Section 1012.93, Florida Statutes, is
2 amended to read:

3 1012.93 Faculty members; test of spoken English.--~~The~~
4 ~~State Board of Education shall adopt rules requiring that~~ All
5 faculty members in each state university ~~and New College,~~
6 other than those persons who teach courses that are conducted
7 primarily in a foreign language, shall be proficient in the
8 oral use of English, as determined by a satisfactory grade on
9 the "Test of Spoken English" of the Educational Testing
10 Service or a similar test approved by the Board of Governors
11 ~~state board.~~

12 Section 162. Paragraph (c) of subsection (4) of
13 section 1012.98, Florida Statutes, is amended to read:

14 1012.98 School Community Professional Development
15 Act.--

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

20 ~~(c) The Department of Education shall approve a public~~
21 ~~state university having an approved physical education teacher~~
22 ~~preparation program within its college of education to develop~~
23 ~~and implement an Internet based clearinghouse for physical~~
24 ~~education professional development programs that may be~~
25 ~~accessed and used by all instructional personnel. The~~
26 ~~development of these programs shall be financed primarily by~~
27 ~~private funds and shall be available for use no later than~~
28 ~~August 1, 2005.~~

29 Section 163. Subsection (3) of section 1013.01,
30 Florida Statutes, is amended to read:

31

1 1013.01 Definitions.--The following terms shall be
2 defined as follows for the purpose of this chapter:

3 (3) "Board," unless otherwise specified, means a
4 district school board, a community college board of trustees,
5 a university board of trustees, and the Board of Trustees for
6 the Florida School for the Deaf and the Blind. The term
7 "board" does not include the State Board of Education or the
8 Board of Governors.

9 Section 164. Subsection (2) of section 1013.02,
10 Florida Statutes, is amended to read:

11 1013.02 Purpose; rules.--

12 (2)(a) The State Board of Education shall adopt rules
13 pursuant to ss. 120.536(1) and 120.54 to implement the
14 provisions of this chapter for school districts and community
15 colleges.

16 (b) The Board of Governors shall adopt rules pursuant
17 to ss. 120.536(1) and 120.54 to implement the provisions of
18 this chapter for state universities.

19 Section 165. Section 1013.03, Florida Statutes, is
20 amended to read:

21 1013.03 Functions of the department and the Board of
22 Governors--The functions of the Department of Education as it
23 pertains to educational facilities of school districts and
24 community colleges and of the Board of Governors as it
25 pertains to educational facilities of state universities shall
26 include, but not be limited to, the following:

27 (1) Establish recommended minimum and maximum square
28 footage standards for different functions and areas and
29 procedures for determining the gross square footage for each
30 educational facility to be funded in whole or in part by the
31 state, including public broadcasting stations but excluding

1 postsecondary special purpose laboratory space. The gross
2 square footage determination standards may be exceeded when
3 the core facility space of an educational facility is
4 constructed or renovated to accommodate the future addition of
5 classrooms to meet projected increases in student enrollment.

6 The department and the Board of Governors shall encourage
7 multiple use of facilities and spaces in educational plants.

8 (2) Establish, for the purpose of determining need,
9 equitably uniform utilization standards for all types of like
10 space, regardless of the level of education. These standards
11 shall also establish, for postsecondary education classrooms,
12 a minimum room utilization rate of 40 hours per week and a
13 minimum station utilization rate of 60 percent. These rates
14 shall be subject to increase based on national norms for
15 utilization of postsecondary education classrooms.

16 (3) Require boards to submit other educational plant
17 inventories data and statistical data or information relevant
18 to construction, capital improvements, and related costs.

19 (4) Require each board and other appropriate agencies
20 to submit complete and accurate financial data as to the
21 amounts of funds from all sources that are available and spent
22 for construction and capital improvements. The commissioner
23 shall prescribe the format and the date for the submission of
24 this data and any other educational facilities data. If any
25 district does not submit the required educational facilities
26 fiscal data by the prescribed date, the Commissioner of
27 Education shall notify the district school board of this fact
28 and, if appropriate action is not taken to immediately submit
29 the required report, the district school board shall be
30 directed to proceed pursuant to the provisions of s.

31 1001.42(11)(b). If any community college or university does

1 not submit the required educational facilities fiscal data by
2 the prescribed date, the same policy prescribed in this
3 subsection for school districts shall be implemented.

4 (5) Administer, under the supervision of the
5 Commissioner of Education, the Public Education Capital Outlay
6 and Debt Service Trust Fund and the School District and
7 Community College District Capital Outlay and Debt Service
8 Trust Fund.

9 (6) Develop, review, update, revise, and recommend a
10 mandatory portion of the Florida Building Code for educational
11 facilities construction and capital improvement by community
12 college boards and district school boards.

13 (7) Provide training, technical assistance, and
14 building code interpretation for requirements of the mandatory
15 Florida Building Code for the educational facilities
16 construction and capital improvement programs of the community
17 college boards and district school boards and, upon request,
18 approve phase III construction documents for remodeling,
19 renovation, or new construction of educational plants or
20 ancillary facilities, except that university boards of
21 trustees shall approve specifications and construction
22 documents for their respective institutions pursuant to
23 guidelines of the Board of Governors. The Department of
24 Management Services may, upon request, provide similar
25 services for the Florida School for the Deaf and the Blind and
26 shall use the Florida Building Code and the Florida Fire
27 Prevention Code.

28 (8) Provide minimum criteria, procedures, and training
29 to boards to conduct educational plant surveys and document
30 the determination of future needs.

31

1 (9) Make available to boards technical assistance,
2 awareness training, and research and technical publications
3 relating to lifesafety, casualty, sanitation, environmental,
4 maintenance, and custodial issues; and, as needed, technical
5 assistance for survey, planning, design, construction,
6 operation, and evaluation of educational and ancillary
7 facilities and plants, facilities administrative procedures
8 review, and training for new administrators.

9 (10)(a) Review and validate surveys proposed or
10 amended by the boards and recommend to the Commissioner of
11 Education, for approval, surveys that meet the requirements of
12 this chapter.

