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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 department to provide
7 certain support services to the Board of
8 Governors of the State University System;
9 creating s. 20.155, F.S., relating to the Board
10 of Governors; providing for certain rights and
11 privileges, the head of the board, personnel,
12 certain powers and duties, and an Office of
13 Inspector General; amending s. 23.21, F.S.,
14 relating to definitions for purposes of
15 paperwork reduction; updating terminology;
16 amending s. 110.131, F.S., relating to
17 other-personal-services temporary employment;
18 updating terminology; amending s. 110.181,
19 F.S., relating to the Florida State Employees'
20 Charitable Campaign; conforming a
21 cross-reference; amending s. 112.0455, F.S.,
22 relating to the Drug-Free Workplace Act;
23 deleting obsolete provisions; amending s.
24 112.19, F.S., relating to death benefits for
25 certain officers; updating terminology;
26 requiring the Board of Governors to adopt
27 rules; amending s. 112.191, F.S., relating to
28 death benefits for firefighters; updating
29 terminology; requiring the Board of Governors
30 to adopt rules; amending s. 112.313, F.S.,
31 relating to standards of conduct; revising

1 definition of "employee" to include provosts;
2 updating terminology; amending s. 112.3135,
3 F.S., relating to restriction on employment of
4 relatives; updating terminology; amending s.
5 112.3145, F.S., relating to disclosure of
6 financial interests and clients represented
7 before agencies; updating terminology; amending
8 s. 120.52, F.S., relating to definitions for
9 purposes of the Administrative Procedure Act;
10 revising definition of "agency" to include the
11 Board of Governors and state university boards
12 of trustees under certain circumstances;
13 revising definition of "educational unit";
14 amending s. 120.65, F.S.; including the Board
15 of Governors in the list of entities that must
16 reimburse the Division of Administrative
17 Hearings for certain services and travel
18 expenses; amending s. 121.021, F.S., relating
19 to definitions for purposes of the Florida
20 Retirement System; updating terminology;
21 amending s. 121.35, F.S., relating to the
22 optional retirement program for the State
23 University System; transferring authority from
24 the State Board of Education to the Board of
25 Governors; updating terminology and provisions;
26 amending s. 159.703, F.S., relating to creation
27 of research and development authorities;
28 updating terminology and an effective date;
29 amending s. 159.704, F.S., relating to research
30 and development authorities; updating
31 terminology; amending s. 159.706, F.S.;

1 including research and development authorities
2 designated by the Board of Regents in a
3 grandfather clause; amending s. 211.3103, F.S.,
4 relating to distribution of the tax levy on
5 severance of phosphate rock; updating
6 terminology; amending s. 215.16, F.S., relating
7 to appropriations from the General Revenue
8 Fund; deleting unnecessary language; amending
9 s. 215.32, F.S., relating to segregation of
10 trust funds; including trust funds under the
11 management of the Board of Governors; amending
12 s. 215.559, F.S., relating to the Hurricane
13 Loss Mitigation Program; updating terminology;
14 deleting obsolete terminology; conforming
15 cross-references; amending s. 215.82, F.S.,
16 relating to validation of bonds; conforming a
17 cross-reference; amending s. 216.0152, F.S.,
18 relating to inventory of facilities; updating
19 terminology; amending s. 216.251, F.S.,
20 relating to salary appropriations; deleting
21 reference to the State Board of Education with
22 respect to State University System positions;
23 amending s. 220.15, F.S., relating to
24 apportionment of adjusted federal income;
25 updating terminology; amending s. 250.10, F.S.;
26 providing duties of the Board of Governors in
27 cooperation with the Adjutant General and the
28 State Board of Education; amending s. 253.381,
29 F.S., relating to the sale of unsurveyed
30 marshlands; deleting reference to the State
31 Board of Education; amending s. 255.02, F.S.,

1 relating to boards authorized to replace
2 buildings destroyed by fire; deleting obsolete
3 terminology; amending s. 255.043, F.S.,
4 relating to art in state buildings; deleting
5 obsolete terminology; amending s. 255.102,
6 F.S.; requiring the Board of Governors to
7 collaborate in the adoption of rules for
8 contractor compliance with minority business
9 participation; amending s. 280.02, F.S.;
10 revising definition of "public deposit" to
11 include moneys of a state university; amending
12 s. 286.001, F.S., relating to statutorily
13 required reports; updating terminology;
14 amending s. 287.064, F.S., relating to
15 consolidated financing of deferred-payment
16 purchases; conforming a cross-reference;
17 amending s. 287.155, F.S., relating to purchase
18 of motor vehicles; updating terminology;
19 amending s. 288.15, F.S.; adding the Board of
20 Governors to the list of entities authorized to
21 cooperate with the Division of Bond Finance;
22 amending s. 288.17, F.S., relating to revenue
23 certificates; updating terminology; amending s.
24 288.705, F.S.; updating terminology; amending
25 s. 288.7091, F.S.; requiring the Florida Black
26 Business Investment Board to develop memoranda
27 of understanding with the Board of Governors;
28 amending s. 288.8175, F.S.; requiring a linkage
29 institute to be governed by an agreement
30 between the Board of Governors and the State
31 Board of Education; amending s. 295.07, F.S.,

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

1 | amending s. 464.0196, F.S., relating to nurse
2 | educator appointments; prescribing appointing
3 | authorities for the Florida Center for Nursing
4 | board; amending s. 489.103, F.S., relating to
5 | exemptions for purposes of construction
6 | contracting; updating terminology; amending s.
7 | 489.503, F.S., relating to exemptions for
8 | purposes of electrical and alarm system
9 | contracting; updating terminology; amending s.
10 | 553.71, F.S., relating to definitions for
11 | purposes of the Florida Building Code;
12 | conforming terminology relating to education
13 | boards; amending ss. 627.06281 and 627.06292,
14 | F.S., relating to hurricane loss data; updating
15 | terminology; amending s. 633.01, F.S., relating
16 | to the State Fire Marshal; conforming
17 | cross-references; amending s. 650.03, F.S.,
18 | relating to federal-state agreement; updating
19 | terminology; amending s. 943.1755, F.S.,
20 | relating to the Florida Criminal Justice
21 | Executive Institute; updating terminology;
22 | amending s. 1000.01, F.S.; providing for
23 | certain transfers; amending s. 1000.03, F.S.,
24 | relating to the function, mission, and goals of
25 | the Florida K-20 education system; deleting
26 | duplicative provisions; limiting oversight
27 | authority over state university matters to the
28 | Board of Governors; amending s. 1000.05, F.S.;
29 | assigning responsibilities for implementation
30 | of equal opportunity policies to the
31 | Commissioner of Education and State Board of

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

1 allocation of funds for qualified postsecondary
2 projects; requiring annual reporting by the
3 Commissioner of Education; conforming
4 provisions; amending s. 1001.20, F.S.;
5 transferring responsibilities regarding
6 determination of need for investigations of
7 state universities by the Office of Inspector
8 General; amending s. 1001.28, F.S.; providing
9 that Department of Education distance learning
10 duties do not alter duties of the Board of
11 Governors; amending s. 1001.64, F.S., relating
12 to powers and duties of community college
13 boards of trustees; conforming a
14 cross-reference; amending s. 1001.70, F.S.;
15 providing authority of the Board of Governors;
16 authorizing travel and per diem; creating s.
17 1001.706, F.S., relating to powers and duties
18 of the Board of Governors; providing for
19 rulemaking; providing powers and duties
20 relating to organization and operation of state
21 universities, finance, accountability,
22 personnel, property, compliance with laws and
23 rules, and cooperation with other education
24 boards; prohibiting assessment of a fee on
25 universities; amending s. 1001.71, F.S.;
26 providing that the university boards of
27 trustees are part of the executive branch of
28 state government; deleting certain board member
29 requirements; amending s. 1001.72, F.S.,
30 relating to university boards of trustees
31 acting as corporations; amending s. 1001.73,

1 F.S., relating to university boards acting as
2 trustees; transferring responsibilities of the
3 State Board of Education to the Board of
4 Governors; subjecting agreements to
5 requirements for the issuance of bonds and
6 debt; amending s. 1001.74, F.S.; revising
7 powers and duties of university boards of
8 trustees relating to general provisions for
9 responsibility, organization and operation of
10 state universities, finance, accountability,
11 personnel, property, and compliance with laws
12 and rules; amending s. 1002.35, F.S.; requiring
13 the State Board of Education to work in
14 conjunction with the Board of Governors
15 regarding assignment of a university partner to
16 the New World School of the Arts; updating
17 terminology; amending s. 1002.41, F.S.,
18 relating to home education programs; conforming
19 provisions; amending s. 1004.03, F.S.;
20 transferring responsibilities for approval of
21 new programs at state universities from the
22 State Board of Education to the Board of
23 Governors; amending s. 1004.04, F.S., relating
24 to accountability and approval for teacher
25 preparation programs; including the Board of
26 Governors as a report recipient; amending s.
27 1004.07, F.S., relating to student withdrawal
28 from courses due to military service; providing
29 for rules by the State Board of Education and
30 Board of Governors; amending s. 1004.21, F.S.;
31 removing legislative intent regarding state

1 universities; providing that state universities
2 are part of the executive branch of state
3 government and administered by a board of
4 trustees; amending s. 1004.22, F.S., relating
5 to divisions of sponsored research at state
6 universities; providing for guidelines of the
7 Board of Governors; transferring
8 responsibilities from the State Board of
9 Education to the Board of Governors; amending
10 s. 1004.24, F.S.; transferring responsibilities
11 relating to securing liability insurance from
12 the State Board of Education to the Board of
13 Governors or the board's designee; amending s.
14 1004.28, F.S.; transferring responsibilities
15 relating to duties of direct-support
16 organizations from the State Board of Education
17 to the Board of Governors; defining "property";
18 providing for rules; subjecting certain
19 agreements to requirements for issuance of
20 bonds and debt; amending s. 1004.29, F.S.;
21 transferring responsibilities relating to
22 university health services support
23 organizations from the State Board of Education
24 to the Board of Governors; providing for rules;
25 amending s. 1004.35, F.S.; including the Board
26 of Governors in consultations regarding
27 coordination of course offerings; amending s.
28 1004.36, F.S.; transferring responsibilities
29 relating to comprehensive master plans from the
30 State Board of Education to the Board of
31 Governors; amending s. 1004.39, F.S.;

1 transferring responsibilities relating to the
2 college of law at Florida International
3 University from the State Board of Education to
4 the Board of Governors; deleting obsolete
5 provisions; amending s. 1004.40, F.S.;
6 transferring responsibilities relating to the
7 college of law at Florida Agricultural and
8 Mechanical University from the State Board of
9 Education to the Board of Governors; deleting
10 obsolete provisions; amending s. 1004.41, F.S.,
11 relating to the J. Hillis Miller Health Center
12 at the University of Florida; authorizing the
13 University of Florida Board of Trustees to
14 utilize certain revenues; amending s. 1004.43,
15 F.S.; transferring responsibilities relating to
16 the H. Lee Moffitt Cancer Center and Research
17 Institute from the State Board of Education to
18 the Board of Governors; amending s. 1004.435,
19 F.S.; transferring responsibilities relating to
20 cancer control from the State Board of
21 Education to the Board of Governors; revising
22 membership of the Florida Cancer Control and
23 Research Council; amending s. 1004.445, F.S.;
24 transferring responsibilities relating to the
25 Johnnie B. Byrd, Sr., Alzheimer's Center and
26 Research Institute from the State Board of
27 Education to the Board of Governors; amending
28 s. 1004.447, F.S.; requiring annual reporting
29 to the Board of Governors; amending s. 1004.47,
30 F.S.; updating terminology relating to solid
31 and hazardous waste management research;

1 amending s. 1004.58, F.S.; including the Board
2 of Governors as a report recipient; providing
3 for the Chancellor of the State University
4 System to serve as a member of the board and to
5 staff the board; amending s. 1005.03, F.S.,
6 relating to the designation "college" or
7 "university"; deleting obsolete terminology;
8 amending s. 1005.06, F.S., relating to
9 institutions not under the jurisdiction of the
10 Commission for Independent Education; deleting
11 obsolete terminology; amending s. 1005.22,
12 F.S.; removing an obsolete reference; amending
13 s. 1006.53, F.S.; removing references to State
14 Board of Education rules for religious
15 observances; amending s. 1006.60, F.S.;
16 including rules of the Board of Governors
17 relating to codes of conduct; amending s.
18 1006.61, F.S.; including policies of the Board
19 of Governors relating to disruptive student
20 activities; amending s. 1006.62, F.S.;
21 including rules of the Board of Governors
22 relating to expulsion and discipline of
23 students; amending s. 1006.65, F.S.; requiring
24 the Board of Governors to adopt rules for state
25 universities relating to safety issues;
26 amending s. 1006.71, F.S., relating to gender
27 equity in intercollegiate athletics;
28 transferring responsibilities relating to state
29 universities from the Commissioner of Education
30 and State Board of Education to the Chancellor
31 of the State University System and Board of

1 Governors; adding the Legislature to the list
2 of recipients of annual assessments; amending
3 s. 1007.01, F.S.; requiring recommendations to
4 the Legislature relating to articulation;
5 amending s. 1007.22, F.S.; encouraging boards
6 to establish programs to maximize articulation;
7 amending s. 1007.23, F.S.; requiring the State
8 Board of Education and the Board of Governors
9 to enter into a statewide articulation
10 agreement which addresses certain issues;
11 revising provisions relating to admissions;
12 amending s. 1007.24, F.S., relating to the
13 statewide course numbering system; requiring
14 the Commissioner of Education in conjunction
15 with the chancellor, to perform certain duties;
16 requiring the Department of Education in
17 conjunction with the Board of Governors to
18 perform certain duties; requiring the State
19 Board of Education to approve course level with
20 input from the Board of Governors; amending s.
21 1007.25, F.S., relating to general education
22 courses, common prerequisites, and other degree
23 requirements; transferring responsibilities
24 relating to state universities from the State
25 Board of Education to the Board of Governors;
26 amending s. 1007.2615, F.S., relating to
27 acceptance of American Sign Language credits as
28 foreign language credits; conforming
29 provisions; amending s. 1007.262, F.S.,
30 relating to foreign language competence and
31 equivalence determinations; conforming

1 provisions; providing an exemption; amending s.
2 1007.264, F.S., relating to admission of
3 impaired and learning disabled persons to
4 postsecondary educational institutions;
5 transferring responsibilities relating to state
6 universities from the State Board of Education
7 to the Board of Governors; amending s.
8 1007.265, F.S., relating to graduation, study
9 program admission, and upper-division entry for
10 impaired and learning disabled persons;
11 transferring responsibilities relating to state
12 universities from the State Board of Education
13 to the Board of Governors; amending s. 1007.27,
14 F.S., relating to articulated acceleration
15 mechanisms and the statewide articulation
16 agreement; conforming provisions; deleting
17 obsolete provisions; amending s. 1007.28, F.S.;
18 transferring requirement for establishment and
19 maintenance of a computer-assisted student
20 advising system from the State Board of
21 Education to the Department of Education in
22 conjunction with the Board of Governors;
23 requiring the State Board of Education and the
24 Board of Governors to specify roles and
25 responsibilities relating to the system;
26 amending s. 1007.33, F.S., relating to
27 site-determined baccalaureate degree access;
28 conforming provisions; amending s. 1008.29,
29 F.S., relating to the college-level
30 communication and mathematics skills
31 examination (CLAST); requiring the State Board

1 of Education in conjunction with the Board of
2 Governors to establish minimum passing scores
3 and identify coursework to satisfy testing
4 requirements; authorizing the Board of
5 Governors to set certain examination fees;
6 amending s. 1008.30, F.S., relating to common
7 placement testing; requiring public
8 postsecondary educational institutions to
9 provide certain modifications for students with
10 disabilities; requiring the State Board of
11 Education in conjunction with the Board of
12 Governors to specify certain
13 college-preparatory requirements; amending s.
14 1008.32, F.S.; limiting State Board of
15 Education oversight enforcement authority to
16 school districts and community colleges and
17 their respective boards; amending s. 1008.345,
18 F.S.; conforming provisions relating to
19 implementation of the state system of school
20 improvement and education accountability;
21 requiring State Board of Education and Board of
22 Governors approval of CLAST skills and certain
23 assessments; including the Board of Governors
24 as a recipient of certain information; amending
25 s. 1008.37, F.S., relating to postsecondary
26 feedback of information to high schools;
27 removing State Board of Education rulemaking;
28 requiring the Commissioner of Education to
29 report to the Board of Governors; amending s.
30 1008.38, F.S., relating to the articulation
31 accountability process; requiring the State

1 Board of Education in conjunction with the
2 Board of Governors to establish an articulation
3 accountability process; amending s. 1008.45,
4 F.S., relating to the community college
5 accountability process; conforming provisions;
6 amending s. 1008.46, F.S.; transferring
7 responsibilities relating to the state
8 university accountability process from the
9 State Board of Education to the Board of
10 Governors; amending s. 1009.01, F.S.; revising
11 definition of "out-of-state fee"; amending s.
12 1009.21, F.S., relating to determination of
13 resident status for tuition purposes; modifying
14 State Board of Education rulemaking;
15 authorizing rulemaking by the Board of
16 Governors; amending s. 1009.24, F.S.; revising
17 provisions relating to state university tuition
18 and fees; providing guidelines and requirements
19 for the establishment of fees and fines;
20 updating terminology; providing that a state
21 university may not charge any fee except as
22 specifically authorized by law; amending s.
23 1009.26, F.S.; transferring responsibilities
24 relating to state university fee waivers from
25 the State Board of Education to the Board of
26 Governors; authorizing university boards of
27 trustees to waive tuition and out-of-state fees
28 under certain conditions; amending s. 1009.27,
29 F.S., relating to deferral of fees; removing
30 State Board of Education rulemaking; amending
31 s. 1009.285, F.S., relating to fees for

1 repeated enrollment in college-credit courses;
2 deleting reference to definitions and fee
3 levels established by the State Board of
4 Education; amending s. 1009.29, F.S., relating
5 to increased fees for funding financial aid
6 programs; correcting a reference; amending s.
7 1009.40, F.S., relating to general requirements
8 for student eligibility for state financial
9 aid; conforming provisions relating to tuition
10 assistance grants; amending s. 1009.90, F.S.;
11 including the Board of Governors with respect
12 to Department of Education duties relating to
13 student financial aid; amending s. 1009.91,
14 F.S.; requiring state university student loan
15 information to be reported annually to the
16 Board of Governors; amending s. 1009.971, F.S.,
17 relating to the Florida Prepaid College Board;
18 updating terminology; amending s. 1010.01,
19 F.S., relating to uniform records and accounts;
20 transferring responsibilities relating to state
21 universities from the State Board of Education
22 to the Board of Governors; requiring a uniform
23 classification of accounts; requiring state
24 universities to file financial statements;
25 amending s. 1010.011, F.S.; revising a
26 definition for purposes of financial matters;
27 amending s. 1010.02, F.S., relating to
28 financial accounting and expenditure;
29 transferring responsibilities relating to state
30 universities from the State Board of Education
31 to the Board of Governors; amending s. 1010.04,

1 F.S., relating to purchasing; transferring
2 responsibilities relating to state universities
3 from the State Board of Education to the Board
4 of Governors; amending s. 1010.07, F.S.,
5 relating to bonds and insurance; transferring
6 responsibilities relating to state universities
7 from the State Board of Education to the Board
8 of Governors; amending s. 1010.09, F.S.,
9 relating to direct-support organizations;
10 transferring responsibilities relating to state
11 universities from the State Board of Education
12 to the Board of Governors; amending s. 1010.30,
13 F.S., relating to audits; transferring
14 supervision of state universities from the
15 State Board of Education to the Board of
16 Governors; amending s. 1011.01, F.S.;
17 transferring budget responsibilities relating
18 to state universities from the State Board of
19 Education to the Board of Governors; requiring
20 coordination; amending s. 1011.011, F.S.;
21 requiring the State Board of Education in
22 conjunction with the Board of Governors to
23 submit legislative capital outlay budget
24 requests for state universities; amending s.
25 1011.40, F.S.; transferring state university
26 budget responsibilities from the State Board of
27 Education to the Board of Governors; amending
28 s. 1011.41, F.S.; requiring compliance with
29 certain tuition and fee policies for receipt of
30 state university appropriations; amending s.
31 1011.4106, F.S.; providing requirements for the