13 1. The term "validate" as applied to surveys by school
14 districts means to review inventory data as submitted to the
15 department by district school boards; provide for review and
16 inspection, where required, of student stations and aggregate
17 square feet of inventory changed from satisfactory to
18 unsatisfactory or changed from unsatisfactory to satisfactory;
19 compare new school inventory to allocation limits provided by
20 this chapter; review cost projections for conformity with cost
21 limits set by s. 1013.64(6); compare total capital outlay
22 full-time equivalent enrollment projections in the survey with
23 the department's projections; review facilities lists to
24 verify that student station and auxiliary facility space
25 allocations do not exceed the limits provided by this chapter
26 and related rules; review and confirm the application of
27 uniform facility utilization factors, where provided by this
28 chapter or related rules; utilize the documentation of
29 programs offered per site, as submitted by the board, to
30 analyze facility needs; confirm that need projections for
31 career and adult educational programs comply with needs

1 | documented by the Department of Education ~~Office of Workforce~~
2 | ~~and Economic Development~~; and confirm the assignment of
3 | full-time student stations to all space except auxiliary
4 | facilities, which, for purposes of exemption from student
5 | station assignment, include the following:
6 | a. Cafeterias.
7 | b. Multipurpose dining areas.
8 | c. Media centers.
9 | d. Auditoriums.
10 | e. Administration.
11 | f. Elementary, middle, and high school resource rooms,
12 | up to the number of such rooms recommended for the applicable
13 | occupant and space design capacity of the educational plant in
14 | the State Requirements for Educational Facilities, beyond
15 | which student stations must be assigned.
16 | g. Elementary school skills labs, up to the number of
17 | such rooms recommended for the applicable occupant and space
18 | design capacity of the educational plant in the State
19 | Requirements for Educational Facilities, beyond which student
20 | stations must be assigned.
21 | h. Elementary school art and music rooms.
22 | 2. The term "validate" as applied to surveys by
23 | community colleges and universities means to review and
24 | document the approval of each new site and official
25 | designation, where applicable; review the inventory database
26 | as submitted by each board to the department, including
27 | noncareer, and total capital outlay full-time equivalent
28 | enrollment projections per site and per college; provide for
29 | the review and inspection, where required, of student stations
30 | and aggregate square feet of space changed from satisfactory
31 | to unsatisfactory; utilize and review the documentation of

1 | programs offered per site submitted by the boards as accurate
2 | for analysis of space requirements and needs; confirm that
3 | needs projected for career and adult educational programs
4 | comply with needs documented by the Department of Education
5 | ~~Office of Workforce and Economic Development~~; compare new
6 | facility inventory to allocations limits as provided in this
7 | chapter; review cost projections for conformity with state
8 | averages or limits designated by this chapter; compare student
9 | enrollment projections in the survey to the department's
10 | projections; review facilities lists to verify that area
11 | allocations and space factors for generating space needs do
12 | not exceed the limits as provided by this chapter and related
13 | rules; confirm the application of facility utilization factors
14 | as provided by this chapter and related rules; and review, as
15 | submitted, documentation of how survey recommendations will
16 | implement the detail of current campus master plans and
17 | integrate with local comprehensive plans and development
18 | regulations.

19 | (b) Recommend priority of projects to be funded ~~for~~
20 | ~~approval by the state board, when required by law.~~

21 | (11) Prepare the commissioner's comprehensive fixed
22 | capital outlay legislative budget request and provide annually
23 | an estimate of the funds available for developing required
24 | 3-year priority lists. This amount shall be based upon the
25 | average percentage for the 5 prior years of funds appropriated
26 | by the Legislature for fixed capital outlay to each level of
27 | public education: public schools, community colleges, and
28 | universities.

29 | (12) Perform any other functions that may be involved
30 | in educational facilities construction and capital improvement
31 |

1 | which shall ensure that the intent of the Legislature is
2 | implemented.

3 | ~~(13) By October 1, 2003, review all rules related to~~
4 | ~~school construction to identify requirements that are~~
5 | ~~outdated, obsolete, unnecessary, or otherwise could be amended~~
6 | ~~in order to provide additional flexibility to school districts~~
7 | ~~to comply with the constitutional class size maximums~~
8 | ~~described in s. 1003.03(1) and make recommendations concerning~~
9 | ~~such rules to the State Board of Education. The State Board of~~
10 | ~~Education shall act on such recommendations by December 31,~~
11 | ~~2003.~~

12 | Section 166. Section 1013.11, Florida Statutes, is
13 | amended to read:

14 | 1013.11 Postsecondary institutions assessment of
15 | physical plant safety.--The president of each postsecondary
16 | institution shall conduct or cause to be conducted an annual
17 | assessment of physical plant safety. An annual report shall
18 | incorporate the findings obtained through such assessment and
19 | recommendations for the improvement of safety on each campus.
20 | The annual report shall be submitted to the respective
21 | governing or licensing board of jurisdiction no later than
22 | January 1 of each year. Each board shall compile the
23 | individual institutional reports and convey the aggregate
24 | institutional reports to the Commissioner of Education or the
25 | Chancellor of the State University System, as appropriate. The
26 | Commissioner of Education and the Chancellor of the State
27 | University System shall convey these reports and the reports
28 | required in s. 1008.48 to the President of the Senate and the
29 | Speaker of the House of Representatives no later than March 1
30 | of each year.

1 Section 167. Section 1013.12, Florida Statutes, is
2 amended to read:

3 1013.12 Casualty, safety, sanitation, and firesafety
4 standards and inspection of property.--

5 (1) FIRESAFETY.--The State Board of Education shall
6 adopt and administer rules prescribing standards for the
7 safety and health of occupants of educational and ancillary
8 plants as a part of State Requirements for Educational
9 Facilities or the Florida Building Code for educational
10 facilities construction as provided in s. 1013.37, except that
11 the State Fire Marshal in consultation with the Department of
12 Education shall adopt uniform firesafety standards for
13 educational and ancillary plants and educational facilities,
14 as provided in s. 633.022(1)(b), and a firesafety evaluation
15 system to be used as an alternate firesafety inspection
16 standard for existing educational and ancillary plants and
17 educational facilities. The uniform firesafety standards and
18 the alternate firesafety evaluation system shall be
19 administered and enforced by local fire officials. These
20 standards must be used by all public agencies when inspecting
21 public educational and ancillary plants, and the firesafety
22 standards must be used by local fire officials when performing
23 firesafety inspections of public educational and ancillary
24 plants and educational facilities. In accordance with such
25 standards, each board shall prescribe policies and procedures
26 establishing a comprehensive program of safety and sanitation
27 for the protection of occupants of public educational and
28 ancillary plants. Such policies must contain procedures for
29 periodic inspections as prescribed in this section ~~herein~~ and
30 for withdrawal of any educational and ancillary plant, or
31

1 | portion thereof, from use until unsafe or unsanitary
2 | conditions are corrected or removed.

3 | ~~(2)~~(1) PERIODIC INSPECTION OF PROPERTY BY DISTRICT
4 | SCHOOL BOARDS.--

5 | (a) Each board shall provide for periodic inspection,
6 | other than firesafety inspection, of each educational and
7 | ancillary plant at least once during each fiscal year to
8 | determine compliance with standards of sanitation and casualty
9 | safety prescribed in the rules of the State Board of
10 | Education.

11 | (b) Firesafety inspections of each educational and
12 | ancillary plant must be made annually by persons certified by
13 | the Division of State Fire Marshal to be eligible to conduct
14 | firesafety inspections in public educational and ancillary
15 | plants. The board shall submit a copy of the firesafety
16 | inspection report to the State Fire Marshal and, if there is a
17 | local fire official who conducts firesafety inspections, to
18 | the local fire official.

19 | (c) In each firesafety inspection report, the board
20 | shall include a plan of action and a schedule for the
21 | correction of each deficiency which have been formulated in
22 | consultation with the local fire control authority. If
23 | immediate life-threatening deficiencies are noted in any
24 | inspection, the board shall either take action to promptly
25 | correct the deficiencies or withdraw the educational or
26 | ancillary plant from use until such time as the deficiencies
27 | are corrected.

28 | ~~(3)~~(2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER
29 | PUBLIC AGENCIES.--

30 | (a) A safety or sanitation inspection of any
31 | educational or ancillary plant may be made at any time by the

1 Department of Education or any other state or local agency
2 authorized or required to conduct such inspections by either
3 general or special law. Each agency conducting inspections
4 shall use the standards adopted by the Commissioner of
5 Education in lieu of, and to the exclusion of, any other
6 inspection standards prescribed either by statute or
7 administrative rule. The agency shall submit a copy of the
8 inspection report to the board.

9 (b) One firesafety inspection of each educational or
10 ancillary plant must be conducted each fiscal year by the
11 county, municipality, or special fire control district in
12 which the plant is located using the standards adopted by the
13 State Fire Marshal. The board shall cooperate with the
14 inspecting authority when a firesafety inspection is made by a
15 governmental authority under this paragraph.

16 (c) In each firesafety inspection report, the local
17 fire official in conjunction with the board shall include a
18 plan of action and a schedule for the correction of each
19 deficiency. If immediate life-threatening deficiencies are
20 noted in any inspection, the local fire official shall either
21 take action to require the board to promptly correct the
22 deficiencies or withdraw the educational facility from use
23 until the deficiencies are corrected, subject to review by the
24 State Fire Marshal who shall act within 10 days to ensure that
25 the deficiencies are corrected or withdraw the facility from
26 use.

27 ~~(4)(3)~~ CORRECTIVE ACTION; DEFICIENCIES OTHER THAN
28 FIRESAFETY DEFICIENCIES.--Upon failure of the board to take
29 corrective action within a reasonable time, the agency making
30 the inspection, other than a local fire official, may request
31 the commissioner to:

1 (a) Order that appropriate action be taken to correct
2 all deficiencies in accordance with a schedule determined
3 jointly by the inspecting authority and the board; in
4 developing the schedule, consideration must be given to the
5 seriousness of the deficiencies and the ability of the board
6 to obtain the necessary funds; or

7 (b) After 30 calendar days' notice to the board, order
8 all or a portion of the educational or ancillary plant
9 withdrawn from use until the deficiencies are corrected.

10 ~~(5)(4)~~ INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION
11 FACILITIES.--

12 ~~(a)~~ Firesafety inspections of community college ~~and~~
13 ~~university~~ facilities shall comply with State Board of
14 Education rules.

15 (b) Firesafety inspections of state universities shall
16 comply with rules of the Board of Governors.

17 ~~(6)(5)~~ CORRECTIVE ACTION; FIRESAFETY
18 DEFICIENCIES.--Upon failure of the board to take corrective
19 action within the time designated in the plan of action to
20 correct any firesafety deficiency noted under paragraph~~(2)~~
21 ~~(1)~~(c) or paragraph~~(3)~~~~(2)~~(c), the local fire official shall
22 immediately report the deficiency to the State Fire Marshal,
23 who shall have enforcement authority with respect to
24 educational and ancillary plants and educational facilities as
25 provided in chapter 633 for any other building or structure.

26 ~~(7)(6)~~ ADDITIONAL STANDARDS.--In addition to any other
27 rules adopted under this section or s. 633.022, the State Fire
28 Marshal in consultation with the Department of Education shall
29 adopt and administer rules prescribing the following standards
30 for the safety and health of occupants of educational and
31 ancillary plants:

1 (a) The designation of serious life-safety hazards,
2 including, but not limited to, nonfunctional fire alarm
3 systems, nonfunctional fire sprinkler systems, doors with
4 padlocks or other locks or devices that preclude egress at any
5 time, inadequate exits, hazardous electrical system
6 conditions, potential structural failure, and storage
7 conditions that create a fire hazard.