1 expenditure of tuition and fee revenues from
2 local accounts; providing for deposit into the
3 State Treasury under certain conditions;
4 amending s. 1011.411, F.S., relating to budgets
5 for sponsored research at universities;
6 conforming a cross-reference; amending s.
7 1011.42, F.S., relating to university
8 depositories; authorizing certain fund
9 transfers; amending s. 1011.48, F.S.;
10 transferring responsibilities for educational
11 research centers for child development from the
12 State Board of Education to the Board of
13 Governors; amending s. 1011.82, F.S., relating
14 to requirements for participation in the
15 Community College Program Fund; conforming a
16 cross-reference; amending s. 1011.90, F.S.;
17 transferring state university funding
18 responsibilities from the State Board of
19 Education to the Board of Governors; amending
20 s. 1011.91, F.S.; transferring certain
21 responsibilities relating to additional
22 appropriations; amending s. 1011.94, F.S.;
23 redesignating the Trust Fund for University
24 Major Gifts as the "University Major Gifts
25 Program"; removing provisions relating to the
26 trust fund; transferring responsibilities
27 relating to the University Major Gifts Program
28 from the State Board of Education to the Board
29 of Governors; removing references to New
30 College and the New College Foundation;
31 amending s. 1012.01, F.S.; limiting definitions

1 | for purposes of personnel; amending s. 1012.80,
2 | F.S.; transferring responsibilities relating to
3 | employee disruptive activities at state
4 | universities from the State Board of Education
5 | to the Board of Governors; amending s.
6 | 1012.801, F.S., relating to State University
7 | System employees; updating terminology;
8 | amending s. 1012.93, F.S.; authorizing
9 | evaluation of faculty proficiency in English
10 | through a test approved by the Board of
11 | Governors; amending s. 1012.98, F.S.; deleting
12 | obsolete provisions relating to professional
13 | development programs; amending s. 1013.01,
14 | F.S.; excluding the Board of Governors from the
15 | definition of "board" for purposes of
16 | educational facilities; amending s. 1013.02,
17 | F.S.; transferring rulemaking authority
18 | relating to state university educational
19 | facilities from the State Board of Education to
20 | the Board of Governors; amending s. 1013.03,
21 | F.S.; providing functions of the Board of
22 | Governors relating to state university
23 | educational facilities; revising provisions
24 | relating to submission of data; deleting
25 | obsolete provisions; amending s. 1013.11, F.S.;
26 | providing for the Chancellor of the State
27 | University System to receive reports; amending
28 | s. 1013.12, F.S.; requiring state university
29 | firesafety inspections to comply with rules of
30 | the Board of Governors; revising recipients of
31 | an annual report; amending s. 1013.15, F.S.;

1 subjecting lease or lease-purchase agreements
2 to requirements for issuance of bonds and debt;
3 amending s. 1013.16, F.S.; subjecting leases
4 executed by a university board of trustees to
5 requirements for issuance of bonds and debt;
6 amending s. 1013.17, F.S.; transferring
7 responsibilities relating to university leasing
8 in affiliated research and development parks
9 from the State Board of Education to the Board
10 of Governors; subjecting leases to requirements
11 for issuance of bonds and debt; amending s.
12 1013.171, F.S.; authorizing each university
13 board of trustees to enter into certain lease
14 agreements; transferring systemwide strategic
15 plan adoption responsibilities from the State
16 Board of Education to the Board of Governors;
17 subjecting agreements to requirements for
18 issuance of bonds and debt; amending s.
19 1013.19, F.S.; subjecting certain contracts
20 executed by a university board of trustees to
21 requirements for the issuance of bonds and
22 debt; amending s. 1013.25, F.S.; requiring
23 approval of the Administration Commission to
24 exercise the power of eminent domain; amending
25 s. 1013.28, F.S.; requiring state university
26 disposal of property according to rules of the
27 Board of Governors or the Board of Trustees for
28 the Florida School for the Deaf and the Blind;
29 amending s. 1013.31, F.S.; providing Department
30 of Education duties relating to educational
31 plant surveys and PECO funding; removing State

1 Board of Education rulemaking; updating
2 terminology and making technical changes;
3 requiring approval of state university
4 educational plant surveys by the Board of
5 Governors; amending s. 1013.46, F.S.; deleting
6 State Board of Education rulemaking for
7 prequalification of bidders; amending s.
8 1013.47, F.S.; including rules of the Board of
9 Governors with respect to contracts for
10 construction of educational facilities;
11 amending s. 1013.52, F.S.; requiring the Board
12 of Governors' or the Chancellor of the State
13 University System's review and approval for
14 state university joint-use facilities
15 proposals; amending s. 1013.60, F.S.; requiring
16 that state university capital outlay budget
17 request information approved by the Board of
18 Governors be submitted to the Commissioner of
19 Education; amending s. 1013.64, F.S.; requiring
20 the Board of Governors to submit a 3-year
21 priority list for capital outlay projects for
22 the universities; transferring responsibilities
23 for state university funds for comprehensive
24 educational plant needs from the State Board of
25 Education to the Board of Governors; amending
26 s. 1013.65, F.S.; requiring copies of capital
27 outlay allocations to be provided to the Board
28 of Governors; amending s. 1013.74, F.S.;
29 deleting a cross-reference; transferring
30 responsibilities relating to state university
31 fixed capital outlay projects from the State

1 Board of Education to the Board of Governors;
2 subjecting projects to requirements for
3 issuance of bonds and debt; amending s.
4 1013.78, F.S.; providing an exception relating
5 to legislative approval for university-related
6 facility acquisitions; authorizing the Board of
7 Governors of the State University System to
8 repeal certain rules; providing a requirement
9 for the repeal of any such rules; repealing s.
10 186.805, F.S., relating to the Data Bank on
11 Older Floridians; repealing s. 1004.54, F.S.,
12 relating to the Learning Development and
13 Evaluation Center; repealing s. 741.03055,
14 F.S., relating to review of premarital
15 preparation courses, pilot programs, and
16 questionnaire and curriculum; repealing s.
17 741.03056, F.S., relating to an informational
18 questionnaire; repealing s. 1001.75, F.S.,
19 relating to powers and duties of state
20 university presidents; repealing s. 1007.261,
21 F.S., relating to state university admission of
22 students; repealing s. 1007.31, F.S., relating
23 to limited access programs; repealing s.
24 1007.32, F.S., relating to transfer students;
25 repealing s. 1008.51, F.S., relating to the
26 Council for Education Policy Research and
27 Improvement; repealing s. 1011.4105, F.S.,
28 relating to transition from the state
29 accounting system (FLAIR) to the university
30 accounting system; repealing s. 1012.92, F.S.,
31 relating to personnel codes of conduct,

1 disciplinary measures, and rulemaking
2 authority; repealing s. 1012.94, F.S., relating
3 to evaluations of faculty members; repealing s.
4 1012.95, F.S., relating to university
5 employment equity accountability programs;
6 requiring the Board of Governors and the
7 university boards of trustees to repeal certain
8 rules; providing an effective date.
9

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

11
12 Section 1. Paragraph (a) of subsection (1) of section
13 20.055, Florida Statutes, is amended to read:

14 20.055 Agency inspectors general.--

15 (1) For the purposes of this section:

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

25 Section 2. Paragraphs (d) and (e) of subsection (3) of
26 section 20.15, Florida Statutes, are redesignated as
27 paragraphs (c) and (d), respectively, present paragraph (c) of
28 that subsection and subsections (5) and (7) are amended, and
29 subsection (8) is added to that section, to read:

30 20.15 Department of Education.--There is created a
31 Department of Education.

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

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

4 (5) POWERS AND DUTIES.--The State Board of Education
5 and the Commissioner of Education shall assign to the
6 divisions such powers, duties, responsibilities, and functions
7 as are necessary to ensure the greatest possible coordination,
8 efficiency, and effectiveness of education for students in
9 K-20 education under the jurisdiction of the State Board of
10 Education.

11 (7) BOARDS.--Notwithstanding anything contained in law
12 to the contrary, all members of the ~~university and~~ community
13 college boards of trustees must be appointed according to
14 chapter 1001.

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

23 Section 3. Section 20.155, Florida Statutes, is
24 created to read:

25 20.155 Board of Governors of the State University
26 System.--

27 (1) GENERAL PROVISIONS.--The Board of Governors of the
28 State University System is established by the State
29 Constitution under s. 7, Art. IX and, accordingly, is granted
30 rights and privileges equal to those of departments
31

1 established under this chapter while preserving the Board of
2 Governors' constitutional designation and title.

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

6 (3) PERSONNEL.--The Board of Governors may appoint a
7 Chancellor to aid the board in the implementation of its
8 responsibilities.

9 (4) POWERS AND DUTIES.--

10 (a) The Board of Governors shall operate, regulate,
11 control, and be responsible for the management of the whole
12 State University System in accordance with s. 7, Art. IX of
13 the State Constitution and law.

14 (b) The Board of Governors, in exercising its
15 authority under the State Constitution and statutes, shall do
16 so in a manner that supports, promotes, and enhances all of
17 the following:

18 1. Affordable access to postsecondary educational
19 opportunities for Florida residents.

20 2. Articulation among state universities and with
21 public schools and other postsecondary educational
22 institutions.

23 3. Fiscal responsibility.

24 4. Accountability.

25 (5) OFFICE OF INSPECTOR GENERAL.--An Office of
26 Inspector General shall be organized using existing resources
27 and funds to promote accountability, efficiency, and
28 effectiveness and to detect fraud and abuse within state
29 universities. If the Board of Governors determines that a
30 state university board of trustees is unwilling or unable to
31 address substantiated allegations made by any person relating

1 to waste, fraud, or financial mismanagement, the office shall
2 conduct, coordinate, or request investigations into
3 substantiated allegations made by any person relating to
4 waste, fraud, or financial mismanagement within a state
5 university. The office shall have access to all information
6 and personnel necessary to perform its duties and shall have
7 all of its current powers, duties, and responsibilities
8 authorized in s. 20.055.

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

11 23.21 Definitions.--For purposes of this part:

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

23 Section 5. Paragraph (a) of subsection (6) of section
24 110.131, Florida Statutes, is amended to read:

25 110.131 Other-personal-services temporary
26 employment.--

27 (6)(a) The provisions of subsections (2), (3), and (4)
28 do not apply to any employee for whom the Board of Governors
29 of the State University System, or the board's designee,
30 ~~Regents~~ or the Board of Trustees of the Florida School for the
31 Deaf and the Blind is the employer as defined in s.

1 447.203(2); except that, for purposes of subsection (5), the
2 Board of Trustees of the Florida School for the Deaf and the
3 Blind shall comply with the recordkeeping and reporting
4 requirements adopted by the department pursuant to subsection
5 (3) with respect to those other-personal-services employees
6 exempted by this subsection.

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

9 110.181 Florida State Employees' Charitable
10 Campaign.--

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

17 Section 7. Paragraphs (e), (f), and (g) of subsection
18 (13) of section 112.0455, Florida Statutes, are redesignated
19 as paragraphs (d), (e), and (f), respectively, and paragraph
20 (d) of that subsection is amended to read:

21 112.0455 Drug-Free Workplace Act.--

22 (13) RULES.--

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

25
26 This section shall not be construed to eliminate the
27 bargainable rights as provided in the collective bargaining
28 process where applicable.

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

31

1 112.19 Law enforcement, correctional, and correctional
2 probation officers; death benefits.--

3 (5) The State Board ~~Department~~ of Education or the
4 Board of Governors, as appropriate, shall adopt rules and
5 procedures as are necessary to implement the educational
6 benefits provisions of this section.

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

9 112.191 Firefighters; death benefits.--

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

14 Section 10. Paragraph (a) of subsection (9) of section
15 112.313, Florida Statutes, is amended to read:

16 112.313 Standards of conduct for public officers,
17 employees of agencies, and local government attorneys.--

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

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

25 2. As used in this paragraph:

26 a. "Employee" means:

27 (I) Any person employed in the executive or
28 legislative branch of government holding a position in the
29 Senior Management Service as defined in s. 110.402 or any
30 person holding a position in the Selected Exempt Service as
31 defined in s. 110.602 or any person having authority over

1 policy or procurement employed by the Department of the
2 Lottery.

3 (II) The Auditor General, the director of the Office
4 of Program Policy Analysis and Government Accountability, the
5 Sergeant at Arms and Secretary of the Senate, and the Sergeant
6 at Arms and Clerk of the House of Representatives.

7 (III) The executive director of the Legislative
8 Committee on Intergovernmental Relations and the executive
9 director and deputy executive director of the Commission on
10 Ethics.

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

21 (V) The Chancellor and Vice Chancellors of the State
22 University System; the general counsel to the Board of
23 Governors of the State University System ~~Regents~~; and the
24 president, provost, vice presidents, and deans of each state
25 university.

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

29 b. "Appointed state officer" means any member of an
30 appointive board, commission, committee, council, or authority
31 of the executive or legislative branch of state government

1 whose powers, jurisdiction, and authority are not solely
2 advisory and include the final determination or adjudication
3 of any personal or property rights, duties, or obligations,
4 other than those relative to its internal operations.

5 c. "State agency" means an entity of the legislative,
6 executive, or judicial branch of state government over which
7 the Legislature exercises plenary budgetary and statutory
8 control.

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

19 4. An agency employee, including an agency employee
20 who was employed on July 1, 2001, in a Career Service System
21 position that was transferred to the Selected Exempt Service
22 System under chapter 2001-43, Laws of Florida, may not
23 personally represent another person or entity for compensation
24 before the agency with which he or she was employed for a
25 period of 2 years following vacation of position, unless
26 employed by another agency of state government.

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

31 6. This paragraph is not applicable to:

- 1 a. A person employed by the Legislature or other
- 2 agency prior to July 1, 1989;
- 3 b. A person who was employed by the Legislature or
- 4 other agency on July 1, 1989, whether or not the person was a
- 5 defined employee on July 1, 1989;
- 6 c. A person who was a defined employee of the State
- 7 University System or the Public Service Commission who held
- 8 such employment on December 31, 1994;
- 9 d. A person who has reached normal retirement age as
- 10 defined in s. 121.021(29), and who has retired under the
- 11 provisions of chapter 121 by July 1, 1991; or
- 12 e. Any appointed state officer whose term of office
- 13 began before January 1, 1995, unless reappointed to that
- 14 office on or after January 1, 1995.

15 Section 11. Paragraph (a) of subsection (1) of section

16 112.3135, Florida Statutes, is amended to read:

17 112.3135 Restriction on employment of relatives.--

18 (1) In this section, unless the context otherwise

19 requires:

20 (a) "Agency" means:

21 1. A state agency, except an institution under the

22 jurisdiction of the Board of Governors of the State University

23 ~~System~~ ~~Division of Universities of the Department of~~

24 ~~Education~~;

25 2. An office, agency, or other establishment in the

26 legislative branch;

27 3. An office, agency, or other establishment in the

28 judicial branch;

29 4. A county;

30 5. A city; and

31

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

3 Section 12. Paragraph (c) of subsection (1) of section
4 112.3145, Florida Statutes, is amended to read:

5 112.3145 Disclosure of financial interests and clients
6 represented before agencies.--

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

9 (c) "State officer" means:

10 1. Any elected public officer, excluding those elected
11 to the United States Senate and House of Representatives, not
12 covered elsewhere in this part and any person who is appointed
13 to fill a vacancy for an unexpired term in such an elective
14 office.

15 2. An appointed member of each board, commission,
16 authority, or council having statewide jurisdiction, excluding
17 a member of an advisory body.

18 3. A member of the Board of Governors of the State
19 University System or a state university board of trustees
20 ~~Regents~~, the Chancellor and Vice Chancellors of the State
21 University System, and the president of a state university.

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

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

27 120.52 Definitions.--As used in this act:

28 (1) "Agency" means:

29 (b) Each:

30 1. State officer and state department, and each
31 departmental unit described in s. 20.04.

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

3 3. Board, including the Board of Governors of the
4 State University System and a state university board of
5 trustees when acting pursuant to statutory authority derived
6 from the Legislature.

7 4. Commission, including the Commission on Ethics and
8 the Fish and Wildlife Conservation Commission when acting
9 pursuant to statutory authority derived from the Legislature.

10 5. Regional planning agency.

11 6. Multicounty special district with a majority of its
12 governing board comprised of nonelected persons.

13 7. Educational units.

14 8. Entity described in chapters 163, 373, 380, and 582
15 and s. 186.504.

16

17 This definition does not include any legal entity or agency
18 created in whole or in part pursuant to chapter 361, part II,
19 any metropolitan planning organization created pursuant to s.
20 339.175, any separate legal or administrative entity created
21 pursuant to s. 339.175 of which a metropolitan planning
22 organization is a member, an expressway authority pursuant to
23 chapter 348, any legal or administrative entity created by an
24 interlocal agreement pursuant to s. 163.01(7), unless any
25 party to such agreement is otherwise an agency as defined in
26 this subsection, or any multicounty special district with a
27 majority of its governing board comprised of elected persons;
28 however, this definition shall include a regional water supply
29 authority.

30 (6) "Educational unit" means a local school district,
31 a community college district, the Florida School for the Deaf

1 and the Blind, or a state university when the university is
2 acting pursuant to statutory authority derived from the
3 Legislature.

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

6 120.65 Administrative law judges.--

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

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

23 121.021 Definitions.--The following words and phrases
24 as used in this chapter have the respective meanings set forth
25 unless a different meaning is plainly required by the context:

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

29 (b) Under no circumstances shall compensation include:

30 1. Fees paid professional persons for special or
31 particular services or include salary payments made from a

1 faculty practice plan authorized by the Board of Governors of
2 the State University System ~~operated by rule of the Board of~~
3 ~~Regents~~ for eligible clinical faculty at a state university
4 with a faculty practice plan ~~the University of Florida and the~~
5 ~~University of South Florida~~; or

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

9 Section 16. Paragraphs (b) and (d) of subsection (2)
10 and paragraphs (a) and (b) of subsection (6) of section
11 121.35, Florida Statutes, are amended to read:

12 121.35 Optional retirement program for the State
13 University System.--

14 (2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL
15 PROGRAM.--

16 (b) For purposes of this section, both the appointees
17 and employees are referred to as "employees," and the
18 "employer" of an appointee or employee is the individual
19 institution within the State University System or the Board of
20 Governors of the State University System ~~State Board of~~
21 ~~Education~~, whichever is appropriate with respect to the
22 particular employee or appointee.

23 (d) For purposes of this section, the authority
24 granted to the Board of Governors of the State University
25 System ~~State Board of Education~~ may be exercised by the Board
26 of Governors or by the Chancellor of the State University
27 System ~~Division of Colleges and Universities~~.

28 (6) ADMINISTRATION OF PROGRAM.--

29 (a) The optional retirement program authorized by this
30 section shall be administered by the department. The
31 department shall adopt rules establishing the responsibilities

1 of the ~~State Board of Education and~~ institutions in the State
2 University System in administering the optional retirement
3 program. The ~~Board of Regents State Board of Education~~ shall,
4 no more than 90 days after July 1, 1983, submit to the
5 department its recommendations for the contracts to be offered
6 by the companies chosen by the department. Effective July 1,
7 2001, the State Board of Education shall submit to the
8 department its recommendations for the contracts to be offered
9 by the companies chosen by the department. Effective July 1,
10 2007, the Board of Governors of the State University System
11 shall submit recommendations on contracts within 90 days after
12 request by the department. The recommendations of the board
13 shall include the following:

- 14 1. The nature and extent of the rights and benefits in
15 relation to the required contributions; and
- 16 2. The suitability of the rights and benefits to the
17 needs of the participants and the interests of the
18 institutions in the recruitment and retention of eligible
19 employees.

20 (b) After receiving and considering the
21 recommendations of the Board of Governors of the State
22 University System ~~State Board of Education~~, the department
23 shall designate no more than five companies from which
24 contracts may be purchased under the program and shall approve
25 the form and content of the optional retirement program
26 contracts. Any domestic company that has been designated as of
27 July 1, 2005, shall be included in the five companies until
28 expiration of its existing contract with the department. The
29 domestic company may assign its contract with the department
30 to an affiliated qualified company that is wholly owned by the
31 domestic company's parent company and has assumed 100 percent

1 of the responsibility for the contracts purchased from the
2 domestic company.