8 (b) The proper placement of functional smoke and heat
9 detectors and accessible, unexpired fire extinguishers.

10 (c) The maintenance of fire doors without doorstops or
11 wedges improperly holding them open.

12 ~~(8)(7)~~ ANNUAL REPORT.--The State Fire Marshal shall
13 publish an annual report to be filed with the substantive
14 committees of the state House of Representatives and Senate
15 having jurisdiction over education, the Commissioner of
16 Education or his or her successor, the State Board of
17 Education, the Board of Governors, and the Governor
18 documenting the status of each board's firesafety program,
19 including the improvement or lack thereof.

20 Section 168. Subsection (3) of section 1013.15,
21 Florida Statutes, is amended to read:

22 1013.15 Lease, rental, and lease-purchase of
23 educational facilities and sites.--

24 (3) Lease or lease-purchase agreements entered into by
25 university boards of trustees shall comply with the provisions
26 of ss. ~~1013.171~~ and 1010.62.

27 Section 169. Subsection (3) is added to section
28 1013.16, Florida Statutes, to read:

29 1013.16 Construction of facilities on leased property;
30 conditions.--

31

1 (3) Leases executed by a university board of trustees
2 pursuant to this section are subject to s. 1010.62.

3 Section 170. Section 1013.17, Florida Statutes, is
4 amended to read:

5 1013.17 University leasing in affiliated research and
6 development park.--A university is exempt from the
7 requirements of s. 255.25(3), (4), and (8) when leasing
8 educational facilities in a research and development park with
9 which the university is affiliated and when the Board of
10 Governors State Board of Education certifies in writing that
11 the leasing of such said educational facilities is in the best
12 interests of the university and that the exemption from
13 competitive bid requirements would not be detrimental to the
14 state. Leases entered into pursuant to this section are
15 subject to the provisions of s. 1010.62.

16 Section 171. Subsections (1) and (2) of section
17 1013.171, Florida Statutes, are amended, and subsection (6) is
18 added to that section, to read:

19 1013.171 University lease agreements; land,
20 facilities.--

21 (1) Each university board of trustees is authorized to
22 negotiate and enter into agreements to lease land under its
23 jurisdiction to for-profit and nonprofit corporations,
24 registered by the Secretary of State to do business in this
25 state, for the purpose of erecting thereon facilities and
26 accommodations necessary and desirable to serve the needs and
27 purposes of the university, as determined by the systemwide
28 strategic plan adopted by the Board of Governors State Board
29 of Education. Such agreement will be for a term not in excess
30 of 99 years or the life expectancy of the permanent facilities
31 constructed thereon, whichever is shorter, and shall include

1 as a part of the consideration provisions for the eventual
2 ownership of the completed facilities by the state. The Board
3 of Trustees of the Internal Improvement Trust Fund upon
4 request of the university board of trustees shall lease any
5 such property to the university for sublease as heretofore
6 provided.

7 (2) Each university board of trustees is authorized to
8 enter into agreements with for-profit and nonprofit
9 corporations, registered by the Secretary of State to do
10 business in this state, whereby income-producing buildings,
11 improvements, and facilities necessary and desirable to serve
12 the needs and purposes of the university, as determined by the
13 systemwide strategic plan adopted by the Board of Governors
14 ~~State Board of Education~~, are acquired by purchase or
15 lease-purchase by the university. When such agreements provide
16 for lease-purchase of facilities erected on land that is not
17 under the jurisdiction of the university, the agreement shall
18 include as a part of the consideration provisions for the
19 eventual ownership of the land and facility by the state.
20 Agreements for lease-purchase shall not exceed 30 years or the
21 life expectancy of the permanent facility constructed,
22 whichever is shorter. ~~Notwithstanding the provisions of any~~
23 ~~other law~~, The university board of trustees may enter into an
24 agreement for the lease-purchase of a facility under this
25 section for a term greater than 1 year. Each university board
26 of trustees is authorized to use any auxiliary trust funds,
27 available and not otherwise obligated, to pay rent to the
28 owner should income from the facilities not be sufficient in
29 any debt payment period. The trust funds used for payment of
30 rent shall be reimbursed as soon as possible to the extent
31

1 that income from the facilities exceeds the amount necessary
2 for such debt payment.

3 (6) Agreements entered into pursuant to this section
4 are subject to the provisions of s. 1010.62.

5 Section 172. Section 1013.19, Florida Statutes, is
6 amended to read:

7 1013.19 Purchase, conveyance, or encumbrance of
8 property interests above surface of land; joint-occupancy
9 structures.--For the purpose of implementing jointly financed
10 construction project agreements, or for the construction of
11 combined occupancy structures, any board may purchase, own,
12 convey, sell, lease, or encumber airspace or any other
13 interests in property above the surface of the land, provided
14 the lease of airspace for nonpublic use is for such reasonable
15 rent, length of term, and conditions as the board in its
16 discretion may determine. All proceeds from such sale or lease
17 shall be used by the board or boards receiving the proceeds
18 solely for fixed capital outlay purposes. These purposes may
19 include the renovation or remodeling of existing facilities
20 owned by the board or the construction of new facilities;
21 however, for a community college board or university board,
22 such new facility must be authorized by the Legislature. It is
23 declared that the use of such rental by the board for public
24 purposes in accordance with its statutory authority is a
25 public use. Airspace or any other interest in property held by
26 the Board of Trustees of the Internal Improvement Trust Fund
27 or the State Board of Education may not be divested or
28 conveyed without approval of the respective board. Any
29 building, including any building or facility component that is
30 common to both nonpublic and educational portions thereof,
31 constructed in airspace that is sold or leased for nonpublic

1 use pursuant to this section is subject to all applicable
2 state, county, and municipal regulations pertaining to land
3 use, zoning, construction of buildings, fire protection,
4 health, and safety to the same extent and in the same manner
5 as such regulations would be applicable to the construction of
6 a building for nonpublic use on the appurtenant land beneath
7 the subject airspace. Any educational facility constructed or
8 leased as a part of a joint-occupancy facility is subject to
9 all rules and requirements of the respective boards or
10 departments having jurisdiction over educational facilities.
11 Any contract executed by a university board of trustees
12 pursuant to this section is subject to the provisions of s.
13 1010.62.

14 Section 173. Section 1013.25, Florida Statutes, is
15 amended to read:

16 1013.25 When university or community college board of
17 trustees may exercise power of eminent domain.--Whenever it
18 becomes necessary for the welfare and convenience of any of
19 its institutions or divisions to acquire private property for
20 the use of such institutions, and this cannot be acquired by
21 agreement satisfactory to a university or community college
22 board of trustees and the parties interested in, or the owners
23 of, the private property, the board of trustees may exercise
24 the power of eminent domain after receiving approval therefor
25 from the Administration Commission ~~State Board of Education~~
26 and may then proceed to condemn the property in the manner
27 provided by chapter 73 or chapter 74.

28 Section 174. Section 1013.28, Florida Statutes, is
29 amended to read:

30 1013.28 Disposal of property.--
31 (1) REAL PROPERTY.--

1 (a) Subject to rules of the State Board of Education,
2 a district school board, the Board of Trustees for the Florida
3 School for the Deaf and the Blind, or a community college
4 board of trustees may dispose of any land or real property to
5 which the board holds title which ~~that~~ is, by resolution of
6 the board, determined to be unnecessary for educational
7 purposes as recommended in an educational plant survey. A
8 district school board, the Board of Trustees for the Florida
9 School for the Deaf and the Blind, or a community college
10 board of trustees shall take diligent measures to dispose of
11 educational property only in the best interests of the public.
12 However, appraisals may be obtained by the district school
13 board, the Board of Trustees for the Florida School for the
14 Deaf and the Blind, or the community college board of trustees
15 prior to or simultaneously with the receipt of bids.

16 (b) Subject to rules of the Board of Governors, a
17 state university board of trustees may dispose of any land or
18 real property to which it holds valid title which is, by
19 resolution of the state university board of trustees,
20 determined to be unnecessary for educational purposes as
21 recommended in an educational plant survey. A state university
22 board of trustees shall take diligent measures to dispose of
23 educational property only in the best interests of the public.
24 However, appraisals may be obtained by the state university
25 board of trustees prior to or simultaneously with the receipt
26 of bids.

27 (2) TANGIBLE PERSONAL PROPERTY.--

28 (a) Tangible personal property that ~~which~~ has been
29 properly classified as surplus by a district school board or
30 community college board of trustees shall be disposed of in
31 accordance with the procedure established by chapter 274 ~~and~~

1 ~~by a university board of trustees by chapter 273.~~ However, the
2 provisions of chapter 274 shall not be applicable to a motor
3 vehicle used in driver education to which title is obtained
4 for a token amount from an automobile dealer or manufacturer.
5 In such cases, the disposal of the vehicle shall be as
6 prescribed in the contractual agreement between the automotive
7 agency or manufacturer and the board.

8 (b) Tangible personal property that has been properly
9 classified as surplus by a state university board of trustees
10 shall be disposed of in accordance with the procedure
11 established by chapter 273.

12 Section 175. Section 1013.31, Florida Statutes, is
13 amended to read:

14 1013.31 Educational plant survey; localized need
15 assessment; PECO project funding.--

16 (1) At least every 5 years, each board shall arrange
17 for an educational plant survey, to aid in formulating plans
18 for housing the educational program and student population,
19 faculty, administrators, staff, and auxiliary and ancillary
20 services of the district or campus, including consideration of
21 the local comprehensive plan. The Department of Education
22 ~~Office of Workforce and Economic Development~~ shall document
23 the need for additional career and adult education programs
24 and the continuation of existing programs before facility
25 construction or renovation related to career or adult
26 education may be included in the educational plant survey of a
27 school district or community college that delivers career or
28 adult education programs. Information used by the Department
29 of Education ~~Office of Workforce and Economic Development~~ to
30 establish facility needs must include, but need not be limited
31

1 to, labor market data, needs analysis, and information
2 submitted by the school district or community college.

3 (a) Survey preparation and required data.--Each survey
4 shall be conducted by the board or an agency employed by the
5 board. Surveys shall be reviewed and approved by the board,
6 and a file copy shall be submitted to the Department of
7 Education ~~Office of Educational Facilities and SMART Schools~~
8 ~~Clearinghouse within the Office of the Commissioner of~~
9 ~~Education~~. The survey report shall include at least an
10 inventory of existing educational and ancillary plants,
11 including safe access facilities; recommendations for existing
12 educational and ancillary plants; recommendations for new
13 educational or ancillary plants, including the general
14 location of each in coordination with the land use plan and
15 safe access facilities; campus master plan update and detail
16 for community colleges; the utilization of school plants based
17 on an extended school day or year-round operation; and such
18 other information as may be required by the Department of
19 Education ~~rules of the State Board of Education~~. This report
20 may be amended, if conditions warrant, at the request of the
21 department ~~board~~ or commissioner.

22 (b) Required need assessment criteria for district,
23 community college, ~~college and~~ state university, and Florida
24 School for the Deaf and the Blind plant surveys.--Educational
25 plant surveys must use uniform data sources and criteria
26 specified in this paragraph. Each revised educational plant
27 survey and each new educational plant survey supersedes
28 previous surveys.

29 1. The school district's survey must be submitted as a
30 part of the district educational facilities plan defined in s.
31 1013.35. To ensure that the data reported to the Department of

1 Education as required by this section is correct, the
2 department shall annually conduct an onsite review of 5
3 percent of the facilities reported for each school district
4 completing a new survey that year. If the department's review
5 finds the data reported by a district is less than 95 percent
6 accurate, within 1 year from the time of notification by the
7 department the district must submit revised reports correcting
8 its data. If a district fails to correct its reports, the
9 commissioner may direct that future fixed capital outlay funds
10 be withheld until such time as the district has corrected its
11 reports so that they are not less than 95 percent accurate.