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

5 159.703 Creation of research and development
6 authorities.--

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

23 Section 18. Subsections (1) and (3) of section
24 159.704, Florida Statutes, are amended to read:

25 159.704 Designation by Board of Governors of the State
26 University System ~~Board of Regents~~; procedure.--

27 (1) The authority shall prepare and submit to the
28 Board of Governors of the State University System ~~Board of~~
29 ~~Regents~~ a petition requesting that the authority be designated
30 a research and development authority.
31

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

7 Section 19. Section 159.706, Florida Statutes, is
8 amended to read:

9 159.706 Grandfather clause.--Each county designated as
10 a research and development authority on June 30, 1979, or
11 designated by the Board of Regents as a research and
12 development authority prior to July 1, 2001, shall be entitled
13 to continue to be designated and shall be accorded all powers
14 conferred to designated authorities by ss. 159.701-159.7095,
15 except that any authority not constituted and designated under
16 the provisions of ss. 159.701-159.7095 shall be prohibited
17 from exercising any power to issue revenue bonds or other debt
18 obligations pursuant to s. 159.705(6) and (7).

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

21 211.3103 Levy of tax on severance of phosphate rock;
22 rate, basis, and distribution of tax.--

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

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

30 1. For payment to counties in proportion to the number
31 of tons of phosphate rock produced from a phosphate rock

1 matrix located within such political boundary, 18.75 percent.
2 The department shall distribute this portion of the proceeds
3 annually based on production information reported by the
4 producers on the annual returns for the taxable year. Any such
5 proceeds received by a county shall be used only for
6 phosphate-related expenses.

7 2. For payment to counties that have been designated a
8 rural area of critical economic concern pursuant to s.
9 288.0656 in proportion to the number of tons of phosphate rock
10 produced from a phosphate rock matrix located within such
11 political boundary, 15 percent. The department shall
12 distribute this portion of the proceeds annually based on
13 production information reported by the producers on the annual
14 returns for the taxable year.

15 3. To the credit of the Phosphate Research Trust Fund
16 in the Department of Education, ~~Division of Universities,~~
17 11.25 percent.

18 4. To the credit of the Minerals Trust Fund, 11.25
19 percent.

20 5. To the credit of the Nonmandatory Land Reclamation
21 Trust Fund, 43.75 percent.

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

24 215.16 Appropriations from General Revenue Fund for
25 public schools, state institutions of higher learning, and
26 community colleges; reduction.--

27 (2) If the state appropriations from the General
28 Revenue Fund for the benefit of the uniform system of public
29 free schools, state institutions of higher learning, and
30 community colleges cannot be paid in full during any given
31 year, they shall be diminished only in the same proportion

1 that appropriations for all other purposes from the General
2 Revenue Fund are diminished during such year. Additionally,
3 any funding reductions to public free schools, state
4 institutions of higher learning, and community colleges shall
5 be diminished in proportions identical to one another. For the
6 purpose of implementing this section, general revenue funds
7 exclude the administrative budgets of the Board of Governors
8 and the Department of Education. ~~provided for public free~~
9 ~~schools, state institutions of higher learning, and community~~
10 ~~colleges shall be restricted to general revenue funds~~
11 ~~appropriated for the Division of Public Schools and Community~~
12 ~~Education, the Division of Workforce Development, the Division~~
13 ~~of Universities, excluding the general office of the Board of~~
14 ~~Regents, and the Division of Community Colleges, excluding the~~
15 ~~division office.~~

16 Section 22. Paragraph (b) of subsection (2) of section
17 215.32, Florida Statutes, is amended to read:

18 215.32 State funds; segregation.--

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

21 (b)1. The trust funds shall consist of moneys received
22 by the state which under law or under trust agreement are
23 segregated for a purpose authorized by law. The state agency
24 or branch of state government receiving or collecting such
25 moneys shall be responsible for their proper expenditure as
26 provided by law. Upon the request of the state agency or
27 branch of state government responsible for the administration
28 of the trust fund, the Chief Financial Officer may establish
29 accounts within the trust fund at a level considered necessary
30 for proper accountability. Once an account is established
31 within a trust fund, the Chief Financial Officer may authorize

1 payment from that account only upon determining that there is
2 sufficient cash and releases at the level of the account.

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

7 a. Operations or operating trust fund, for use as a
8 depository for funds to be used for program operations funded
9 by program revenues, with the exception of administrative
10 activities when the operations or operating trust fund is a
11 proprietary fund.

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

14 c. Administrative trust fund, for use as a depository
15 for funds to be used for management activities that are
16 departmental in nature and funded by indirect cost earnings
17 and assessments against trust funds. Proprietary funds are
18 excluded from the requirement of using an administrative trust
19 fund.

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

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

26 f. Clearing funds trust fund, for use as a depository
27 for funds to account for collections pending distribution to
28 lawful recipients.

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

1
2 To the extent possible, each agency must adjust its internal
3 accounting to use existing trust funds consistent with the
4 requirements of this subparagraph. If an agency does not have
5 trust funds listed in this subparagraph and cannot make such
6 adjustment, the agency must recommend the creation of the
7 necessary trust funds to the Legislature no later than the
8 next scheduled review of the agency's trust funds pursuant to
9 s. 215.3206.

10 3. All such moneys are hereby appropriated to be
11 expended in accordance with the law or trust agreement under
12 which they were received, subject always to the provisions of
13 chapter 216 relating to the appropriation of funds and to the
14 applicable laws relating to the deposit or expenditure of
15 moneys in the State Treasury.

16 4.a. Notwithstanding any provision of law restricting
17 the use of trust funds to specific purposes, unappropriated
18 cash balances from selected trust funds may be authorized by
19 the Legislature for transfer to the Budget Stabilization Fund
20 and General Revenue Fund in the General Appropriations Act.

21 b. This subparagraph does not apply to trust funds
22 required by federal programs or mandates; trust funds
23 established for bond covenants, indentures, or resolutions
24 whose revenues are legally pledged by the state or public body
25 to meet debt service or other financial requirements of any
26 debt obligations of the state or any public body; the State
27 Transportation Trust Fund; the trust fund containing the net
28 annual proceeds from the Florida Education Lotteries; the
29 Florida Retirement System Trust Fund; trust funds under the
30 management of the State Board of Education or the Board of
31 Governors of the State University System, where such trust

1 funds are for auxiliary enterprises, self-insurance, and
2 contracts, grants, and donations, as those terms are defined
3 by general law; trust funds that serve as clearing funds or
4 accounts for the Chief Financial Officer or state agencies;
5 trust funds that account for assets held by the state in a
6 trustee capacity as an agent or fiduciary for individuals,
7 private organizations, or other governmental units; and other
8 trust funds authorized by the State Constitution.

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

11 215.559 Hurricane Loss Mitigation Program.--

12 (4) Of moneys provided to the Department of Community
13 Affairs in paragraph (2)(a), 10 percent shall be allocated to
14 the Florida International University ~~a Type I center within~~
15 ~~the State University System~~ dedicated to hurricane research.
16 The ~~Type I~~ center shall develop a preliminary work plan
17 approved by the advisory council set forth in subsection (5)
18 ~~(6)~~ to eliminate the state and local barriers to upgrading
19 existing mobile homes and communities, research and develop a
20 program for the recycling of existing older mobile homes, and
21 support programs of research and development relating to
22 hurricane loss reduction devices and techniques for site-built
23 residences. The State University System also shall consult
24 with the Department of Community Affairs and assist the
25 department with the report required under subsection (7) ~~(8)~~.

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

28 215.82 Validation; when required.--

29 (2) Any bonds issued pursuant to this act which are
30 validated shall be validated in the manner provided by chapter
31 75. In actions to validate bonds to be issued in the name of

1 the State Board of Education under s. 9(a) and (d), Art. XII
2 of the State Constitution and bonds to be issued pursuant to
3 chapter 259, the Land Conservation Act of 1972, the complaint
4 shall be filed in the circuit court of the county where the
5 seat of state government is situated, the notice required to
6 be published by s. 75.06 shall be published only in the county
7 where the complaint is filed, and the complaint and order of
8 the circuit court shall be served only on the state attorney
9 of the circuit in which the action is pending. In any action
10 to validate bonds issued pursuant to s. 1010.62 ~~ss-~~
11 ~~1010.61~~ ~~1010.619~~ or issued pursuant to s. 9(a)(1), Art. XII of
12 the State Constitution or issued pursuant to s. 215.605 or s.
13 338.227, the complaint shall be filed in the circuit court of
14 the county where the seat of state government is situated, the
15 notice required to be published by s. 75.06 shall be published
16 in a newspaper of general circulation in the county where the
17 complaint is filed and in two other newspapers of general
18 circulation in the state, and the complaint and order of the
19 circuit court shall be served only on the state attorney of
20 the circuit in which the action is pending; provided, however,
21 that if publication of notice pursuant to this section would
22 require publication in more newspapers than would publication
23 pursuant to s. 75.06, such publication shall be made pursuant
24 to s. 75.06.

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

27 216.0152 Inventory of state-owned facilities or
28 state-occupied facilities.--

29 (1) The Department of Management Services shall
30 develop and maintain an automated inventory of all facilities
31 owned, leased, rented, or otherwise occupied or maintained by

1 any agency of the state or by the judicial branch, except
2 those with less than 3,000 square feet. The inventory shall
3 include the location, occupying agency, ownership, size,
4 condition assessment, maintenance record, age, parking and
5 employee facilities, and other information as required by the
6 department for determining maintenance needs and life-cycle
7 cost evaluations of the facility. The inventory need not
8 include a condition assessment or maintenance record of
9 facilities not owned by a state agency or by the judicial
10 branch. The term "facility," as used in this section, means
11 buildings, structures, and building systems, but does not
12 include transportation facilities of the state transportation
13 system. The Department of Transportation shall develop and
14 maintain an inventory of transportation facilities of the
15 state transportation system. The Board of Governors of the
16 State University System and Regents and the Division of
17 Community Colleges of the Department of Education,
18 respectively, shall develop and maintain an inventory, in the
19 manner prescribed by the Department of Management Services, of
20 all state university and community college ~~higher education~~
21 facilities and shall make the data available in a format
22 acceptable to the Department of Management Services.

23 Section 26. Paragraph (a) of subsection (2) of section
24 216.251, Florida Statutes, is amended to read:

25 216.251 Salary appropriations; limitations.--

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

29 1. Within the classification and pay plans provided
30 for in chapter 110.

31

1 2. Within the classification and pay plans established
2 by the Board of Trustees for the Florida School for the Deaf
3 and the Blind of the Department of Education and approved by
4 the State Board of Education for academic and academic
5 administrative personnel.

6 3. Within the classification and pay plan approved and
7 administered by the ~~State Board of Education and the~~ Board of
8 Governors or the designee of the board for those positions in
9 the State University System.

10 4. Within the classification and pay plan approved by
11 the President of the Senate and the Speaker of the House of
12 Representatives, as the case may be, for employees of the
13 Legislature.

14 5. Within the approved classification and pay plan for
15 the judicial branch.

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

19 220.15 Apportionment of adjusted federal income.--

20 (2) The property factor is a fraction the numerator of
21 which is the average value of the taxpayer's real and tangible
22 personal property owned or rented and used in this state
23 during the taxable year or period and the denominator of which
24 is the average value of such property owned or rented and used
25 everywhere.

26 (c) The property factor fraction shall not include any
27 real or tangible personal property located in this state with
28 respect to which it is certified to the Department of Revenue
29 that such property is dedicated exclusively to research and
30 development activities performed pursuant to sponsored
31 research contracts conducted in conjunction with and through a

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

12 (4) The payroll factor is a fraction the numerator of
13 which is the total amount paid in this state during the
14 taxable year or period by the taxpayer for compensation and
15 the denominator of which is the total compensation paid
16 everywhere during the taxable year or period.

17 (c) The payroll factor fraction shall not include any
18 compensation paid to any employee located in this state when
19 it is certified to the Department of Revenue that such
20 compensation was paid to employees dedicated exclusively to
21 research and development activities performed pursuant to
22 sponsored research contracts conducted in conjunction with and
23 through a university that is a member of the State University
24 System or a nonpublic university that is chartered in Florida
25 and conducts graduate programs at the professional or doctoral
26 level. The Board of Governors of the State University System
27 ~~Board of Regents~~ must certify the contracts for members of the
28 State University System, and the president of the university
29 must certify the contracts for a nonpublic university. As used
30 in this paragraph, "sponsored research contract" means an
31 agreement executed by parties that include at least the

1 university and the taxpayer. Funding for sponsored research
2 contracts may be provided from public or private sources.

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

5 250.10 Appointment and duties of the Adjutant
6 General.--

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

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

15 1. Be 17 years of age or older.
16 2. Be presently domiciled in the state.
17 3. Be a member in good standing in the active Florida
18 National Guard at the beginning of and throughout the entire
19 academic term for which benefits are received.

20 4. Maintain continuous satisfactory participation in
21 the active Florida National Guard for any school term for
22 which exemption benefits are received.

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

29 (b) The programs shall define those members of the
30 active Florida National Guard who are ineligible to
31

1 participate in the program and those courses of study which
2 are not authorized for the program.

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

4 a. Any member, commissioned officer, warrant officer,
5 or enlisted person who has a baccalaureate degree.

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

8 c. Any member who has not completed basic military
9 training.

10 2. Courses not authorized include noncredit courses,
11 courses that do not meet degree requirements, or courses that
12 do not meet requirements for completion of career training.

13 (c) The Adjutant General, together with the Board of
14 Governors of the State University System and the State Board
15 of Education, shall adopt rules for the overall policy,
16 guidance, administration, implementation, and proper
17 utilization of the program. Such rules must include, but not
18 be limited to, guidelines for certification by the Adjutant
19 General of a guard member's eligibility, procedures for
20 notification to an institution of a guard member's termination
21 of eligibility, and procedures for restitution when a guard
22 member fails to comply with the penalties described in this
23 section.

24 Section 29. Section 253.381, Florida Statutes, is
25 amended to read:

26 253.381 Unsurveyed marshlands; sale to upland
27 owners.--The Board of Trustees of the Internal Improvement
28 Trust Fund of the state is ~~and the State Board of Education~~
29 ~~are~~ hereby authorized to make sales of unsurveyed marshlands
30 to record owners of uplands which have been surveyed by the
31 United States, and to make equitable divisions of unsurveyed

1 marsh areas and allocations of the same for sales with due
2 respect to upland ownership, sales heretofore made, natural
3 divisions of the unsurveyed marshes which are indicated by the
4 general courses of water channels within or across the
5 unsurveyed marshes and to other topographical features of the
6 affected areas.

7 Section 30. Section 255.02, Florida Statutes, is
8 amended to read:

9 255.02 Boards authorized to replace buildings
10 destroyed by fire.--The Department of Management Services,~~the~~
11 ~~Board of Regents of the Department of Education,~~ or any other
12 board or person having the direct supervision and control of
13 any state building or state property, may have rebuilt or
14 replaced, out of the proceeds from the fire insurance on such
15 buildings or property, any buildings or property owned by the
16 state, which may be destroyed in whole or in part by fire.

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

19 255.043 Art in state buildings.--

20 (2) The Department of Management Services,~~the Board~~
21 ~~of Regents,~~ or other state agencies receiving appropriations
22 for original constructions shall notify the Florida Arts
23 Council and the user agency of any construction project which
24 is eligible under the provisions of this section. The
25 Department of Management Services,~~the Board of Regents,~~ or
26 other state agency shall determine the amount to be made
27 available for purchase or commission of works of art for each
28 project and shall report these amounts to the Florida Arts
29 Council and the user agency. Payments therefor shall be made
30 from funds appropriated for fixed capital outlay according to
31 law.

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

3 255.102 Contractor utilization of minority business
4 enterprises.--

5 (2) The Office of Supplier Diversity, in collaboration
6 with the Board of Governors of the State University System,
7 shall adopt rules to determine what is a "good faith effort"
8 for purposes of contractor compliance with minority
9 participation goals established for competitively awarded
10 building and construction projects. Pro forma efforts shall
11 not be considered good faith. Factors which shall be
12 considered by the state agency in determining whether a
13 contractor has made good faith efforts shall include, but not
14 be limited to:

15 (a) Whether the contractor attended any
16 presolicitation or prebid meetings that were scheduled by the
17 agency to inform minority business enterprises of contracting
18 and subcontracting opportunities.

19 (b) Whether the contractor advertised in general
20 circulation, trade association, or minority-focus media
21 concerning the subcontracting opportunities.

22 (c) Whether the contractor provided written notice to
23 all relevant subcontractors listed on the minority vendor list
24 for that locality and statewide as provided by the agency as
25 of the date of issuance of the invitation to bid, that their
26 interest in the contract was being solicited in sufficient
27 time to allow the minority business enterprises to participate
28 effectively.

29 (d) Whether the contractor followed up initial
30 solicitations of interest by contacting minority business
31 enterprises, the Office of Supplier Diversity, or minority

1 persons who responded and provided detailed information about
2 prebid meetings, access to plans, specifications, contractor's
3 project manager, subcontractor bonding, if any, payment
4 schedule, bid addenda, and other assistance provided by the
5 contractor to enhance minority business enterprise
6 participation.

7 (e) Whether the contractor selected portions of the
8 work to be performed by minority business enterprises in order
9 to increase the likelihood of meeting the minority business
10 enterprise procurement goals, including, where appropriate,
11 breaking down contracts into economically feasible units to
12 facilitate minority business enterprise participation under
13 reasonable and economical conditions of performance.

14 (f) Whether the contractor provided the Office of
15 Supplier Diversity as well as interested minority business
16 enterprises or minority persons with adequate information
17 about the plans, specifications, and requirements of the
18 contract or the availability of jobs at a time no later than
19 when such information was provided to other subcontractors.

20 (g) Whether the contractor negotiated in good faith
21 with interested minority business enterprises or minority
22 persons, not rejecting minority business enterprises or
23 minority persons as unqualified without sound reasons based on
24 a thorough investigation of their capabilities or imposing
25 implausible conditions of performance on the contract.

26 (h) Whether the contractor diligently seeks to replace
27 a minority business enterprise subcontractor that is unable to
28 perform successfully with another minority business
29 enterprise.

30 (i) Whether the contractor effectively used the
31 services of available minority community organizations;

1 minority contractors' groups; local, state, and federal
2 minority business assistance offices; and other organizations
3 that provide assistance in the recruitment and placement of
4 minority business enterprises or minority persons.

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

7 280.02 Definitions.--As used in this chapter, the
8 term:

9 (23) "Public deposit" means the moneys of the state or
10 of any state university, county, school district, community
11 college district, special district, metropolitan government,
12 or municipality, including agencies, boards, bureaus,
13 commissions, and institutions of any of the foregoing, or of
14 any court, and includes the moneys of all county officers,
15 including constitutional officers, that are placed on deposit
16 in a bank, savings bank, or savings association and for which
17 the bank, savings bank, or savings association is required to
18 maintain reserves. This includes, but is not limited to, time
19 deposit accounts, demand deposit accounts, and nonnegotiable
20 certificates of deposit. Moneys in deposit notes and in other
21 nondeposit accounts such as repurchase or reverse repurchase
22 operations are not public deposits. Securities, mutual funds,
23 and similar types of investments are not considered public
24 deposits and shall not be subject to the provisions of this
25 chapter.

26 Section 34. Section 286.001, Florida Statutes, is
27 amended to read:

28 286.001 Reports statutorily required; filing,
29 maintenance, retrieval, and provision of copies.--

30 (1) Unless otherwise specifically provided by law, any
31 agency or officer of the executive, legislative, or judicial

1 | branches of state government, the State Board of Education,
2 | the Board of Governors of the State University System
3 | ~~Community Colleges, the Board of Regents,~~ or the Public
4 | Service Commission required or authorized by law to make
5 | reports regularly or periodically shall fulfill such
6 | requirement by filing an abstract of the report with the
7 | statutorily or administratively designated recipients of the
8 | report and an abstract and one copy of the report with the
9 | Division of Library and Information Services of the Department
10 | of State, unless the head of the reporting entity makes a
11 | determination that the additional cost of providing the entire
12 | report to the statutorily or administratively designated
13 | recipients is justified. A one-page summary justifying the
14 | determination shall be submitted to the chairs of the
15 | governmental operations committees of both houses of the
16 | Legislature. The abstract of the contents of such report shall
17 | be no more than one-half page in length. The actual report
18 | shall be retained by the reporting agency or officer, and
19 | copies of the report shall be provided to interested parties
20 | and the statutorily or administratively designated recipients
21 | of the report upon request.

22 | (2) With respect to reports statutorily required of
23 | agencies or officers within the executive, legislative, or
24 | judicial branches of state government, the State Board of
25 | Education, the Board of Governors of the State University
26 | System ~~Community Colleges, the Board of Regents,~~ or the Public
27 | Service Commission, it is the duty of the division, in
28 | addition to its duties under s. 257.05, to:

29 | (a) Regularly compile and update bibliographic
30 | information on such reports for distribution as provided in
31 | paragraph (b). Such bibliographic information may be included

1 in the bibliographies prepared by the division pursuant to s.
2 257.05(3)(c).

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

5 1. Agencies and officers within the executive,
6 legislative, and judicial branches of state government, the
7 State Board of Education, the Board of Governors of the State
8 University System ~~Community Colleges, the Board of Regents,~~
9 and the Public Service Commission, free of charge; and

10 2. Other interested parties upon request properly made
11 and upon payment of the actual cost of duplication pursuant to
12 s. 119.07(1).

13 (3) As soon as practicable, the administrative head of
14 each executive, legislative, or judicial agency and each
15 agency of the State Board of Education, the Board of Governors
16 of the State University System ~~Community Colleges, the Board~~
17 ~~of Regents,~~ and the Public Service Commission required by law
18 to make reports periodically shall ensure that those reports
19 are created, stored, managed, updated, retrieved, and
20 disseminated through electronic means.

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

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

26 287.064 Consolidated financing of deferred-payment
27 purchases.--

28 (1) The Division of Bond Finance of the State Board of
29 Administration and the Chief Financial Officer shall plan and
30 coordinate deferred-payment purchases made by or on behalf of
31 the state or its agencies or by or on behalf of state

1 universities or state community colleges participating under
2 this section pursuant to s. 1001.74(6) ~~s. 1001.74(5)~~ or s.
3 1001.64(26), respectively. The Division of Bond Finance shall
4 negotiate and the Chief Financial Officer shall execute
5 agreements and contracts to establish master equipment
6 financing agreements for consolidated financing of
7 deferred-payment, installment sale, or lease purchases with a
8 financial institution or a consortium of financial
9 institutions. As used in this act, the term "deferred-payment"
10 includes installment sale and lease-purchase.

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

14 (b) Repayment of the whole or a part of the funds
15 drawn pursuant to the master equipment financing agreement may
16 continue beyond the period established pursuant to paragraph
17 (a).

18 (c) The interest rate component of any master
19 equipment financing agreement shall be deemed to comply with
20 the interest rate limitation imposed in s. 287.063 so long as
21 the interest rate component of every interagency, state
22 university, or community college agreement entered into under
23 such master equipment financing agreement complies with the
24 interest rate limitation imposed in s. 287.063. Such interest
25 rate limitation does not apply when the payment obligation
26 under the master equipment financing agreement is rated by a
27 nationally recognized rating service in any one of the three
28 highest classifications, which rating services and
29 classifications are determined pursuant to rules adopted by
30 the Chief Financial Officer.

31

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

3 287.155 Motor vehicles; purchase by ~~Division of~~
4 ~~Universities~~, Department of Children and Family Services,
5 Agency for Persons with Disabilities, Department of Health,
6 Department of Juvenile Justice, and Department of
7 Corrections.--

8 (1) The ~~Division of Universities of the Department of~~
9 ~~Education~~, the Department of Children and Family Services, the
10 Agency for Persons with Disabilities, the Department of
11 Health, the Department of Juvenile Justice, and the Department
12 of Corrections may, subject to the approval of the Department
13 of Management Services, purchase automobiles, trucks,
14 tractors, and other automotive equipment for the use of
15 institutions under the management of the ~~Division of~~
16 ~~Universities~~, the Department of Children and Family Services,
17 the Agency for Persons with Disabilities, the Department of
18 Health, and the Department of Corrections, and for the use of
19 residential facilities managed or contracted by the Department
20 of Juvenile Justice.

21 Section 37. Paragraph (d) of subsection (5) of section
22 288.15, Florida Statutes, is amended to read:

23 288.15 Powers of Division of Bond Finance.--There is
24 hereby granted to and vested in the Division of Bond Finance
25 of the State Board of Administration the power, right,
26 franchise, and authority:

27 (5) In order to carry out the objectives and purposes
28 of this chapter, the division is authorized to acquire, own,
29 construct, operate, maintain, improve, and extend public
30 buildings, facilities, or works within the state which are of
31 the character hereinafter specifically mentioned. All public

1 buildings, facilities, and works which the division is
2 authorized to own, construct, operate, and maintain must be
3 such as can ultimately be owned and operated by an agency,
4 department, board, bureau, or commission of the state. All or
5 any such buildings, facilities, or works may be of a
6 revenue-producing character in order that the cost of the same
7 or some part of improvements or extensions thereto may be paid
8 from receipts therefrom, including in Tallahassee only
9 rentals, leases, and sales to both public and nonpublic
10 agencies through the issue and sales or disposition of revenue
11 bonds, notes, or certificates of the division. The buildings,
12 facilities, and works which the division is hereby authorized
13 to acquire, construct, operate, maintain, improve, and extend
14 are:

15 (d) Public buildings, facilities, and additions or
16 improvements to existing buildings and facilities for ultimate
17 use in connection with any of the several state institutions,
18 departments, bureaus, boards, or commissions; and, in
19 furtherance of this paragraph, the Department of Management
20 Services, the Board of Governors of the State University
21 System, and the State Board of Education are authorized to
22 cooperate with the Division of Bond Finance and to do and
23 perform all acts and things necessary thereto. Any property
24 acquired by the Division of Bond Finance under the provisions
25 of this chapter may ultimately be conveyed to the state free
26 and clear of all debt or other encumbrance.

27 Section 38. Section 288.17, Florida Statutes, is
28 amended to read:

29 288.17 Revenue certificates.--The Division of Bond
30 Finance of the State Board of Administration is authorized to
31 issue interest-bearing revenue certificates for construction

1 of all state buildings approved by the Legislature in its
2 appropriation acts and requested by the Department of
3 Management Services or by the Board of Governors of the State
4 University System ~~Board of Regents~~.

5 Section 39. Section 288.705, Florida Statutes, is
6 amended to read:

7 288.705 Statewide contracts register.--All state
8 agencies shall in a timely manner provide the Florida Small
9 Business Development Center Procurement System, ~~a Type I~~
10 ~~center of the State University System funded as provided in~~
11 ~~Pub. L. No. 96-302, as amended,~~ with all formal solicitations
12 for contractual services, supplies, and commodities. The Small
13 Business Development Center shall coordinate with Minority
14 Business Development Centers to compile and distribute such
15 information to Florida small and minority businesses
16 requesting such service for the period of time necessary to
17 familiarize the business with the market represented by state
18 agencies. On or before February 1 of each year, the Small
19 Business Development Center shall report to the Department of
20 Labor and Employment Security on utilization of the statewide
21 contracts register. Such report shall include, but not be
22 limited to, information relating to:

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

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

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

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

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

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

3 288.7091 Duties of the Florida Black Business
4 Investment Board, Inc.--The Florida Black Business Investment
5 Board, Inc., shall:

6 (7) Develop memoranda of understanding with the
7 Departments of Education, Transportation, Community Affairs,
8 and Management Services, as well as with Workforce Florida,
9 Inc., the Board of Governors of the State University System,
10 and the State Board of Education, detailing efforts of common
11 interest and collaborations to expand black business
12 development;

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

15 288.8175 Linkage institutes between postsecondary
16 institutions in this state and foreign countries.--

17 (3) Each institute must be governed by an agreement,
18 ~~approved by the department,~~ between the Board of Governors of
19 the State University System for a state university and the
20 State Board of Education for a community college Florida
21 ~~Community College System~~ with the counterpart organization in
22 a foreign country. Each institute must report to the
23 department regarding its program activities, expenditures, and
24 policies.

25 Section 42. Paragraph (a) of subsection (4) of section
26 295.07, Florida Statutes, is amended to read:

27 295.07 Preference in appointment and retention.--

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

30 (a) Those positions that are exempt from the state
31 Career Service System under s. 110.205(2); however, all

1 positions under the University Support Personnel System of the
2 State University System as well as all Career Service System
3 positions under the Florida Community College System and the
4 School for the Deaf and the Blind, or the equivalent of such
5 positions at state universities, community colleges, or the
6 School for the Deaf and the Blind, are included.

7 Section 43. Paragraph (b) of subsection (3) of section
8 320.08058, Florida Statutes, is amended to read:

9 320.08058 Specialty license plates.--

10 (3) COLLEGIATE LICENSE PLATES.--

11 (b) A collegiate plate annual use fee is to be
12 distributed to the state or independent university foundation
13 designated by the purchaser for deposit in an unrestricted
14 account. The Board of Governors of the State University System
15 ~~Board of Regents~~ shall require each state university to submit
16 a plan for approval of the expenditure of all funds so
17 designated. These funds may be used only for academic
18 enhancement, including scholarships and private fundraising
19 activities.

20 Section 44. Subsections (1), (3), and (4) of section
21 334.065, Florida Statutes, are amended to read:

22 334.065 Center for Urban Transportation Research.--

23 (1) There is established at the University of South
24 Florida the Florida Center for Urban Transportation Research,
25 to be administered by the Board of Governors Regents of and
26 the State University System. The responsibilities of the
27 center include, but are not limited to, conducting and
28 facilitating research on issues related to urban
29 transportation problems in this state and serving as an
30 information exchange and depository for the most current
31

1 information pertaining to urban transportation and related
2 issues.

3 (3) An advisory board shall be created to periodically
4 and objectively review and advise the center concerning its
5 research program. Except for projects mandated by law,
6 state-funded base projects shall not be undertaken without
7 approval of the advisory board. The membership of the board
8 shall consist of nine experts in transportation-related areas,
9 including the secretaries of the Florida Departments of
10 Transportation, Community Affairs, and Environmental
11 Protection, or their designees, and a member of the Florida
12 Transportation Commission. The nomination of the remaining
13 members of the board shall be made to the President of the
14 University of South Florida by the College of Engineering at
15 the University of South Florida, and the appointment of these
16 members must be reviewed and approved by the Florida
17 Transportation Commission and confirmed by the Board of
18 Governors Regents.

19 (4) The center shall develop a budget pursuant to
20 chapter 216. This budget shall be submitted to the Governor
21 along with the budget of the Board of Governors Regents.

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

24 377.705 Solar Energy Center; development of solar
25 energy standards.--

26 (3) DEFINITIONS.--

27 (a) "Center" is defined as the Florida Solar Energy
28 Center of the Board of Governors Regents.

29 (b) "Solar energy systems" is defined as equipment
30 which provides for the collection and use of incident solar
31 energy for water heating, space heating or cooling, or other

1 applications which normally require or would require a
2 conventional source of energy such as petroleum products,
3 natural gas, or electricity and which performs primarily with
4 solar energy. In such other systems in which solar energy is
5 used in a supplemental way, only those components which
6 collect and transfer solar energy shall be included in this
7 definition.

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

10 381.79 Brain and Spinal Cord Injury Program Trust
11 Fund.--

12 (4) The Board of Governors of the State University
13 ~~System Board of Regents~~ shall establish a program
14 administration process which shall include: an annual
15 prospective program plan with goals, research design, proposed
16 outcomes, a proposed budget, an annual report of research
17 activities and findings, and an annual end-of-year financial
18 statement. Prospective program plans shall be submitted to the
19 Board of Governors ~~Board of Regents~~, and funds shall be
20 released upon acceptance of the proposed program plans. The
21 annual report of research activities and findings shall be
22 submitted to the Board of Governors ~~Board of Regents~~, with the
23 executive summaries submitted to the President of the Senate,
24 the Speaker of the House of Representatives, and the Secretary
25 of Health.

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

28 388.43 Florida Medical Entomology Laboratory.--

29 (1) The Florida Medical Entomology Laboratory, located
30 in Vero Beach, shall be a research and training center for the
31 state under the supervision of the Board of Governors ~~Regents~~.

1 The laboratory shall be an operational unit of the University
2 of Florida and an integral part of the Institute of Food and
3 Agricultural Sciences.

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

6 403.073 Pollution prevention; state goal; agency
7 programs; public education.--

8 (1) It is a goal of the state that all its agencies,
9 the State University System, community colleges ~~the State~~
10 ~~Board of Community Colleges~~, and all municipalities, counties,
11 regional agencies, and special districts develop and implement
12 strategies to prevent pollution, including public information
13 programs and education programs.

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

16 403.074 Technical assistance by the department.--

17 (2) The program shall include onsite, nonregulatory
18 technical assistance and shall promote and sponsor conferences
19 on pollution prevention techniques. The program may be
20 conducted in cooperation with trade associations, trade
21 schools, the State University System, community colleges ~~the~~
22 ~~State Board of Community Colleges~~, or other appropriate
23 entities.

24 Section 50. Paragraph (b) of subsection (1) of section
25 409.908, Florida Statutes, is amended to read:

26 409.908 Reimbursement of Medicaid providers.--Subject
27 to specific appropriations, the agency shall reimburse
28 Medicaid providers, in accordance with state and federal law,
29 according to methodologies set forth in the rules of the
30 agency and in policy manuals and handbooks incorporated by
31 reference therein. These methodologies may include fee

1 schedules, reimbursement methods based on cost reporting,
2 negotiated fees, competitive bidding pursuant to s. 287.057,
3 and other mechanisms the agency considers efficient and
4 effective for purchasing services or goods on behalf of
5 recipients. If a provider is reimbursed based on cost
6 reporting and submits a cost report late and that cost report
7 would have been used to set a lower reimbursement rate for a
8 rate semester, then the provider's rate for that semester
9 shall be retroactively calculated using the new cost report,
10 and full payment at the recalculated rate shall be effected
11 retroactively. Medicare-granted extensions for filing cost
12 reports, if applicable, shall also apply to Medicaid cost
13 reports. Payment for Medicaid compensable services made on
14 behalf of Medicaid eligible persons is subject to the
15 availability of moneys and any limitations or directions
16 provided for in the General Appropriations Act or chapter 216.
17 Further, nothing in this section shall be construed to prevent
18 or limit the agency from adjusting fees, reimbursement rates,
19 lengths of stay, number of visits, or number of services, or
20 making any other adjustments necessary to comply with the
21 availability of moneys and any limitations or directions
22 provided for in the General Appropriations Act, provided the
23 adjustment is consistent with legislative intent.

24 (1) Reimbursement to hospitals licensed under part I
25 of chapter 395 must be made prospectively or on the basis of
26 negotiation.

27 (b) Reimbursement for hospital outpatient care is
28 limited to \$1,500 per state fiscal year per recipient, except
29 for:
30
31

- 1 1. Such care provided to a Medicaid recipient under
2 age 21, in which case the only limitation is medical
3 necessity.
4 2. Renal dialysis services.
5 3. Other exceptions made by the agency.
6

7 The agency is authorized to receive funds from state entities,
8 including, but not limited to, the Department of Health, the
9 Board of Governors of the State University System ~~Board of~~
10 ~~Regents~~, local governments, and other local political
11 subdivisions, for the purpose of making payments, including
12 federal matching funds, through the Medicaid outpatient
13 reimbursement methodologies. Funds received from state
14 entities and local governments for this purpose shall be
15 separately accounted for and shall not be commingled with
16 other state or local funds in any manner.

17 Section 51. Paragraph (d) of subsection (2) of section
18 413.051, Florida Statutes, is amended to read:

19 413.051 Eligible blind persons; operation of vending
20 stands.--

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

22 (d) "State property" means any building or land owned,
23 leased, or otherwise controlled by the state, but does not
24 include any building or land under the control of a state
25 university board of trustees ~~the Board of Regents~~, a community
26 college district board of trustees, or any state correctional
27 institution as defined in s. 944.02.

28 Section 52. Subsection (2) and (10) of section
29 447.203, Florida Statutes, are amended to read:

30 447.203 Definitions.--As used in this part:
31

1 (2) "Public employer" or "employer" means the state or
2 any county, municipality, or special district or any
3 subdivision or agency thereof which the commission determines
4 has sufficient legal distinctiveness properly to carry out the
5 functions of a public employer. With respect to all public
6 employees determined by the commission as properly belonging
7 to a statewide bargaining unit composed of State Career
8 Service System employees or Selected Professional Service
9 employees, the Governor shall be deemed to be the public
10 employer; and the Board of Governors of the State University
11 System, or the board's designee, ~~university board of trustees~~
12 shall be deemed to be the public employer with respect to all
13 public employees of each constituent ~~the respective~~ state
14 university. The board of trustees of a community college shall
15 be deemed to be the public employer with respect to all
16 employees of the community college. The district school board
17 shall be deemed to be the public employer with respect to all
18 employees of the school district. The Board of Trustees of the
19 Florida School for the Deaf and the Blind shall be deemed to
20 be the public employer with respect to the academic and
21 academic administrative personnel of the Florida School for
22 the Deaf and the Blind. The Governor shall be deemed to be the
23 public employer with respect to all employees in the
24 Correctional Education Program of the Department of
25 Corrections established pursuant to s. 944.801.

26 (10) "Legislative body" means the State Legislature,
27 the board of county commissioners, the district school board,
28 the governing body of a municipality, or the governing body of
29 an instrumentality or unit of government having authority to
30 appropriate funds and establish policy governing the terms and
31 conditions of employment and which, as the case may be, is the

1 appropriate legislative body for the bargaining unit. For
2 purposes of s. 447.403, the Board of Governors of the State
3 University System, or the board's designee, ~~state university~~
4 ~~board of trustees~~ shall be deemed to be the legislative body
5 with respect to all employees of each constituent ~~the~~ state
6 university. For purposes of s. 447.403 the board of trustees
7 of a community college shall be deemed to be the legislative
8 body with respect to all employees of the community college.

9 Section 53. Section 455.2125, Florida Statutes, is
10 amended to read:

11 455.2125 Consultation with postsecondary education
12 boards prior to adoption of changes to training
13 requirements.--Any state agency or board that has jurisdiction
14 over the regulation of a profession or occupation shall
15 consult with the Commission for Independent Education, the
16 Board of Governors of the State University System ~~Board of~~
17 ~~Regents~~, and the State Board of Education prior to adopting
18 any changes to training requirements relating to entry into
19 the profession or occupation. This consultation must allow the
20 educational board to provide advice regarding the impact of
21 the proposed changes in terms of the length of time necessary
22 to complete the training program and the fiscal impact of the
23 changes. The educational board must be consulted only when an
24 institution offering the training program falls under its
25 jurisdiction.

26 Section 54. Section 456.028, Florida Statutes, is
27 amended to read:

28 456.028 Consultation with postsecondary education
29 boards prior to adoption of changes to training
30 requirements.--Any state agency or board that has jurisdiction
31 over the regulation of a profession or occupation shall

1 consult with the Commission for Independent Education, the
2 Board of Governors of the State University System ~~Board of~~
3 ~~Regents~~, and the State Board of Education prior to adopting
4 any changes to training requirements relating to entry into
5 the profession or occupation. This consultation must allow the
6 educational board to provide advice regarding the impact of
7 the proposed changes in terms of the length of time necessary
8 to complete the training program and the fiscal impact of the
9 changes. The educational board must be consulted only when an
10 institution offering the training program falls under its
11 jurisdiction.