12 2. Each survey of a special facility, joint-use
13 facility, or cooperative career education facility must be
14 based on capital outlay full-time equivalent student
15 enrollment data prepared by the department for school
16 districts, community colleges, ~~colleges~~, and universities. A
17 survey of space needs of a joint-use facility shall be based
18 upon the respective space needs of the school districts,
19 community colleges, ~~colleges~~, and universities, as
20 appropriate. Projections of a school district's facility space
21 needs may not exceed the norm space and occupant design
22 criteria established by the State Requirements for Educational
23 Facilities.

24 3. Each community college's survey must reflect the
25 capacity of existing facilities as specified in the inventory
26 maintained by the Department of Education. Projections of
27 facility space needs must comply with standards for
28 determining space needs as specified by rule of the State
29 Board of Education. The 5-year projection of capital outlay
30 student enrollment must be consistent with the annual report
31

1 of capital outlay full-time student enrollment prepared by the
2 Department of Education.

3 4. Each ~~college and~~ state university's survey must
4 reflect the capacity of existing facilities as specified in
5 the inventory maintained and validated by the Department of
6 Education ~~Division of Colleges and Universities~~. Projections
7 of facility space needs must be consistent with standards for
8 determining space needs as specified by rule of ~~approved by~~
9 the Board of Governors ~~Division of Colleges and Universities~~.
10 The projected capital outlay full-time equivalent student
11 enrollment must be consistent with the 5-year planned
12 enrollment cycle for the State University System approved by
13 the Board of Governors ~~Division of Colleges and Universities~~.

14 5. The district educational facilities plan of a
15 school district and the educational plant survey of a
16 community college, ~~college or~~ state university, or the Florida
17 School for the Deaf and the Blind may include space needs that
18 deviate from approved standards for determining space needs if
19 the deviation is justified by the district or institution and
20 approved by the department, as necessary for the delivery of
21 an approved educational program.

22 (c) Review and validation.--The Department of
23 Education ~~Office of Educational Facilities and SMART Schools~~
24 ~~Clearinghouse~~ shall review and validate the surveys of school
25 districts, community colleges, ~~and colleges~~ and universities,
26 and any amendments thereto for compliance with the
27 requirements of this chapter and shall recommend those in
28 compliance for approval by the State Board of Education or the
29 Board of Governors, as appropriate. Annually, the department
30 shall perform an in-depth analysis of a representative sample
31 of each survey of recommended needs for five districts

1 selected by the commissioner from among districts with the
2 largest need-to-revenue ratio. For the purpose of this
3 subsection, the need-to-revenue ratio is determined by
4 dividing the total 5-year cost of projects listed on the
5 district survey by the total 5-year fixed capital outlay
6 revenue projections from state and local sources as determined
7 by the department. The commissioner may direct fixed capital
8 outlay funds to be withheld from districts until such time as
9 the survey accurately projects facilities needs.

10 (d) Periodic update of Florida Inventory of School
11 Houses.--School districts shall periodically update their
12 inventory of educational facilities as new capacity becomes
13 available and as unsatisfactory space is eliminated. The State
14 Board of Education shall adopt rules to determine the time
15 frame in which districts must provide a periodic update.

16 (2) Only the district school superintendent, community
17 college president, or the university president shall certify
18 to the Department of Education ~~Office of Educational~~
19 ~~Facilities and SMART Schools Clearinghouse~~ a project's
20 compliance with the requirements for expenditure of PECO funds
21 prior to release of funds.

22 (a) Upon request for release of PECO funds for
23 planning purposes, certification must be made to the
24 Department of Education ~~Office of Educational Facilities and~~
25 ~~SMART Schools Clearinghouse~~ that the need for and location of
26 the facility are in compliance with the board-approved survey
27 recommendations, that the project meets the definition of a
28 PECO project and the limiting criteria for expenditures of
29 PECO funding, and that the plan is consistent with the local
30 government comprehensive plan.

31

1 (b) Upon request for release of construction funds,
2 certification must be made to the Department of Education
3 ~~Office of Educational Facilities and SMART Schools~~
4 ~~Clearinghouse~~ that the need and location of the facility are
5 in compliance with the board-approved survey recommendations,
6 that the project meets the definition of a PECO project and
7 the limiting criteria for expenditures of PECO funding, and
8 that the construction documents meet the requirements of the
9 Florida Building Code for educational facilities construction
10 or other applicable codes as authorized in this chapter.

11 Section 176. Subsection (2) of section 1013.46,
12 Florida Statutes, is amended to read:

13 1013.46 Advertising and awarding contracts;
14 prequalification of contractor.--

15 (2) Boards shall prequalify bidders for construction
16 contracts ~~according to rules prescribed by the State Board of~~
17 ~~Education which require the prequalification of bidders of~~
18 ~~educational facilities construction~~. Boards shall require that
19 all construction or capital improvement bids be accompanied by
20 evidence that the bidder holds an appropriate certificate or
21 license or that the prime contractor has a current valid
22 license.

23 Section 177. Section 1013.47, Florida Statutes, is
24 amended to read:

25 1013.47 Substance of contract; contractors to give
26 bond; penalties.--Each board shall develop contracts
27 consistent with this chapter and statutes governing public
28 facilities. Such a contract must contain the drawings and
29 specifications of the work to be done and the material to be
30 furnished, the time limit in which the construction is to be
31 completed, the time and method by which payments are to be