12 Section 55. Subsection (1) of section 464.0196,
13 Florida Statutes, is amended to read:

14 464.0196 Florida Center for Nursing; board of
15 directors.--

16 (1) The Florida Center for Nursing shall be governed
17 by a policy-setting board of directors. The board shall
18 consist of 16 members, with a simple majority of the board
19 being nurses representative of various practice areas. Other
20 members shall include representatives of other health care
21 professions, business and industry, health care providers, and
22 consumers. The members of the board shall be appointed by the
23 Governor as follows:

24 (a) Four members recommended by the President of the
25 Senate, at least one of whom shall be a registered nurse
26 recommended by the Florida Organization of Nurse Executives
27 and at least one other representative of the hospital industry
28 recommended by the Florida Hospital Association;

29 (b) Four members recommended by the Speaker of the
30 House of Representatives, at least one of whom shall be a
31 registered nurse recommended by the Florida Nurses Association

1 and at least one other representative of the long-term care
2 industry;

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

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

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

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

15 489.103 Exemptions.--This part does not apply to:

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

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

3 489.503 Exemptions.--This part does not apply to:

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

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

22 553.71 Definitions.--As used in this part, the term:

23 (5) "Local enforcement agency" means an agency of
24 local government, a local school board, a community college
25 board of trustees, or a university board of trustees in the
26 State University System with jurisdiction to make inspections
27 of buildings and to enforce the codes which establish
28 standards for design, construction, erection, alteration,
29 repair, modification, or demolition of public or private
30 buildings, structures, or facilities.

31

1 Section 59. Subsection (1) of section 627.06281,
2 Florida Statutes, is amended to read:

3 627.06281 Public hurricane loss projection model;
4 reporting of data by insurers.--

5 (1) Within 30 days after a written request for loss
6 data and associated exposure data by the office or the Florida
7 International University ~~a type I center within the State~~
8 ~~University System~~ established to study mitigation, residential
9 property insurers and licensed rating and advisory
10 organizations that compile residential property insurance loss
11 data shall provide loss data and associated exposure data for
12 residential property insurance policies to the office or the
13 Florida International University ~~to a type I center within the~~
14 ~~State University System~~ established to study mitigation, as
15 directed by the office, for the purposes of developing,
16 maintaining, and updating a public model for hurricane loss
17 projections. The loss data and associated exposure data
18 provided shall be in writing.

19 Section 60. Subsection (1) of section 627.06292,
20 Florida Statutes, is amended to read:

21 627.06292 Reports of hurricane loss data and
22 associated exposure data; public records exemption.--

23 (1) Reports of hurricane loss data and associated
24 exposure data that are specific to a particular insurance
25 company, as reported by an insurer or a licensed rating
26 organization to the office or to a ~~type I~~ center at a state
27 university pursuant to s. 627.06281, are exempt from s.
28 119.07(1) and s. 24(a), Art. I of the State Constitution.

29 Section 61. Subsection (7) of section 633.01, Florida
30 Statutes, is amended to read:

31 633.01 State Fire Marshal; powers and duties; rules.--

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

11 Section 62. Subsection (5) of section 650.03, Florida
12 Statutes, is amended to read:

13 650.03 Federal-state agreement; interstate
14 instrumentalities.--

15 (5) For purposes of this chapter, employees of the
16 institutions of higher learning under the Board of Governors
17 of the State University System ~~Board of Regents~~ who are
18 covered by the Teachers' Retirement System shall be deemed to
19 be covered by a separate retirement system for each
20 institution.

21 Section 63. Subsection (2) of section 943.1755,
22 Florida Statutes, is amended to read:

23 943.1755 Florida Criminal Justice Executive
24 Institute.--

25 (2) The institute is established within the Department
26 of Law Enforcement and affiliated with the State University
27 System. The Board of Governors of the State University System
28 ~~Board of Regents~~ shall, in cooperation with the Department of
29 Law Enforcement, determine the specific placement of the
30 institute within the system.

31

1 Section 64. Subsection (5) of section 1000.01, Florida
2 Statutes, is amended to read:
3 1000.01 The Florida K-20 education system; technical
4 provisions.--
5 (5) EDUCATION GOVERNANCE TRANSFERS.--
6 (a) Effective July 1, 2001:
7 1. The Board of Regents is abolished.
8 2. All of the powers, duties, functions, records,
9 personnel, and property; unexpended balances of
10 appropriations, allocations, and other funds; administrative
11 authority; administrative rules; pending issues; and existing
12 contracts of the Board of Regents are transferred by a type
13 two transfer, pursuant to s. 20.06(2), to the State Board of
14 Education.
15 3. The State Board of Community Colleges is abolished.
16 4. All of the powers, duties, functions, records,
17 personnel, and property; unexpended balances of
18 appropriations, allocations, and other funds; administrative
19 authority; administrative rules; pending issues; and existing
20 contracts of the State Board of Community Colleges are
21 transferred by a type two transfer, pursuant to s. 20.06(2),
22 from the Department of Education to the State Board of
23 Education.
24 5. The Postsecondary Education Planning Commission is
25 abolished.
26 6. The Council for Education Policy Research and
27 Improvement is created as an independent office under the
28 Office of Legislative Services.
29 7. All personnel, unexpended balances of
30 appropriations, and allocations of the Postsecondary Education
31

1 Planning Commission are transferred to the Council for
2 Education Policy Research and Improvement.

3 8. The Articulation Coordinating Committee and the
4 Education Standards Commission are transferred by a type two
5 transfer, pursuant to s. 20.06(2), from the Department of
6 Education to the State Board of Education.

7 (b) All rules of the State Board of Education, the
8 Commissioner of Education, and the Department of Education,
9 and all rules of the district school boards, the community
10 college boards of trustees, and the state university boards of
11 trustees, in effect on January 2, 2003, remain in effect until
12 specifically amended or repealed in the manner provided by
13 law.

14 (c) Effective January 7, 2003:

15 1. The administrative rules of the Department of
16 Education and the Commissioner of Education shall become the
17 rules of the State Board of Education.

18 2. The administrative rules of the State Board of
19 Education shall become the rules of the appointed State Board
20 of Education.

21 (d) All administrative rules of the State Board of
22 Education, the Commissioner of Education, and the Department
23 of Education are transferred by a type two transfer, as
24 defined in s. 20.06(2), to the appointed State Board of
25 Education.

26 (e) This act creating the Florida K-20 Education Code
27 shall not affect the validity of any judicial or
28 administrative action involving the Department of Education,
29 pending on January 7, 2003. This act shall not affect the
30 validity of any judicial or administrative action involving
31 the Commissioner of Education or the State Board of Education,

1 pending on January 7, 2003, and the appointed State Board of
2 Education shall be substituted as a party of interest in any
3 such action.

4 (f) Effective January 7, 2003, any powers, duties,
5 functions, records, property, unexpended balances of
6 appropriations, allocations, and other funds; administrative
7 authority; administrative rules; pending issues; and existing
8 contracts of the Board of Regents that were previously
9 transferred to the State Board of Education after the Board of
10 Regents was abolished pursuant to paragraph (a) are
11 transferred to the Board of Governors in accordance with s.
12 7(d), Art. IX of the State Constitution.

13 Section 65. Subsection (1) and paragraphs (b) and (c)
14 of subsection (2) of section 1000.03, Florida Statutes, are
15 amended to read:

16 1000.03 Function, mission, and goals of the Florida
17 K-20 education system.--

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

25 (2)

26 (b) With the exception of matters relating to the
27 State University System, the State Board of Education shall
28 oversee the enforcement of all laws and rules, and the timely
29 provision of direction, resources, assistance, intervention
30 when needed, and strong incentives and disincentives to force
31 accountability for results.

1 (c) The Board of Governors shall oversee the
2 enforcement of all state university laws and rules and
3 regulations and the timely provision of direction, resources,
4 assistance, intervention when needed, and strong incentives
5 and disincentives to force accountability for results. The
6 ~~Commissioner of Education shall serve as chief executive~~
7 ~~officer of the K-20 education system. The commissioner shall~~
8 ~~be responsible for enforcing compliance with the mission and~~
9 ~~goals of the K-20 education system. The commissioner's office~~
10 ~~shall operate all statewide functions necessary to support the~~
11 ~~State Board of Education and the K-20 education system.~~

12 Section 66. Paragraphs (d) and (e) of subsection (3)
13 and subsections (4), (5), and (6) of section 1000.05, Florida
14 Statutes, are amended to read:

15 1000.05 Discrimination against students and employees
16 in the Florida K-20 public education system prohibited;
17 equality of access required.--

18 (3)

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

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

25 2. The Commissioner of Education shall determine
26 whether equal opportunities are available in school districts
27 and community colleges. In determining whether equal
28 opportunities are available in school districts and community
29 colleges, the Commissioner of Education shall consider, among
30 other factors:

31

1 ~~a.1.~~ Whether the selection of sports and levels of
2 competition effectively accommodate the interests and
3 abilities of members of both genders.

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

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

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

7 ~~e.5.~~ Opportunities to receive coaching and academic
8 tutoring.

9 ~~f.6.~~ Assignment and compensation of coaches and
10 tutors.

11 ~~g.7.~~ Provision of locker room, practice, and
12 competitive facilities.

13 ~~h.8.~~ Provision of medical and training facilities and
14 services.

15 ~~i.9.~~ Provision of housing and dining facilities and
16 services.

17 ~~j.10.~~ Publicity.

18

19 Unequal aggregate expenditures for members of each gender or
20 unequal expenditures for male and female teams if a public
21 school or community college ~~educational institution~~
22 operates or sponsors separate teams do not constitute
23 nonimplementation of this subsection, but the Commissioner of
24 Education shall consider the failure to provide necessary
25 funds for teams for one gender in assessing equality of
26 opportunity for members of each gender.

27 (e) A public school or community college ~~educational institution~~
28 ~~educational institution~~ may provide separate toilet, locker
29 room, and shower facilities on the basis of gender, but such
30 facilities shall be comparable to such facilities provided for
31 students of the other gender.

1 (4) Public schools and community colleges ~~Educational~~
2 ~~institutions within the state public K-20 education system~~
3 shall develop and implement methods and strategies to increase
4 the participation of students of a particular race, ethnicity,
5 national origin, gender, disability, or marital status in
6 programs and courses in which students of that particular
7 race, ethnicity, national origin, gender, disability, or
8 marital status have been traditionally underrepresented,
9 including, but not limited to, mathematics, science, computer
10 technology, electronics, communications technology,
11 engineering, and career education.

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

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

17 (6) The functions of the Office of Equal Educational
18 Opportunity of the Department of Education shall include, but
19 are not limited to:

20 (a) Requiring all district school boards and
21 ~~community college boards of trustees, and state university~~
22 ~~boards of trustees~~ to develop and submit plans for the
23 implementation of this section to the Department of Education.

24 (b) Conducting periodic reviews of school districts
25 and community colleges ~~public K-20 educational agencies~~ to
26 determine compliance with this section and, after a finding
27 that a school district or a community college ~~an educational~~
28 ~~agency~~ is not in compliance with this section, notifying the
29 entity ~~agency~~ of the steps that it must take to attain
30 compliance and performing followup monitoring.

31

1 (c) Providing technical assistance, including
2 assisting school districts or community colleges ~~public K-20~~
3 ~~educational agencies~~ in identifying unlawful discrimination
4 and instructing them in remedies for correction and prevention
5 of such discrimination and performing followup monitoring.

6 (d) Conducting studies of the effectiveness of methods
7 and strategies designed to increase the participation of
8 students in programs and courses in which students of a
9 particular race, ethnicity, national origin, gender,
10 disability, or marital status have been traditionally
11 underrepresented and monitoring the success of students in
12 such programs or courses, including performing followup
13 monitoring.

14 (e) Requiring all district school boards and
15 community college boards of trustees, ~~and state university~~
16 ~~boards of trustees~~ to submit data and information necessary to
17 determine compliance with this section. The Commissioner of
18 Education shall prescribe the format and the date for
19 submission of such data and any other educational equity data.
20 If any board does not submit the required compliance data or
21 other required educational equity data by the prescribed date,
22 the commissioner shall notify the board of this fact and, if
23 the board does not take appropriate action to immediately
24 submit the required report, the State Board of Education shall
25 impose monetary sanctions.

26 (f) Based upon rules of the State Board of Education,
27 developing and implementing enforcement mechanisms with
28 appropriate penalties to ensure that public K-12 schools and
29 community colleges, ~~and state universities~~ comply with Title
30 IX of the Education Amendments of 1972 and subsection (3) of
31 this section. However, the State Board of Education may not

1 | force a public school or community college ~~an educational~~
2 | ~~agency~~ to conduct, nor penalize such entity ~~an educational~~
3 | ~~agency~~ for not conducting, a program of athletic activity or
4 | athletic scholarship for female athletes unless it is an
5 | athletic activity approved for women by a recognized
6 | association whose purpose is to promote athletics and a
7 | conference or league exists to promote interscholastic or
8 | intercollegiate competition for women in that athletic
9 | activity.

10 | (g) Reporting to the Commissioner of Education any
11 | district school board or ~~community college board of trustees,~~
12 | ~~or state university board of trustees~~ found to be out of
13 | compliance with rules of the State Board of Education adopted
14 | as required by paragraph (f) or paragraph (3)(d). To penalize
15 | the board, the State Board of Education shall:

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

18 | 2. Notwithstanding the provisions of s. 216.192,
19 | direct the Chief Financial Officer to withhold general revenue
20 | funds sufficient to obtain compliance from the school district
21 | or community college ~~educational agency~~.

22 |
23 | The school district or community college ~~educational agency~~
24 | shall remain ineligible and the funds shall not be paid until
25 | the institution ~~agency~~ comes into compliance or the State
26 | Board of Education approves a plan for compliance.

27 | Section 67. Subsection (8) is added to section
28 | 1000.21, Florida Statutes, to read:

29 | 1000.21 Systemwide definitions.--As used in the
30 | Florida K-20 Education Code:

31 |

1 (8) "Board of Governors" is the Board of Governors of
2 the State University System.

3 Section 68. Section 1001.02, Florida Statutes, is
4 amended to read:

5 1001.02 General powers of State Board of Education.--

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

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

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

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

24 (c) To exercise general supervision over the divisions
25 of the Department of Education as necessary to ensure
26 coordination of educational plans and programs and resolve
27 controversies and to minimize problems of articulation and
28 student transfers, to ensure that students moving from one
29 level of education to the next have acquired competencies
30 necessary for satisfactory performance at that level, and to
31 ensure maximum utilization of facilities.

1 (d) To adopt, in consultation with the Board of
2 Governors for state universities and community colleges, and
3 from time to time modify, minimum and uniform standards of
4 college-level communication and computation skills generally
5 associated with successful performance and progression through
6 the baccalaureate level and to identify college-preparatory
7 high school coursework and postsecondary-level coursework that
8 prepares students with the academic skills necessary to
9 succeed in postsecondary education.

10 (e) To adopt and submit to the Governor and
11 Legislature, as provided in s. 216.023 ~~on or before September~~
12 ~~1 of each year~~, a coordinated K-20 education budget that
13 estimates the expenditure requirements for the Board of
14 Governors, as provided in s. 1001.706, the State Board of
15 Education, including the Department of Education ~~and~~ the
16 Commissioner of Education, and all of the boards,
17 institutions, agencies, and services under the general
18 supervision of the Board of Governors, as provided in s.
19 1001.706, or the State Board of Education for the ensuing
20 fiscal year. The State Board of Education may not amend the
21 budget request submitted by the Board of Governors. Any
22 program recommended by the Board of Governors or the State
23 Board of Education which will require increases in state
24 funding for more than 1 year must be presented in a multiyear
25 budget plan.

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

31

- 1 (g) To approve plans for cooperating with the Federal
2 Government.
- 3 (h) To approve plans for cooperating with other public
4 agencies in the development of rules and in the enforcement of
5 laws for which the state board and such agencies are jointly
6 responsible.
- 7 (i) To review plans for cooperating with appropriate
8 nonpublic agencies for the improvement of conditions relating
9 to the welfare of schools.
- 10 (j) To create such subordinate advisory bodies as are
11 required by law or as it finds necessary for the improvement
12 of education.
- 13 (k) To constitute any education bodies or other
14 structures as required by federal law.
- 15 (l) To assist in the economic development of the state
16 by developing a state-level planning process to identify
17 future training needs for industry, especially high-technology
18 industry.
- 19 (m) To assist in the planning and economic development
20 of the state by establishing a clearinghouse for information
21 on educational programs of value to economic development.
- 22 (n) To adopt cohesive rules pursuant to ss. 120.536(1)
23 and 120.54, within statutory authority, ~~for education~~
24 ~~systemwide issues~~.
- 25 (o) To authorize the allocation of resources in
26 accordance with law and rule.
- 27 (p) To contract with independent institutions
28 accredited by an agency whose standards are comparable to the
29 minimum standards required to operate a postsecondary
30 educational institution at that level in the state. The
31 purpose of the contract is to provide those educational

1 programs and facilities which will meet needs unfulfilled by
2 the state system of public postsecondary education.

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

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

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

11 (t) To establish accountability standards for existing
12 legislative performance goals, standards, and measures, and
13 order the development of mechanisms to implement new
14 legislative goals, standards, and measures.

15 (u) To adopt criteria and implementation plans for
16 future growth issues, such as new community colleges and
17 community college ~~universities and~~ campus mergers, and to
18 provide for cooperative agreements between and within public
19 and private education sectors.

20 (v) To develop, in conjunction with the Board of
21 Governors, and periodically review for adjustment, a
22 coordinated 5-year plan for postsecondary enrollment and
23 annually submit the plan to the Legislature.

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

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

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

31

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

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

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

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

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

20 ~~(c) The number of applicants who are granted admission~~
21 ~~and enroll.~~

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

23 ~~(e) The number of applicants neither granted admission~~
24 ~~nor denied admission.~~

25

26 ~~Each category must be reported for each term. Each category~~
27 ~~must be reported by type of student, including the following~~
28 ~~subcategories: native students, community college associate in~~
29 ~~arts degree transfer students, and other students. Each~~
30 ~~category and subcategory must further be reported according to~~
31 ~~the number of students who meet or exceed the minimum~~

1 ~~eligibility requirements for admission to the program and the~~
2 ~~number of students who do not meet or exceed the minimum~~
3 ~~eligibility requirements for admission to the program.~~

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

16 ~~(3)(5)(a)~~ The State Board of Education shall adopt a
17 ~~systemwide~~ strategic plan that specifies goals and objectives
18 for the state's public schools ~~state universities~~ and
19 community colleges. ~~In developing this plan, the State Board~~
20 ~~of Education shall consider the role of individual public and~~
21 ~~independent institutions within the state.~~ The plan shall be
22 formulated in conjunction with plans of the Board of Governors
23 in order to provide for the roles of the universities and
24 community colleges to be coordinated to best meet state needs
25 and reflect cost-effective use of state resources. The
26 strategic plan must clarify mission statements and identify
27 degree programs to be offered at each ~~university and~~ community
28 college in accordance with the objectives provided in this
29 subsection. The ~~systemwide~~ strategic plan must cover a period
30 of 5 years, with modification of the program lists after 2
31 years. Development of each 5-year plan must be coordinated

1 with and initiated after completion of the master plan. The
2 ~~systemwide and university and community college~~ strategic
3 plans must specifically include programs and procedures for
4 responding to the educational needs of teachers and students
5 in the public schools of this state. The state board shall
6 submit a report to the President of the Senate and the Speaker
7 of the House of Representatives upon modification of the
8 ~~system~~ plan.

9 (b) The State Board of Education and the Board of
10 Governors shall jointly develop long-range plans and annual
11 reports for financial aid in this state. The long-range plans
12 shall establish goals and objectives for a comprehensive
13 program of financial aid for Florida students and shall be
14 updated every 5 years. The annual report shall include
15 programs administered by the department as well as awards made
16 from financial aid fee revenues, any other funds appropriated
17 by the Legislature for financial assistance, and the value of
18 tuition and fees waived for students enrolled in a dual
19 enrollment course at a public postsecondary educational
20 institution. The annual report shall include an assessment of
21 progress made in achieving goals and objectives established in
22 the long-range plans and recommendations for repealing or
23 modifying existing financial aid programs or establishing new
24 programs. A long-range plan shall be submitted by January 1,
25 2004, and every 5 years thereafter. An annual report shall be
26 submitted on January 1, 2004, and in each successive year that
27 a long-range plan is not submitted, to the President of the
28 Senate and the Speaker of the House of Representatives.

29 ~~(6) The State Board of Education shall coordinate the~~
30 ~~programs with the Council for Education Policy Research and~~
31 ~~Improvement, including doctoral programs. The programs shall~~

1 ~~be reviewed every 5 years or whenever the state board~~
2 ~~determines that the effectiveness or efficiency of a program~~
3 ~~is jeopardized. The State Board of Education shall define the~~
4 ~~indicators of quality and the criteria for program review for~~
5 ~~every program. Such indicators include need, student demand,~~
6 ~~industry driven competencies for advanced technology and~~
7 ~~related programs, and resources available to support~~
8 ~~continuation. The results of the program reviews must be tied~~
9 ~~to the university and community college budget requests.~~

10 ~~(4)(7)~~ The State Board of Education shall:

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

14 (b) Specify, by rule, procedures to be used by the
15 community college boards of trustees in the annual evaluations
16 of presidents and review the evaluations of presidents by the
17 boards of trustees.

18 (c) Establish, in conjunction with the Board of
19 Governors, an effective information system that will provide
20 composite data concerning the community colleges and state
21 universities and ensure that special analyses and studies
22 concerning the institutions are conducted, as necessary, for
23 provision of accurate and cost-effective information
24 concerning the institutions.

25 (d) Establish criteria for making recommendations for
26 modifying district boundary lines for community colleges.

27 (e) Establish criteria for making recommendations
28 concerning all proposals for the establishment of additional
29 centers or campuses for community colleges ~~and state~~
30 ~~universities.~~

31

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

3 (g) Specify, by rule, the college-credit degree
4 ~~program~~ courses that may be taken by community college
5 students concurrently enrolled in college-preparatory
6 instruction.

7 (h) Adopt and submit to the Legislature a 3-year list
8 of priorities for fixed-capital-outlay projects. The State
9 Board of Education may not amend the 3-year list of priorities
10 of the Board of Governors.

11 ~~(5)(8)~~ The State Board of Education is responsible for
12 reviewing and administering the state program of support for
13 the community colleges and, subject to existing law, shall
14 establish the tuition and out-of-state fees for
15 college-preparatory instruction and for credit instruction
16 that may be counted toward an associate in arts degree, an
17 associate in applied science degree, or an associate in
18 science degree.

19 ~~(6)(9)~~ The State Board of Education shall prescribe
20 minimum standards, definitions, and guidelines for community
21 colleges ~~and state universities~~ that will ensure the quality
22 of education, coordination among the community colleges and
23 state universities, and efficient progress toward
24 accomplishing the community college ~~and state university~~
25 mission. At a minimum, these rules must address:

26 (a) Personnel.

27 (b) Contracting.

28 (c) Program offerings and classification, including
29 college-level communication and computation skills associated
30 with successful performance in college and with tests and
31 other assessment procedures that measure student achievement

1 of those skills. The performance measures must provide that
2 students moving from one level of education to the next
3 acquire the necessary competencies for that level.

4 (d) Provisions for curriculum development, graduation
5 requirements, college calendars, and program service areas.
6 These provisions must include rules that:

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

10 2. Require all of the credits accepted for the
11 associate in arts degree to be in the statewide course
12 numbering system as credits toward a baccalaureate degree
13 offered by a state university or a community college.

14 3. Require no more than 36 semester credit hours in
15 general education courses in the subject areas of
16 communication, mathematics, social sciences, humanities, and
17 natural sciences.

18
19 The rules should encourage community colleges to enter into
20 agreements with state universities that allow community
21 college students to complete upper-division-level courses at a
22 community college. An agreement may provide for concurrent
23 enrollment at the community college and the state university
24 and may authorize the community college to offer an
25 upper-division-level course or distance learning.

26 (e) Student admissions, conduct and discipline,
27 nonclassroom activities, and fees.

28 (f) Budgeting.

29 (g) Business and financial matters.

30 (h) Student services.

31

1 (i) Reports, surveys, and information systems,
2 including forms and dates of submission.

3 Section 69. Subsections (7), (8), (9), (10), and (13)
4 of section 1001.03, Florida Statutes, are amended to read:

5 1001.03 Specific powers of State Board of Education.--

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

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

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

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

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

11 Section 70. Section 1001.10, Florida Statutes, is
12 amended to read:

13 1001.10 Commissioner of Education; general powers and
14 duties.--

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

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

26 (3) To facilitate innovative practices and to allow
27 local selection of educational methods, the State Board of
28 Education may authorize the commissioner to waive, upon the
29 request of a district school board, State Board of Education
30 rules that relate to district school instruction and school
31 operations, except those rules pertaining to civil rights, and

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

14 (4) Additionally, the commissioner has the following
15 general powers and duties:

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

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

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

27 (d)(4) To have a seal for his or her office with
28 which, in connection with his or her own signature, the
29 commissioner shall authenticate true copies of decisions,
30 acts, or documents.

31

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

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

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

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

1 appropriate education and appropriations committees to serve
2 as a select committee to review the proposed plan.

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

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

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

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

26 1.(b) The district school board is responsible for
27 school and student performance.

28 2.(c) The individual school is the unit for education
29 accountability.

30
31

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 71. Paragraphs (c) and (d) of subsection (1),
11 paragraph (a) of subsection (2), and subsection (3) of section
12 1001.11, 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 (c) In cooperation with the Board of Governors,
17 develop and implement a process for receiving and processing
18 requests, in conjunction with the Legislature, for the
19 allocation of PECO funds for qualified postsecondary education
20 projects.

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

23 (2)(a) The Commissioner of Education shall annually
24 report the state's educational performance on state and
25 national measures and shall recommend to the State Board of
26 Education performance goals addressing the educational needs
27 of the state ~~for the K-20 education system. The Council for~~
28 ~~Education Policy Research and Improvement, as an independent~~
29 ~~entity, shall develop a report card assigning grades to~~
30 ~~indicate Florida's progress toward meeting those goals. The~~
31 ~~annual report card shall contain information showing Florida's~~

1 ~~performance relative to other states on selected measures, as~~
2 ~~well as Florida's ability to meet the need for postsecondary~~
3 ~~degrees and programs and how well the Legislature has provided~~
4 ~~resources to meet this need. The information shall include the~~
5 ~~results of the National Assessment of Educational Progress or~~
6 ~~a similar national assessment program administered to students~~
7 ~~in Florida. By January 1 of each year, the Council for~~
8 ~~Education Policy Research and Improvement shall submit the~~
9 ~~report card to the Legislature, the Governor, and the public.~~

10 ~~(b) Prior to the regular legislative session, the~~
11 ~~Commissioner of Education shall present to the Legislature a~~
12 ~~plan for correcting any deficiencies identified in the report~~
13 ~~card.~~

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

21 (a) Growth at the institutions.

22 (b) Need for specific skills statewide.

23 (c) Need for maintaining and repairing existing
24 facilities.

25 Section 72. Paragraph (e) of subsection (4) of section
26 1001.20, Florida Statutes, is amended to read:

27 1001.20 Department under direction of state board.--

28 (4) The Department of Education shall establish the
29 following offices within the Office of the Commissioner of
30 Education which shall coordinate their activities with all
31 other divisions and offices:

1 (e) Office of Inspector General.--Organized using
2 existing resources and funds and responsible for promoting
3 accountability, efficiency, and effectiveness and detecting
4 fraud and abuse within school districts, the Florida School
5 for the Deaf and the Blind, and community colleges, ~~and state~~
6 ~~universities~~ in Florida. If the Commissioner of Education
7 determines that a district school board, the Board of Trustees
8 for the Florida School for the Deaf and the Blind, or a
9 community college ~~public postsecondary educational institution~~
10 board of trustees is unwilling or unable to address
11 substantiated allegations made by any person relating to
12 waste, fraud, or financial mismanagement within the school
13 district, the Florida School for the Deaf and the Blind, or
14 the community college, the office shall conduct, coordinate,
15 or request investigations into such substantiated allegations
16 ~~made by any person relating to waste, fraud, or financial~~
17 ~~mismanagement within school districts, the Florida School for~~
18 ~~the Deaf and the Blind, community colleges, and state~~
19 ~~universities in Florida~~. The office shall have access to all
20 information and personnel necessary to perform its duties and
21 shall have all of its current powers, duties, and
22 responsibilities authorized in s. 20.055.

23 Section 73. Section 1001.28, Florida Statutes, is
24 amended to read:

25 1001.28 Distance learning duties.--The duties of the
26 Department of Education concerning distance learning include,
27 but are not limited to, the duty to:

28 (1) Facilitate the implementation of a statewide
29 coordinated system and resource system for cost-efficient
30 advanced telecommunications services and distance education
31 which will increase overall student access to education.

1 (2) Coordinate the use of existing resources,
2 including, but not limited to, the state's satellite
3 transponders on the education satellites, the SUNCOM Network,
4 the Florida Information Resource Network (FIRN), the
5 Department of Management Services, the Department of
6 Corrections, and the Department of Children and Family
7 Services' satellite communication facilities to support a
8 statewide advanced telecommunications services and distance
9 learning network.

10 (3) Assist in the coordination of the utilization of
11 the production and uplink capabilities available through
12 Florida's public television stations, eligible facilities,
13 independent colleges and universities, private firms, and
14 others as needed.

15 (4) Seek the assistance and cooperation of Florida's
16 cable television providers in the implementation of the
17 statewide advanced telecommunications services and distance
18 learning network.

19 (5) Seek the assistance and cooperation of Florida's
20 telecommunications carriers to provide affordable student
21 access to advanced telecommunications services and to distance
22 learning.

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

25 (7) Secure and administer funding for programs and
26 activities for distance learning from federal, state, local,
27 and private sources and from fees derived from services and
28 materials.

29 (8) Manage the state's satellite transponder resources
30 and enter into lease agreements to maximize the use of
31 available transponder time. All net revenue realized through

1 the leasing of available transponder time, after deducting the
2 costs of performing the management function, shall be recycled
3 to support the public education distance learning in this
4 state based upon an allocation formula of one-third to the
5 Department of Education, one-third to community colleges, and
6 one-third to state universities.

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

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

17 Section 74. Subsection (17) of section 1001.64,
18 Florida Statutes, is amended to read:

19 1001.64 Community college boards of trustees; powers
20 and duties.--

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

24 Section 75. Section 1001.70, Florida Statutes, is
25 amended to read:

26 1001.70 Board of Governors of the State University
27 System.--

28 (1) Pursuant to s. 7(d), Art. IX of the State
29 Constitution, the Board of Governors is established as a body
30 corporate comprised of 17 members as follows: 14 citizen
31 members appointed by the Governor subject to confirmation by

1 the Senate; the Commissioner of Education; the chair of the
2 advisory council of faculty senates or the equivalent; and the
3 president of the Florida student association or the
4 equivalent. The appointed members shall serve staggered 7-year
5 terms. In order to achieve staggered terms, beginning July 1,
6 2003, of the initial appointments, 4 members shall serve
7 2-year terms, 5 members shall serve 3-year terms, and 5
8 members shall serve 7-year terms.

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

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

19 Section 76. Section 1001.706, Florida Statutes, is
20 created to read:

21 1001.706 Powers and duties of the Board of
22 Governors.--

23 (1) GENERAL PROVISIONS.--

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

1 (b) The Board of Governors shall adopt rules pursuant
2 to chapter 120 when acting pursuant to statutory authority
3 derived from the Legislature. The Board of Governors may adopt
4 rules pursuant to chapter 120 when exercising the powers,
5 duties, and authority granted by s. 7, Art. IX of the State
6 Constitution.

7 (2) POWERS AND DUTIES RELATING TO ORGANIZATION AND
8 OPERATION OF STATE UNIVERSITIES.--

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

13 (b) The Board of Governors shall develop guidelines
14 relating to divisions of sponsored research, pursuant to the
15 provisions of s. 1004.22, to serve the function of
16 administration and promotion of the programs of research.

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

23 (d) The Board of Governors shall develop guidelines
24 for supervising faculty practice plans for the academic health
25 science centers.

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

30 (f) The Board of Governors shall approve baccalaureate
31 degree programs that require more than 120 semester credit

1 hours of coursework prior to such programs being offered by a
2 state university. At least half of the required coursework for
3 any baccalaureate degree must be offered at the lower-division
4 level, except in program areas approved by the Board of
5 Governors.

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

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

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

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

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

1 formats, and instruction for the development of individual
2 university budget requests.

3 (c) The Board of Governors, or the board's designee,
4 shall establish tuition and fees pursuant to ss. 1009.24 and
5 1009.26.

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

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

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

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

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

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

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

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

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

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

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

14 (a) The Board of Governors shall develop guidelines
15 for university boards of trustees relating to the acquisition
16 of real and personal property and the sale and disposal
17 thereof and the approval and execution of contracts for the
18 purchase, sale, lease, license, or acquisition of commodities,
19 goods, equipment, contractual services, leases of real and
20 personal property, and construction. The acquisition may
21 include purchase by installment or lease-purchase. Such
22 contracts may provide for payment of interest on the unpaid
23 portion of the purchase price. Title to all real property
24 acquired prior to January 7, 2003, and to all real property
25 acquired with funds appropriated by the Legislature shall be
26 vested in the Board of Trustees of the Internal Improvement
27 Trust Fund and shall be transferred and conveyed by it.
28 Notwithstanding any other provisions of this subsection, each
29 board of trustees shall comply with the provisions of s.
30 287.055 for the procurement of professional services as
31

1 defined therein. Any acquisition pursuant to this paragraph is
2 subject to the provisions of s. 1010.62.

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

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

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

27 (e) Notwithstanding the provisions of s. 253.025 but
28 subject to the provisions of s. 1010.62, the Board of
29 Governors, or the board's designee, may, with the consent of
30 the Board of Trustees of the Internal Improvement Trust Fund,
31 sell, convey, transfer, exchange, trade, or purchase real

1 property and related improvements necessary and desirable to
2 serve the needs and purposes of the university.

3 1. The Board of Governors, or the board's designee,
4 may secure appraisals and surveys. The Board of Governors, or
5 the board's designee, shall comply with the rules of the Board
6 of Trustees of the Internal Improvement Trust Fund in securing
7 appraisals. Whenever the Board of Governors, or the board's
8 designee, finds it necessary for timely property acquisition,
9 it may contract, without the need for competitive selection,
10 with one or more appraisers whose names are contained on the
11 list of approved appraisers maintained by the Division of
12 State Lands in the Department of Environmental Protection.

13 2. The Board of Governors, or the board's designee,
14 may negotiate and enter into an option contract before an
15 appraisal is obtained. The option contract must state that the
16 final purchase price may not exceed the maximum value allowed
17 by law. The consideration for such an option contract may not
18 exceed 10 percent of the estimate obtained by the Board of
19 Governors, or the board's designee, or 10 percent of the value
20 of the parcel, whichever is greater, unless otherwise
21 authorized by the Board of Governors or the board's designee.

22 3. This paragraph is not intended to abrogate in any
23 manner the authority delegated to the Board of Trustees of the
24 Internal Improvement Trust Fund or the Division of State Lands
25 to approve a contract for purchase of state lands or to
26 require policies and procedures to obtain clear legal title to
27 parcels purchased for state purposes. Title to property
28 acquired by a university board of trustees prior to January 7,
29 2003, and to property acquired with funds appropriated by the
30 Legislature shall vest in the Board of Trustees of the
31 Internal Improvement Trust Fund.

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 77. 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 78. 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 79. 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 80. 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.

31

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 (9) DELEGATION OF POWERS AND DUTIES.--If the Board of
14 Governors has the power to, and does, delegate a power or duty
15 to a university board of trustees as the designee, the
16 rulemaking authority of the Board of Governors for that power
17 or duty is included in the delegation.

18 Section 81. Paragraph (a) of subsection (2) and
19 subsection (4) of section 1002.35, Florida Statutes, are
20 amended to read:

21 1002.35 New World School of the Arts.--

22 (2)(a) For purposes of governance, the New World
23 School of the Arts is assigned to Miami-Dade ~~Community~~
24 College, the Dade County School District, and one or more
25 universities designated by the State Board of Education. The
26 State Board of Education, in conjunction with the Board of
27 Governors, shall assign to the New World School of the Arts a
28 university partner or partners. In this selection, the State
29 Board of Education and the Board of Governors shall consider
30 the accreditation status of the core programs. Florida
31 International University, in its capacity as the provider of

1 university services to Dade County, shall be a partner to
2 serve the New World School of the Arts, upon meeting the
3 accreditation criteria. The respective boards shall appoint
4 members to an executive board for administration of the
5 school. The executive board may include community members and
6 shall reflect proportionately the participating institutions.
7 Miami-Dade ~~Community~~ College shall serve as fiscal agent for
8 the school.

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

14 Section 82. Subsection (8) of section 1002.41, Florida
15 Statutes, is amended to read:

16 1002.41 Home education programs.--

17 (8) Home education students are eligible for admission
18 to state universities in accordance with the policies and
19 guidelines of the Board of Governors ~~provisions of s.~~
20 ~~1007.261.~~

21 Section 83. Subsections (1) and (3) of section
22 1004.03, Florida Statutes, are amended to read:

23 1004.03 Program approval.--

24 (1) The Board of Governors ~~State Board of Education~~
25 shall establish criteria for the approval of new programs at
26 state universities that will receive any support from tuition
27 and fees assessed pursuant to s. 1009.24 or from funds
28 appropriated by the Legislature through the General
29 Appropriations Act or other law. These, which criteria
30 include, but are not limited to, the following:
31

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

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

6 (c) Cooperative programs, particularly within regions,
7 should be encouraged.

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

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

13 1. The university has taken into account the offerings
14 of its counterparts, including institutions in other sectors,
15 particularly at the regional level.

16 2. The addition of the program will not alter the
17 emphasis on undergraduate education.

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

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

28 Section 84. Paragraph (b) of subsection (5) of section
29 1004.04, Florida Statutes, is amended to read:

30 1004.04 Public accountability and state approval for
31 teacher preparation programs.--

1 (5) CONTINUED PROGRAM APPROVAL.--Notwithstanding
2 subsection (4), failure by a public or nonpublic teacher
3 preparation program to meet the criteria for continued program
4 approval shall result in loss of program approval. The
5 Department of Education, in collaboration with the departments
6 and colleges of education, shall develop procedures for
7 continued program approval that document the continuous
8 improvement of program processes and graduates' performance.

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

1 Representatives, all Florida postsecondary teacher preparation
2 programs, and interested members of the public. This report
3 must analyze the data and make recommendations for improving
4 teacher preparation programs in the state.

5 Section 85. Section 1004.07, Florida Statutes, is
6 amended to read:

7 1004.07 Student withdrawal from courses due to
8 military service; effect.--

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

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

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

29 (4) Policies of state university boards of trustees
30 shall be established by rule and pursuant to guidelines of the
31 Board of Governors.

1 Section 86. Section 1004.21, Florida Statutes, is
2 amended to read:

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

5 1004.21 State universities; general provisions.--State
6 universities are part of the executive branch of state
7 government and are administered by a board of trustees as
8 provided in s. 1001.74.

9 Section 87. Subsections (1), (2), (6), and (7) of
10 section 1004.22, Florida Statutes, are amended to read:

11 1004.22 Divisions of sponsored research at state
12 universities.--

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

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

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

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

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

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

30 Section 88. Section 1004.24, Florida Statutes, is
31 amended to read:

1 1004.24 Board of Governors, or the board's designee,
2 ~~State Board of Education~~ authorized to secure liability
3 insurance.--
4 (1) The Board of Governors, or the board's designee,
5 ~~State Board of Education~~ is authorized to secure, or otherwise
6 provide as a self-insurer, or by a combination thereof,
7 comprehensive general liability insurance, including
8 professional liability for health care and veterinary
9 sciences, for:
10 (a) The Board of Governors ~~State Board of Education~~
11 and its officers and members.
12 (b) A university board of trustees and its officers
13 and members.
14 (c) The faculty and other employees and agents of a
15 university board of trustees.
16 (d) The students of a state university.
17 (e) A state university or any college, school,
18 institute, center, or program thereof.
19 (f) Any not-for-profit corporation organized pursuant
20 to chapter 617, and the directors, officers, employees, and
21 agents thereof, which is affiliated with a state university,
22 if the corporation is operated for the benefit of the state
23 university in a manner consistent with the best interests of
24 the state, and if such participation is approved by a
25 self-insurance program council, the university president, and
26 the board of trustees.
27 (2) In the event the Board of Governors, or the
28 board's designee, ~~State Board of Education~~ adopts a
29 self-insurance program, a governing council chaired by the
30 vice president for health affairs or his or her academic
31 equivalent shall be established to administer the program and

1 | its duties and responsibilities, including the administration
2 | of self-insurance program assets and expenditure policies,
3 | which shall be defined in rules as authorized by this section.
4 | The council shall have an annual actuary review performed to
5 | establish funding requirements to maintain the fiscal
6 | integrity of the self-insurance program. The assets of a
7 | self-insurance program shall be deposited outside the State
8 | Treasury and shall be administered in accordance with rules as
9 | authorized by this section.