1 | made upon the contract, and the penalty to be paid by the
2 | contractor for any failure to comply with the terms of the
3 | contract. The board may require the contractor to pay a
4 | penalty for any failure to comply with the terms of the
5 | contract and may provide an incentive for early completion.
6 | Upon accepting a satisfactory bid, the board shall enter into
7 | a contract with the party or parties whose bid has been
8 | accepted. The contractor shall furnish the board with a
9 | performance and payment bond as set forth in s. 255.05. A
10 | board or other public entity may not require a contractor to
11 | secure a surety bond under s. 255.05 from a specific agent or
12 | bonding company. Notwithstanding any other provision of this
13 | section, if 25 percent or more of the costs of any
14 | construction project is paid out of a trust fund established
15 | pursuant to 31 U.S.C. s. 1243(a)(1), laborers and mechanics
16 | employed by contractors or subcontractors on such construction
17 | will be paid wages not less than those prevailing on similar
18 | construction projects in the locality, as determined by the
19 | Secretary of Labor in accordance with the Davis-Bacon Act, as
20 | amended. A person, firm, or corporation that constructs any
21 | part of any educational plant, or addition thereto, on the
22 | basis of any unapproved plans or in violation of any plans
23 | approved in accordance with the provisions of this chapter and
24 | rules of the State Board of Education or the Board of
25 | Governors relating to building standards or specifications is
26 | subject to forfeiture of bond and unpaid compensation in an
27 | amount sufficient to reimburse the board for any costs that
28 | will need to be incurred in making any changes necessary to
29 | assure that all requirements are met and is also guilty of a
30 | misdemeanor of the second degree, punishable as provided in s.
31 | 775.082 or s. 775.083, for each separate violation.

1 Section 178. Paragraphs (a), (c), and (d) of
2 subsection (1) and subsections (2) and (3) of section 1013.52,
3 Florida Statutes, are amended to read:

4 1013.52 Cooperative development and joint use of
5 facilities by two or more boards.--

6 (1) Two or more boards, including district school
7 boards, community college boards of trustees, the Board of
8 Trustees for the Florida School for the Deaf and the Blind,
9 and university boards of trustees, desiring to cooperatively
10 establish a common educational facility to accommodate
11 students shall:

12 (a) Jointly request a formal assessment by the
13 Commissioner of Education or the Chancellor of the State
14 University System, as appropriate, of the academic program
15 need and the need to build new joint-use facilities to house
16 approved programs. Completion of the assessment and approval
17 of the project by the State Board of Education, the Board of
18 Governors, the Chancellor of the State University System, or
19 the Commissioner of Education, as appropriate, should be done
20 prior to conducting an educational facilities survey.

21 (c) Adopt and submit to the Commissioner of Education,
22 and the Chancellor of the State University System if the joint
23 request involves a state university, a joint resolution of the
24 participating boards indicating their commitment to the
25 utilization of the requested facility and designating the
26 locale of the proposed facility. The joint resolution shall
27 contain a statement of determination by the participating
28 boards that alternate options, including the use of leased,
29 rented, or borrowed space, were considered and found less
30 appropriate than construction of the proposed facility. The
31 joint resolution shall contain assurance that the development

1 of the proposed facility has been examined in conjunction with
2 the programs offered by neighboring public educational
3 facilities offering instruction at the same level. The joint
4 resolution also shall contain assurance that each
5 participating board shall provide for continuity of
6 educational progression. All joint resolutions shall be
7 submitted to the Chancellor of the State University System if
8 the joint request involves a state university, ~~commissioner~~ by
9 August 1 for consideration of funding by the subsequent
10 Legislature.

11 (d) Submit requests for funding of joint-use
12 facilities projects involving state universities and community
13 colleges for approval by the Commissioner of Education and the
14 Chancellor of the State University System. The Commissioner of
15 Education and the Chancellor of the State University System
16 shall jointly determine the priority for funding these
17 projects in relation to the priority of all other capital
18 outlay projects under their consideration. To be eligible for
19 funding from the Public Education Capital Outlay and Debt
20 Service Trust Fund under the provisions of this section,
21 projects involving both state universities and community
22 colleges shall appear on the 3-year capital outlay priority
23 lists of community colleges and of universities required by s.
24 1013.64. Projects involving a state university, community
25 college, and a public school, and in which the larger share of
26 the proposed facility is for the use of the state university
27 or the community college, shall appear on the 3-year capital
28 outlay priority lists of the community colleges or of the
29 universities, as applicable.

30 (2) An educational plant survey must be conducted
31 within 90 days after submission of the joint resolution and

1 substantiating data describing the benefits to be obtained,
2 the programs to be offered, and the estimated cost of the
3 proposed project. Upon completion of the educational plant
4 survey, the participating boards may include the recommended
5 projects in their plan as provided in s. 1013.31. Upon
6 approval of the project by the commissioner or the Chancellor
7 of the State University System, as appropriate, 25 percent of
8 the total cost of the project, or the pro rata share based on
9 space utilization of 25 percent of the cost, must be included
10 in the department's legislative capital outlay budget request
11 as provided in s. 1013.60 for educational plants. The
12 participating boards must include in their joint resolution a
13 commitment to finance the remaining funds necessary to
14 complete the planning, construction, and equipping of the
15 facility. Funds from the Public Education Capital Outlay and
16 Debt Service Trust Fund may not be expended on any project
17 unless specifically authorized by the Legislature.

18 (3) Included in all proposals for joint-use facilities
19 must be documentation that the proposed new campus or new
20 joint-use facility has been reviewed by the State Board of
21 Education or the Board of Governors, as appropriate, and has
22 been formally requested for authorization by the Legislature.

23 Section 179. Subsection (2) of section 1013.60,
24 Florida Statutes, is amended to read:

25 1013.60 Legislative capital outlay budget request.--

26 (2) The commissioner shall submit to the Governor and
27 to the Legislature an integrated, comprehensive budget request
28 for educational facilities construction and fixed capital
29 outlay needs for school districts, community colleges, and
30 universities, pursuant to the provisions of s. 1013.64 and
31 applicable provisions of chapter 216. Each community college

1 board of trustees and each university board of trustees shall
2 submit to the commissioner a 3-year plan and data required in
3 the development of the annual capital outlay budget. The
4 information submitted by a university board of trustees must
5 be approved by the Board of Governors prior to submission to
6 the Commissioner of Education. No further disbursements shall
7 be made from the Public Education Capital Outlay and Debt
8 Service Trust Fund to a board of trustees that fails to timely
9 submit the required data until such board of trustees submits
10 the data.