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

25 | (4) No self-insurance program adopted by the Board of
26 | Governors, or the board's designee, ~~State Board of Education~~
27 | may sue or be sued. The claims files of any such program are
28 | privileged and confidential, exempt from the provisions of s.
29 | 119.07(1), and are only for the use of the program in
30 | fulfilling its duties. Any self-insurance trust fund and
31 |

1 revenues generated by that fund shall only be used to pay
2 claims and administration expenses.

3 (5) Each self-insurance program council shall make
4 provision for an annual financial audit pursuant to s. 11.45
5 of its accounts to be conducted by an independent certified
6 public accountant. The annual audit report must include a
7 management letter and shall be submitted to the Board of
8 Governors and the university board of trustees ~~State Board of~~
9 ~~Education~~ for review. The Board of Governors ~~State Board of~~
10 ~~Education~~ shall have the authority to require and receive from
11 the self-insurance program council or from its independent
12 auditor any detail or supplemental data relative to the
13 operation of the self-insurance program.

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

16 Section 89. Paragraph (c) is added to subsection (1)
17 of section 1004.28, Florida Statutes, and paragraph (b) of
18 subsection (2) and subsections (5), (6), and (7) of that
19 section are amended, to read:

20 1004.28 Direct-support organizations; use of property;
21 board of directors; activities; audit; facilities.--

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

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

25 (2) USE OF PROPERTY.--

26 (b) The board of trustees, in accordance with rules
27 and guidelines of the Board of Governors, shall prescribe by
28 rule conditions with which a university direct-support
29 organization must comply in order to use property, facilities,
30 or personal services at any state university. Such rules shall
31

1 provide for budget and audit review and oversight by the board
2 of trustees.

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

26 (6) FACILITIES.--~~In addition to issuance of~~
27 ~~indebtedness pursuant to s. 1010.60(2)~~, Each direct-support
28 organization is authorized to enter into agreements to
29 finance, design and construct, lease, lease-purchase,
30 purchase, or operate facilities necessary and desirable to
31 serve the needs and purposes of the university, as determined

1 by the systemwide strategic plan adopted by the Board of
2 Governors State Board of Education. Such agreements are
3 subject to the provisions of ss. ~~s~~ 1013.171 and 1010.62.

4 (7) ANNUAL BUDGETS AND REPORTS.--Each direct-support
5 organization shall submit to the university president and the
6 Board of Governors State Board of Education its federal
7 Internal Revenue Service Application for Recognition of
8 Exemption form (Form 1023) and its federal Internal Revenue
9 Service Return of Organization Exempt from Income Tax form
10 (Form 990).

11 Section 90. Subsections (3) and (5) of section
12 1004.29, Florida Statutes, are amended to read:

13 1004.29 University health services support
14 organizations.--

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

28 (5) Each university health services support
29 organization shall provide for an annual financial audit in
30 accordance with s. 1004.28(5). The auditor's report,
31 management letter, and any supplemental data requested by the

1 ~~Board of Governors State Board of Education~~, the university
2 board of trustees, and the Auditor General shall be considered
3 public records, pursuant to s. 119.07.

4 Section 91. Section 1004.35, Florida Statutes, is
5 amended to read:

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

18 Section 92. Subsection (4) of section 1004.36, Florida
19 Statutes, is amended to read:

20 1004.36 Florida Atlantic University campuses.--

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

27 Section 93. Subsection (5) of section 1004.39, Florida
28 Statutes, is amended to read:

29 1004.39 College of law at Florida International
30 University.--

31

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

1 college of law at Florida International University. The
2 college of law at Florida International University shall
3 receive no moneys allocated for the planning, construction, or
4 operation of the college of law after its cessation of
5 operations other than moneys to be expended for the cessation
6 of operations of the college of law. Any moneys allocated to
7 the college of law at Florida International University not
8 expended prior to or scheduled to be expended after the date
9 of the cessation of the college of law shall be appropriated
10 for other use by the Legislature of the State of Florida.

11 (b) Any buildings of the college of law at Florida
12 International University constructed from the expenditure of
13 capital outlay funds appropriated by the Legislature shall be
14 owned by the Board of Trustees of the Internal Improvement
15 Trust Fund and managed by the Florida International University
16 Board of Trustees upon the cessation of the college of law.

17
18 Nothing in this section shall undermine commitments to current
19 students receiving support as of the date of the enactment of
20 this section from the law school scholarship program of the
21 Florida Education Fund as provided in s. 1009.70(8). Students
22 attending the college of law at Florida International
23 University shall be eligible for financial, academic, or other
24 support from the Florida Education Fund as provided in s.
25 1009.70(8) without the college's obtaining accreditation by
26 the American Bar Association.

27 Section 94. Subsection (5) of section 1004.40, Florida
28 Statutes, is amended to read:

29 1004.40 College of law at Florida Agricultural and
30 Mechanical University.--

31

1 (5) ~~The Florida Agricultural and Mechanical University~~
2 ~~Board of Trustees shall commence the planning of a college of~~
3 ~~law under the auspices of Florida Agricultural and Mechanical~~
4 ~~University to be located in the I-4 corridor area. In planning~~
5 ~~the college of law,~~ The Florida Agricultural and Mechanical
6 University Board of Trustees and the Board of Governors State
7 ~~Board of Education~~ may accept grants, donations, gifts, and
8 moneys available for this purpose, including moneys for
9 planning and constructing the college. The Florida
10 Agricultural and Mechanical University Board of Trustees may
11 procure and accept any federal funds that are available for
12 the planning, creation, and establishment of the college of
13 law. ~~Classes must commence by the fall semester 2003.~~ If the
14 American Bar Association or any other nationally recognized
15 association for the accreditation of colleges of law issues a
16 third disapproval of an application for provisional approval
17 or for full approval or fails to grant, within 5 years
18 following the graduation of the first class, a provisional
19 approval, to the college of law at Florida Agricultural and
20 Mechanical University, the Board of Governors State Board of
21 ~~Education~~ shall make recommendations to the Governor and
22 Legislature as to whether the college of law will cease
23 operations at the end of the full academic year subsequent to
24 the receipt by the college of law of any such third
25 disapproval, or whether the college of law will continue
26 operations and any conditions for continued operations. If the
27 college of law ceases operations of the college of law
28 pursuant to this section, the following conditions apply:
29 (a) The authority for the college of law at Florida
30 Agricultural and Mechanical University and the authority of
31 the Florida Agricultural and Mechanical University Board of

1 Trustees and the Board of Governors ~~State Board of Education~~
2 provided in this section shall terminate upon the cessation of
3 operations of the college of law at Florida Agricultural and
4 Mechanical University. The college of law at Florida
5 Agricultural and Mechanical University shall receive no moneys
6 allocated for the planning, construction, or operation of the
7 college of law after its cessation of operations other than
8 moneys to be expended for the cessation of operations of the
9 college of law. Any moneys allocated to the college of law at
10 Florida Agricultural and Mechanical University not expended
11 prior to or scheduled to be expended after the date of the
12 cessation of the college of law shall be appropriated for
13 other use by the Legislature of the State of Florida.

14 (b) Any buildings of the college of law at Florida
15 Agricultural and Mechanical University constructed from the
16 expenditure of capital outlay funds appropriated by the
17 Legislature shall be owned by the Board of Trustees of the
18 Internal Improvement Trust Fund and managed by the Florida
19 Agricultural and Mechanical University Board of Trustees upon
20 the cessation of the college of law.

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

31

1 Section 95. Paragraph (e) of subsection (4) of section
2 1004.41, Florida Statutes, is amended to read:

3 1004.41 University of Florida; J. Hillis Miller Health
4 Center.--

5 (4)

6 (e) In the event that the lease of the hospital
7 facilities to the not-for-profit corporation is terminated for
8 any reason, the University of Florida Board of Trustees shall
9 resume management and operation of the hospital facilities. In
10 such event, the University of Florida Board of Trustees
11 ~~Administration Commission~~ is authorized to utilize ~~appropriate~~
12 revenues generated from the operation of the hospital
13 facilities ~~to the University of Florida Board of Trustees~~ to
14 pay the costs and expenses of operating the hospital facility
15 for the remainder of the fiscal year in which such termination
16 occurs.

17 Section 96. Subsections (1) through (4), paragraphs
18 (a), (f), and (g) of subsection (5), and paragraph (b) of
19 subsection (8) of section 1004.43, Florida Statutes, are
20 amended to read:

21 1004.43 H. Lee Moffitt Cancer Center and Research
22 Institute.--There is established the H. Lee Moffitt Cancer
23 Center and Research Institute at the University of South
24 Florida.

25 (1) The State Board of Education shall enter into an
26 agreement for the utilization of the facilities on the campus
27 of the University of South Florida to be known as the H. Lee
28 Moffitt Cancer Center and Research Institute, including all
29 furnishings, equipment, and other chattels used in the
30 operation of said facilities, with a Florida not-for-profit
31 corporation organized solely for the purpose of governing and

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

1 shall be elected by a majority vote of the board. The chair of
2 the board of directors shall be selected by majority vote of
3 the directors.

4 (2) The Board of Governors ~~State Board of Education~~
5 shall provide in the agreement with the not-for-profit
6 corporation for the following:

7 (a) Approval of the articles of incorporation of the
8 not-for-profit corporation by the Board of Governors ~~State~~
9 ~~Board of Education~~.

10 (b) Approval of the articles of incorporation of any
11 not-for-profit corporate subsidiary created by the
12 not-for-profit corporation.

13 (c) Utilization of lands, facilities, and personnel by
14 the not-for-profit corporation and its subsidiaries for
15 research, education, treatment, prevention, and the early
16 detection of cancer and for mutually approved teaching and
17 research programs conducted by the University of South Florida
18 or other accredited medical schools or research institutes.

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

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

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

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

18 (4) In the event that the agreement between the
19 not-for-profit corporation and the Board of Governors ~~State~~
20 ~~Board of Education~~ is terminated for any reason, the Board of
21 Governors ~~State Board of Education~~ shall resume governance and
22 operation of such ~~said~~ facilities.

23 (5) The institute shall be administered by a chief
24 executive officer who shall serve at the pleasure of the board
25 of directors of the not-for-profit corporation and who shall
26 have the following powers and duties subject to the approval
27 of the board of directors:

28 (a) The chief executive officer shall establish
29 programs which fulfill the mission of the institute in
30 research, education, treatment, prevention, and the early
31 detection of cancer; however, the chief executive officer

1 shall not establish academic programs for which academic
2 credit is awarded and which terminate in the conference of a
3 degree without prior approval of the Board of Governors State
4 ~~Board of Education~~.

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

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

13 (8)

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

1 subsidiaries unless pursuant to law, an order of a court or
2 administrative body, a legislative proceeding pursuant to s.
3 5, Art. III of the State Constitution, or a private agreement
4 that provides that the information may be released to the
5 public; and which is information concerning:

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

1 minutes of meetings open to the public pursuant to subsection
2 (9);

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

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

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

13 b. Reimbursement methodologies or rates;

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

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

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

1 with selected health care providers; financial incentives or
2 disincentives related to the use of specific providers,
3 services, or service sites; controlled access to and
4 coordination of services by a case manager; and payor efforts
5 to identify treatment alternatives and modify benefit
6 restrictions for high-cost patient care.

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

12 Section 97. Paragraph (b) of subsection (3) and
13 subsections (4) and (5) of section 1004.435, Florida Statutes,
14 are amended to read:

15 1004.435 Cancer control and research.--

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

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

26 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY
27 COUNCIL; CREATION; COMPOSITION.--

28 (a) There is created within the H. Lee Moffitt Cancer
29 Center and Research Institute, Inc., the Florida Cancer
30 Control and Research Advisory Council. The council shall
31 consist of ~~34~~ 35 members, which includes the chairperson, all

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

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

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

28 (c) A chairperson shall be appointed by the Governor
29 for a term of 2 years. The chairperson shall appoint an
30 executive committee of no fewer than three persons to serve at
31

1 the pleasure of the chairperson. This committee will prepare
2 material for the council but make no final decisions.

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

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

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

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

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

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

31

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

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

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

21 2. Cancer prevention.

22 3. Cancer detection.

23 4. Cancer patient management: treatment,
24 rehabilitation, terminal care, and other patient-oriented
25 activities.

26 5. Cancer education: lay and professional.

27 6. Unproven methods of cancer therapy: quackery and
28 unorthodox therapies.

29 7. Investigator-initiated project research.

30 (1) In order to implement in whole or in part the
31 Florida Cancer Plan, the council shall recommend to the Board

1 | ~~of Governors State Board of Education~~ or the secretary the
2 | awarding of grants and contracts to qualified profit or
3 | nonprofit associations or governmental agencies in order to
4 | plan, establish, or conduct programs in cancer control or
5 | prevention, cancer education and training, and cancer
6 | research.

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

31 |

1 (n) The council shall have the responsibility to
2 advise the Board of Governors ~~State Board of Education~~ and the
3 secretary on methods of enforcing and implementing laws
4 already enacted and concerned with cancer control, research,
5 and education.

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

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

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

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

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

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

30 (b) The H. Lee Moffitt Cancer Center and Research
31 Institute, Inc., shall provide such staff, information, and

1 other assistance as reasonably necessary for the completion of
2 the responsibilities of the council.

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

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

18 Section 98. Subsections (2) through (5), paragraphs
19 (a), (f), (g), and (h) of subsection (6), and subsection (10)
20 of section 1004.445, Florida Statutes, are amended to read:

21 1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and
22 Research Institute.--

23 (2)(a) The State Board of Education shall enter into
24 an agreement for the utilization of the facilities on the
25 campus of the University of South Florida to be known as the
26 Johnnie B. Byrd, Sr., Alzheimer's Center and Research
27 Institute, including all furnishings, equipment, and other
28 chattels used in the operation of those facilities, with a
29 Florida not-for-profit corporation organized solely for the
30 purpose of governing and operating the Johnnie B. Byrd, Sr.,
31 Alzheimer's Center and Research Institute. This not-for-profit

1 corporation, acting as an instrumentality of the state, shall
2 govern and operate the Johnnie B. Byrd, Sr., Alzheimer's
3 Center and Research Institute in accordance with the terms of
4 the agreement between the State Board of Education and the
5 not-for-profit corporation. The not-for-profit corporation
6 may, with the prior approval of the Board of Governors State
7 ~~Board of Education~~, create either for-profit or not-for-profit
8 corporate subsidiaries, or both, to fulfill its mission. The
9 not-for-profit corporation and its subsidiaries are authorized
10 to receive, hold, invest, and administer property and any
11 moneys acquired from private, local, state, and federal
12 sources, as well as technical and professional income
13 generated or derived from practice activities of the
14 institute, for the benefit of the institute and the
15 fulfillment of its mission. Effective July 1, 2007, the
16 agreement authority provided to the State Board of Education
17 is transferred to the Board of Governors.

18 (b) The affairs of the not-for-profit corporation
19 shall be managed by a board of directors who shall serve
20 without compensation. The board of directors shall consist of
21 the President of the University of South Florida and the chair
22 of the Board of Governors State Board of Education, or their
23 designees, five representatives of the state universities, and
24 nine representatives of the public who are neither medical
25 doctors nor state employees. Each director who is a
26 representative of a state university or of the public shall be
27 appointed to serve a term of 3 years. The chair of the board
28 of directors shall be selected by a majority vote of the
29 directors. Each director shall have only one vote. Of the five
30 university representatives, one shall be appointed by the
31 Governor, two by the President of the Senate, and two by the

1 Speaker of the House of Representatives; and of the nine
2 public representatives, three shall be appointed by the
3 Governor, three by the President of the Senate, and three by
4 the Speaker of the House of Representatives. Any vacancy in
5 office shall be filled in the same manner as the original
6 appointment. Any director may be reappointed.

7 (3) The Board of Governors ~~State Board of Education~~
8 shall provide in the agreement with the not-for-profit
9 corporation for the following:

10 (a) Approval by the Board of Governors ~~State Board of~~
11 ~~Education~~ of the articles of incorporation of the
12 not-for-profit corporation.

13 (b) Approval by the Board of Governors ~~State Board of~~
14 ~~Education~~ of the articles of incorporation of any
15 not-for-profit corporate subsidiary created by the
16 not-for-profit corporation.

17 (c) Utilization of lands, facilities, and personnel by
18 the not-for-profit corporation and its subsidiaries for
19 research, education, treatment, prevention, and the early
20 detection of Alzheimer's disease and for mutually approved
21 teaching and research programs conducted by the University of
22 South Florida or other accredited medical schools or research
23 institutes.

24 (d) Preparation of an annual financial audit pursuant
25 to s. 11.45 of the not-for-profit corporation's accounts and
26 the accounts of any subsidiaries to be conducted by an
27 independent certified public accountant. The annual audit
28 report shall include management letters and shall be submitted
29 to the Auditor General and the Board of Governors ~~State Board~~
30 ~~of Education~~ for review. The Board of Governors ~~State Board of~~
31 ~~Education~~, the Auditor General, and the Office of Program

1 Policy Analysis and Government Accountability shall have the
2 authority to require and receive from the not-for-profit
3 corporation and any subsidiaries, or from their independent
4 auditor, any detail or supplemental data relative to the
5 operation of the not-for-profit corporation or subsidiary.

6 (e) Provision by the not-for-profit corporation and
7 its subsidiaries of equal employment opportunities for all
8 persons regardless of race, color, religion, gender, age, or
9 national origin.

10 (4) The Board of Governors ~~State Board of Education~~ is
11 authorized to secure comprehensive general liability
12 protection, including professional liability protection, for
13 the not-for-profit corporation and its subsidiaries, pursuant
14 to s. 1004.24. The not-for-profit corporation and its
15 subsidiaries shall be exempt from any participation in any
16 property insurance trust fund established by law, including
17 any property insurance trust fund established pursuant to
18 chapter 284, so long as the not-for-profit corporation and its
19 subsidiaries maintain property insurance protection with
20 comparable or greater coverage limits.

21 (5) In the event that the agreement between the
22 not-for-profit corporation and the Board of Governors ~~State~~
23 ~~Board of Education~~ is terminated for any reason, the Board of
24 Governors ~~State Board of Education~~ shall assume governance and
25 operation of the facilities.

26 (6) The institute shall be administered by a chief
27 executive officer, who shall be appointed by and serve at the
28 pleasure of the board of directors of the not-for-profit
29 corporation, and who shall exercise the following powers and
30 duties, subject to the approval of the board of directors:

31

1 (a) The chief executive officer shall establish
2 programs that fulfill the mission of the institute in
3 research, education, treatment, prevention, and early
4 detection of Alzheimer's disease; however, the chief executive
5 officer may not establish academic programs for which academic
6 credit is awarded and which culminate in the conferring of a
7 degree, without prior approval of the Board of Governors State
8 ~~Board of Education~~.

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

12 (g) The chief executive officer shall provide a copy
13 of the institute's annual report to the Governor and Cabinet,
14 the President of the Senate, the Speaker of the House of
15 Representatives, and the chair of the Board of Governors State
16 ~~Board of Education~~. The annual report shall describe the
17 expenditure of all funds and shall provide information
18 regarding research that has been conducted or funded by the
19 center, as well as the expected and actual results of such
20 research.

21 (h) By August 1 of each year, the chief executive
22 officer shall develop and submit to the Governor and Cabinet,
23 the President of the Senate, the Speaker of the House of
24 Representatives, and the chair of the Board of Governors State
25 ~~Board of Education~~ an annual operating budget detailing the
26 planned use of state, federal, and private funds for the
27 fiscal year.

28 (10) The following information is confidential and
29 exempt from s. 119.07(1) and s. 24, Art. I of the State
30 Constitution:
31

1 (a) Personal identifying information relating to
2 clients of programs created or funded through the Johnnie B.
3 Byrd, Sr., Alzheimer's Center and Research Institute that is
4 held by the institute, the University of South Florida, the
5 Board of Governors, or the State Board of Education;

6 (b) Medical or health records relating to patients
7 held by the institute;

8 (c) Materials that relate to methods of manufacture or
9 production, potential trade secrets, potentially patentable
10 material, actual trade secrets as defined in s. 688.002, or
11 proprietary information received, generated, ascertained, or
12 discovered during the course of research conducted by or
13 through the institute and business transactions resulting from
14 such research;

15 (d) The personal identifying information of a donor or
16 prospective donor to the institute who wishes to remain
17 anonymous; and

18 (e) Any information received by the institute from a
19 person from another state or nation or the Federal Government
20 that is otherwise confidential or exempt pursuant to the laws
21 of that state or nation or pursuant to federal law.