11 Section 180. Paragraph (a) of subsection (4) of
12 section 1013.64, Florida Statutes, is amended to read:

13 1013.64 Funds for comprehensive educational plant
14 needs; construction cost maximums for school district capital
15 projects.--Allocations from the Public Education Capital
16 Outlay and Debt Service Trust Fund to the various boards for
17 capital outlay projects shall be determined as follows:

18 (4)(a) Community college boards of trustees and
19 university boards of trustees shall receive funds for projects
20 based on a 3-year priority list, to be updated annually, which
21 is submitted to the Legislature in the legislative budget
22 request at least 90 days prior to the legislative session. The
23 State Board of Education shall submit a 3-year priority list
24 for community colleges and a 3-year priority list for
25 universities. The lists shall reflect decisions by the State
26 Board of Education for community colleges and the Board of
27 Governors for state universities concerning program priorities
28 that implement the statewide plan for program growth and
29 quality improvement in education. No remodeling or renovation
30 project shall be included on the 3-year priority list unless
31 the project has been recommended pursuant to s. 1013.31 or is

1 for the purpose of correcting health and safety deficiencies.
2 No new construction project shall be included on the first
3 year of the 3-year priority list unless the educational
4 specifications have been approved by the commissioner for a
5 community college project or by the Board of Governors for a
6 university project, as applicable. The funds requested for a
7 new construction project in the first year of the 3-year
8 priority list shall be in conformance with the scope of the
9 project as defined in the educational specifications. Any new
10 construction project requested in the first year of the 3-year
11 priority list which is not funded by the Legislature shall be
12 carried forward to be listed first in developing the updated
13 3-year priority list for the subsequent year's capital outlay
14 budget. Should the order of the priority of the projects
15 change from year to year, a justification for such change
16 shall be included with the updated priority list.

17 Section 181. Subsection (1) of section 1013.65,
18 Florida Statutes, is amended to read:

19 1013.65 Educational and ancillary plant construction
20 funds; Public Education Capital Outlay and Debt Service Trust
21 Fund; allocation of funds.--

22 (1) The commissioner, through the department, shall
23 administer the Public Education Capital Outlay and Debt
24 Service Trust Fund. The commissioner shall allocate or
25 reallocate funds as authorized by the Legislature. Copies of
26 each allocation or reallocation shall be provided to members
27 of the State Board of Education and the Board of Governors and
28 to the chairs of the House of Representatives and Senate
29 appropriations committees. The commissioner shall provide for
30 timely encumbrances of funds for duly authorized projects.
31 Encumbrances may include proceeds to be received under a

1 resolution approved by the State Board of Education
2 authorizing the issuance of public education capital outlay
3 bonds pursuant to s. 9(a)(2), Art. XII of the State
4 Constitution, s. 215.61, and other applicable law. The
5 commissioner shall provide for the timely disbursement of
6 moneys necessary to meet the encumbrance authorizations of the
7 boards. Records shall be maintained by the department to
8 identify legislative appropriations, allocations, encumbrance
9 authorizations, disbursements, transfers, investments, sinking
10 funds, and revenue receipts by source. The Department of
11 Education shall pay the administrative costs of the Public
12 Education Capital Outlay and Debt Service Trust Fund from the
13 funds which comprise the trust fund.

14 Section 182. Paragraph (c) of subsection (2) and
15 subsection (3) of section 1013.74, Florida Statutes, are
16 amended, and subsection (5) is added to that section, to read:

17 1013.74 University authorization for fixed capital
18 outlay projects.--

19 (2) The following types of projects may be
20 accomplished pursuant to this section:

21 (c) Construction of projects financed as provided in
22 s. 1010.62 ~~ss. 1010.60 1010.619~~ or s. 1013.71;

23 (3) Other than those projects currently authorized, no
24 project proposed by a university which is to be funded from
25 Capital Improvement Trust Fund fees or building fees shall be
26 submitted to the Board of Governors ~~State Board of Education~~
27 for approval without prior consultation with the student
28 government association of that university. The Board of
29 Governors may adopt ~~State Board of Education shall promulgate~~
30 rules which are consistent with this requirement.
31

1 (5) Projects accomplished pursuant to this section are
2 subject to the requirements of s. 1010.62.

3 Section 183. Subsection (2) of section 1013.78,
4 Florida Statutes, is amended to read:

5 1013.78 Approval required for certain
6 university-related facility acquisitions.--

7 (2) Legislative approval shall not be required for
8 renovations, remodeling, replacement of existing facilities,
9 or construction of minor projects as defined in s. 1013.64,
10 except to the extent required pursuant to s. 1010.62.

11 Section 184. Sections 186.805 and 1004.54, Florida
12 Statutes, are repealed. It is the intent of the Legislature
13 that the repeal of ss. 186.805 and 1004.54, Florida Statutes,
14 by this act is to remove existing statutory authorization that
15 is no longer necessary for the establishment, operation, or
16 maintenance of the entities that were established, operated,
17 or regulated under those provisions and does not affect the
18 authority of a state university or the Board of Governors of
19 the State University System under s. 7, Art. IX of the State
20 Constitution and s. 1001.705, Florida Statutes, to continue
21 such entities and their operation and regulation in accordance
22 with that authority.

23 Section 185. Sections 741.03055, 741.03056, 1001.75,
24 1007.261, 1007.31, 1007.32, 1008.51, 1011.4105, 1012.92,
25 1012.94, and 1012.95, Florida Statutes, are repealed.

26 Section 186. This act shall take effect July 1, 2007.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1270
4 The committee substitute revises laws relating to governance
5 of the State University System to conform with constitutional
6 directives. In particular, the committee substitute:
7 Conforms law to constitutional authority relating to the
8 powers and duties of the Board of Governors and the
9 Legislature;
10 Transfers responsibilities from the State Board of Education
11 or the Commissioner of Education to the Board of Governors or
12 the University Boards of Trustees in certain instances;
13 Deletes obsolete terminology and unnecessary references;
14 Updates cross-references; and
15 Repeals obsolete statutes.
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