22

23 Any governmental entity that demonstrates a need to access
24 such confidential and exempt information in order to perform
25 its duties and responsibilities shall have access to such
26 information.

27 Section 99. Paragraph (f) of subsection (7) of section
28 1004.447, Florida Statutes, is amended to read:

29 1004.447 Florida Institute for Human and Machine
30 Cognition, Inc.--

31

1 (7) The corporation shall employ a chief executive
2 officer to administer the affairs of the Florida Institute for
3 Human and Machine Cognition, Inc. The chief executive officer
4 shall be appointed by and serve at the pleasure of the board
5 of directors. The chief executive officer shall exercise the
6 following powers and duties, subject to the approval of the
7 board of directors:

8 (f) Annually report in writing to the Board of
9 Governors ~~Commissioner of Education~~ on the activities of the
10 institute and state budget allocation expenditures.

11 Section 100. Section 1004.47, Florida Statutes, is
12 amended to read:

13 1004.47 Research activities relating to solid and
14 hazardous waste management.--Research, training, and service
15 activities related to solid and hazardous waste management
16 conducted by state universities shall be coordinated by the
17 Board of Governors ~~State Board of Education~~. Proposals for
18 research contracts and grants; public service assignments; and
19 responses to requests for information and technical assistance
20 by state and local government, business, and industry shall be
21 addressed by a formal ~~Type I Center~~ process involving an
22 advisory board of university personnel appointed by the
23 Chancellor of the State University System ~~Commissioner of~~
24 ~~Education~~ and chaired and directed by an individual appointed
25 by the Chancellor of the State University System ~~Commissioner~~
26 ~~of Education~~. The Board of Governors ~~State Board of Education~~
27 shall consult with the Department of Environmental Protection
28 in developing the research programs and provide the department
29 with a copy of the proposed research program for review and
30 comment before the research is undertaken. Research contracts
31 shall be awarded to independent nonprofit colleges and

1 universities within the state which are accredited by the
2 Southern Association of Colleges and Schools on the same basis
3 as those research contracts awarded to the state universities.
4 Research activities shall include, but are not limited to, the
5 following areas:

6 (1) Methods and processes for recycling solid and
7 hazardous waste.

8 (2) Methods of treatment for detoxifying hazardous
9 waste.

10 (3) Technologies for disposing of solid and hazardous
11 waste.

12 Section 101. Paragraph (b) of subsection (1),
13 paragraphs (a) and (i) of subsection (2), and subsection (3)
14 of section 1004.58, Florida Statutes, are amended to read:

15 1004.58 Leadership Board for Applied Research and
16 Public Service.--

17 (1) There is created the Leadership Board for Applied
18 Research and Public Service to be staffed by the Institute of
19 Science and Public Affairs at Florida State University. The
20 purpose of the board is to focus, coordinate, and maximize
21 university resources on current issues and events affecting
22 Florida's residents and elected officials. Emphasis shall be
23 placed on being responsive to and providing accurate, timely,
24 useful, and relevant information to decisionmakers in state
25 and local governments. The board shall set forth a process to
26 provide comprehensive guidance and advice for improving the
27 types and quality of services to be delivered by the state
28 universities. Specifically, the board shall better identify
29 and define the missions and roles of existing institutes and
30 centers at each state university, work to eliminate
31 duplication and confusion over conflicting roles and missions,

1 involve more students in learning with applied research and
2 public service activities, and be organizationally separate
3 from academic departments. The board shall meet at least
4 quarterly. The board may create internal management councils
5 that may include working institute and center directors. The
6 board is responsible for, but is not limited to:

7 (b) Addressing state university policy matters and
8 making recommendations to the Board of Governors State Board
9 ~~of Education~~ as they relate to applied public service and
10 research.

11 (2) Membership of the board shall be:

12 (a) The Chancellor of the State University System
13 ~~Commissioner of Education~~, or the chancellor's commissioner's
14 designee, who shall serve as chair.

15 (i) Five additional university president members,
16 designated by the chancellor commissioner, to rotate annually.

17 (3) The board shall prepare a report for the Board of
18 Governors State Board of Education to be submitted to the
19 Governor and the Legislature by January 1 of each year which
20 summarizes the work and recommendations of the board in
21 meeting its purpose and mission.

22 Section 102. Paragraph (d) of subsection (1) of
23 section 1005.03, Florida Statutes, is amended to read:

24 1005.03 Designation "college" or "university".--

25 (1) The use of the designation "college" or
26 "university" in combination with any series of letters,
27 numbers, or words is restricted in this state to colleges or
28 universities as defined in s. 1005.02 that offer degrees as
29 defined in s. 1005.02 and fall into at least one of the
30 following categories:
31

1 (d) A college that is under the jurisdiction of ~~the~~
2 ~~Division of Colleges and Universities~~ of the Department of
3 Education, ~~whose students are eligible to participate in for~~
4 the William L. Boyd, IV, Florida Resident Access Grant
5 Program, and that is a nonprofit independent college or
6 university located and chartered in this state and accredited
7 by the Commission on Colleges of the Southern Association of
8 Colleges and Schools to grant baccalaureate degrees.

9 Section 103. Paragraph (c) of subsection (1) of
10 section 1005.06, Florida Statutes, is amended to read:

11 1005.06 Institutions not under the jurisdiction or
12 purview of the commission.--

13 (1) Except as otherwise provided in law, the following
14 institutions are not under the jurisdiction or purview of the
15 commission and are not required to obtain licensure:

16 (c) Any institution that is under the jurisdiction of
17 ~~the Division of Colleges and Universities~~ of the Department of
18 Education, ~~whose students are eligible to participate in for~~
19 the William L. Boyd, IV, Florida Resident Access Grant
20 Program, and that is a nonprofit independent college or
21 university located and chartered in this state and accredited
22 by the Commission on Colleges of the Southern Association of
23 Colleges and Schools to grant baccalaureate degrees.

24 Section 104. Paragraph (e) of subsection (2) of
25 section 1005.22, Florida Statutes, is amended to read:

26 1005.22 Powers and duties of commission.--

27 (2) The commission may:

28 (e) Advise the Governor, the Legislature, the State
29 Board of Education, ~~the Council for Education Policy Research~~
30 ~~and Improvement~~, and the Commissioner of Education on issues
31 relating to private postsecondary education.

1 Section 105. Section 1006.53, Florida Statutes, is
2 amended to read:

3 1006.53 Religious observances.--Each public
4 postsecondary educational institution shall adopt a policy ~~in~~
5 ~~accordance with rules of the State Board of Education~~ which
6 reasonably accommodates the religious observance, practice,
7 and belief of individual students in regard to admissions,
8 class attendance, and the scheduling of examinations and work
9 assignments. Each policy shall include a grievance procedure
10 by which a student who believes that he or she has been
11 unreasonably denied an educational benefit due to his or her
12 religious belief or practices may seek redress. Such policy
13 shall be made known to faculty and students annually in
14 inclusion in the institution's handbook, manual, or other
15 similar document regularly provided to faculty and students.

16 Section 106. Subsection (3) of section 1006.60,
17 Florida Statutes, is amended to read:

18 1006.60 Codes of conduct; disciplinary measures;
19 rulemaking authority.--

20 (3) Sanctions authorized by such codes of conduct may
21 be imposed only for acts or omissions in violation of rules
22 adopted by the institution, including rules adopted under this
23 section, rules of the State Board of Education or the Board of
24 Governors regarding the State University System, county and
25 municipal ordinances, and the laws of this state, the United
26 States, or any other state.

27 Section 107. Subsection (1) of section 1006.61,
28 Florida Statutes, is amended to read:

29 1006.61 Participation by students in disruptive
30 activities at public postsecondary educational institution;
31 penalties.--

1 (1) Any person who accepts the privilege extended by
2 the laws of this state of attendance at any public
3 postsecondary educational institution shall, by attending such
4 institution, be deemed to have given his or her consent to the
5 policies of that institution, the State Board of Education,
6 and the Board of Governors regarding the State University
7 System, and the laws of this state. Such policies shall
8 include prohibition against disruptive activities at public
9 postsecondary educational institutions.

10 Section 108. Subsections (1) and (3) of section
11 1006.62, Florida Statutes, are amended to read:

12 1006.62 Expulsion and discipline of students of
13 community colleges and state universities.--

14 (1) Each student in a community college or state
15 university is subject to federal and state law, respective
16 county and municipal ordinances, and all rules and regulations
17 of the State Board of Education, the Board of Governors
18 regarding the State University System, or the board of
19 trustees of the institution.

20 (3) Each president of a community college or state
21 university may, after notice to the student of the charges and
22 after a hearing thereon, ~~to~~ expel, suspend, or otherwise
23 discipline any student who is found to have violated any law,
24 ordinance, or rule or regulation of the State Board of
25 Education, the Board of Governors regarding the State
26 University System, or ~~of~~ the board of trustees of the
27 institution. A student may be entitled to waiver of expulsion:

28 (a) If the student provides substantial assistance in
29 the identification, arrest, or conviction of any of his or her
30 accomplices, accessories, coconspirators, or principals or of
31

1 any other person engaged in violations of chapter 893 within a
2 state university or community college;

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

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

8 Section 109. Section 1006.65, Florida Statutes, is
9 amended to read:

10 1006.65 Safety issues in courses offered by public
11 postsecondary educational institutions.--

12 (1) The State Board of Education shall adopt rules to
13 ensure that policies and procedures are in place to protect
14 the health and safety of students, instructional personnel,
15 and visitors who participate in courses offered by a community
16 college ~~public postsecondary educational institution~~.

17 (2) The Board of Governors shall adopt rules to ensure
18 that policies and procedures are in place to protect the
19 health and safety of students, instructional personnel, and
20 visitors who participate in courses offered by a state
21 university.

22 ~~(3)(2)~~ Such policies and procedures shall be guided by
23 industry standards for practices in the course content area
24 and shall conform with all related and relevant state and
25 federal health and safety requirements.

26 Section 110. Section 1006.71, Florida Statutes, is
27 amended to read:

28 1006.71 Gender equity in intercollegiate athletics.--

29 (1) GENDER EQUITY PLAN.--

30 (a) Each community college and state university shall
31 develop a gender equity plan pursuant to s. 1000.05.

1 (b) The plan shall include consideration of equity in
2 sports offerings, participation, availability of facilities,
3 scholarship offerings, and funds allocated for administration,
4 recruitment, comparable coaching, publicity and promotion, and
5 other support costs.

6 (c) The Commissioner of Education shall annually
7 assess the progress of each community college's ~~institution's~~
8 plan and advise the State Board of Education and the
9 Legislature regarding compliance.

10 (d) The Chancellor of the State University System
11 shall annually assess the progress of each state university's
12 plan and advise the Board of Governors and the Legislature
13 regarding compliance.

14 (e)(d) Each board of trustees of a public community
15 college or state university shall annually evaluate the
16 presidents on the extent to which the gender equity goals have
17 been achieved.

18 (f)(e) To determine the proper level of support for
19 women's athletic scholarships, an equity plan may determine,
20 where appropriate, that support for women's scholarships may
21 be disproportionate to the support of scholarships for men.

22 (g)1.(f) If a community college ~~or state university~~ is
23 not in compliance with Title IX of the Education Amendments of
24 1972 and the Florida Educational Equity Act, the State Board
25 of Education shall:

26 a.1- Declare the community college institution
27 ineligible for competitive state grants.

28 b.2- Withhold funds sufficient to obtain compliance.

29
30 The community college institution shall remain ineligible and
31 the funds shall not be paid until the community college

1 ~~institution~~ comes into compliance or the Commissioner of
2 Education approves a plan for compliance.

3 2. If a state university is not in compliance with
4 Title IX of the Education Amendments of 1972 and the Florida
5 Educational Equity Act, the Board of Governors shall:

6 a. Declare the state university ineligible for
7 competitive state grants.

8 b. Withhold funds sufficient to obtain compliance.

9
10 The state university shall remain ineligible and the funds
11 shall not be paid until the state university comes into
12 compliance or the Board of Governors approves a plan for
13 compliance.

14 (2) FUNDING.--

15 (a) An equitable portion of all separate athletic fees
16 shall be designated for women's intercollegiate athletics.

17 (b) The level of funding and percentage share of
18 support for women's intercollegiate athletics for community
19 colleges shall be determined by the State Board of Education.

20 The level of funding and percentage share of support for
21 women's intercollegiate athletics for state universities shall
22 be determined by the Board of Governors. The level of funding

23 and percentage share attained in the 1980-1981 fiscal year
24 shall be the minimum level and percentage maintained by each
25 institution, except as the State Board of Education or the
26 Board of Governors otherwise directs its respective

27 institutions for the purpose of assuring equity. Consideration
28 shall be given by the State Board of Education or the Board of
29 Governors to emerging athletic programs at institutions which
30 may not have the resources to secure external funds to provide
31 athletic opportunities for women. It is the intent that the

1 effect of any redistribution of funds among institutions shall
2 not negate the requirements as set forth in this section.

3 (c) In addition to the above amount, an amount equal
4 to the sales taxes collected from admission to athletic events
5 sponsored by a state university shall be retained and utilized
6 by each university to support women's athletics.

7 (3) STATE BOARD OF EDUCATION.--The State Board of
8 Education shall assure equal opportunity for female athletes
9 at community colleges and establish:

10 (a) Guidelines for reporting of intercollegiate
11 athletics data concerning financial, program, and facilities
12 information for review by the State Board of Education
13 annually.

14 (b) Systematic audits for the evaluation of such data.

15 (c) Criteria for determining and assuring equity.

16 (4) BOARD OF GOVERNORS.--The Board of Governors shall
17 ensure equal opportunity for female athletes at state
18 universities and establish:

19 (a) Guidelines for reporting of intercollegiate
20 athletics data concerning financial, program, and facilities
21 information for review by the Board of Governors annually.

22 (b) Systematic audits for the evaluation of such data.

23 (c) Criteria for determining and ensuring equity.

24 Section 111. Section 1007.01, Florida Statutes, is
25 amended to read:

26 1007.01 Articulation; legislative intent; purpose;
27 role of the State Board of Education and the Board of
28 Governors.--

29 (1) It is the intent of the Legislature to facilitate
30 articulation and seamless integration of the K-20 education
31 system by building and sustaining relationships among K-20

1 public organizations, between public and private
2 organizations, and between the education system as a whole and
3 Florida's communities. The purpose of building and sustaining
4 these relationships is to provide for the efficient and
5 effective progression and transfer of students within the
6 education system and to allow students to proceed toward their
7 educational objectives as rapidly as their circumstances
8 permit.

9 (2) To improve and facilitate articulation systemwide,
10 the State Board of Education and the Board of Governors shall
11 recommend ~~develop~~ policies and guidelines to the Legislature
12 with input from statewide K-20 advisory groups established by
13 the Commissioner of Education relating to:

14 (a) The alignment between the exit requirements of one
15 system and the admissions requirements of another system into
16 which students typically transfer.

17 (b) The identification of common courses, the level of
18 courses, institutional participation in a statewide course
19 numbering system, and the transferability of credits among
20 such institutions.

21 (c) Identification of courses that meet general
22 education or common degree program prerequisite requirements
23 at public postsecondary educational institutions.

24 (d) Dual enrollment course equivalencies.

25 (e) Articulation agreements.

26 Section 112. Subsection (1) of section 1007.22,
27 Florida Statutes, is amended to read:

28 1007.22 Articulation; postsecondary institution
29 coordination and collaboration.--

30 (1) The university boards of trustees, community
31 college boards of trustees, and district school boards are

1 encouraged to ~~may~~ establish intrainstitutional and
2 interinstitutional programs to maximize articulation. Programs
3 may include upper-division-level courses offered at the
4 community college, distance learning, transfer agreements that
5 facilitate the transfer of credits between public and
6 nonpublic postsecondary institutions, and the concurrent
7 enrollment of students at a community college and a state
8 university to enable students to take any level of
9 baccalaureate degree coursework.

10 Section 113. Subsections (1), (2), and (5) of section
11 1007.23, Florida Statutes, are amended to read:

12 1007.23 Statewide articulation agreement.--

13 (1) The State Board of Education and the Board of
14 Governors shall enter into ~~establish in rule~~ a statewide
15 articulation agreement which the State Board of Education
16 shall adopt by rule. The agreement must preserve Florida's
17 "2+2" system of articulation, facilitate the seamless
18 articulation of student credit across and among Florida's
19 educational entities, and reinforce the provisions of this
20 chapter by governing that governs:

21 (a) Articulation between secondary and postsecondary
22 education;

23 (b) Admission of associate in arts degree graduates
24 from community colleges and state universities;

25 (c) Admission of applied technology diploma program
26 graduates from community colleges or career centers;

27 (d) Admission of associate in science degree and
28 associate in applied science degree graduates from community
29 colleges;

30

31

1 (e) The use of acceleration mechanisms, including
2 nationally standardized examinations through which students
3 may earn credit;

4 (f) General education requirements and statewide
5 course numbers as provided for in ss. 1007.24 and 1007.25; and

6 (g) Articulation among programs in nursing.

7 (2) The articulation agreement must specifically
8 provide that every associate in arts graduate of a community
9 college shall have met all general education requirements and
10 must be granted admission to the upper division of a state
11 university except to a limited access or teacher certification
12 program or a major program requiring an audition. ~~After~~
13 ~~admission has been granted to students under provisions of~~
14 ~~this section and to university students who have successfully~~
15 ~~completed 60 credit hours of coursework, including 36 hours of~~
16 ~~general education, and met the requirements of s. 1008.29,~~
17 ~~admission shall be granted to state university and community~~
18 ~~college students who have successfully completed 60 credit~~
19 ~~hours of work, including 36 hours of general education.~~
20 Community college associate in arts graduates shall receive
21 priority for admission to a state university over out-of-state
22 students. Orientation programs and student handbooks provided
23 to freshman enrollees and transfer students at state
24 universities must include an explanation of this provision of
25 the articulation agreement.

26 (5) The articulation agreement must guarantee the
27 articulation of 9 credit hours toward a postsecondary degree
28 in early childhood education for programs approved by the
29 State Board of Education and the Board of Governors which:

30 (a) Award a child development associate credential
31 issued by the National Credentialing Program of the Council

1 for Professional Recognition or award a credential approved
2 under s. 1002.55(3)(c)1.b. or s. 402.305(3)(c) as being
3 equivalent to the child development associate credential; and

4 (b) Include training in emergent literacy which meets
5 or exceeds the minimum standards for training courses for
6 prekindergarten instructors of the Voluntary Prekindergarten
7 Education Program in s. 1002.59.

8 Section 114. Subsections (1), (2), (3), and (4) of
9 section 1007.24, Florida Statutes, are amended to read:

10 1007.24 Statewide course numbering system.--

11 (1) The Department of Education, in conjunction with
12 the Board of Governors, shall develop, coordinate, and
13 maintain a statewide course numbering system for postsecondary
14 and dual enrollment education in school districts, public
15 postsecondary educational institutions, and participating
16 nonpublic postsecondary educational institutions that will
17 improve program planning, increase communication among all
18 delivery systems, and facilitate student acceleration and the
19 transfer of students and credits between public school
20 districts, public postsecondary educational institutions, and
21 participating nonpublic educational institutions. The
22 continuing maintenance of the system shall be accomplished
23 with the assistance of appropriate faculty committees
24 representing public and participating nonpublic educational
25 institutions.

26 (2) The Commissioner of Education, in conjunction with
27 the Chancellor of the State University System, shall appoint
28 faculty committees representing faculties of participating
29 institutions to recommend a single level for each course,
30 including postsecondary career education courses, included in
31 the statewide course numbering system.

1 (a) Any course designated as an upper-division-level
2 course must be characterized by a need for advanced academic
3 preparation and skills that a student would be unlikely to
4 achieve without significant prior coursework.

5 (b) A course that is offered as part of an associate
6 in science degree program and as an upper-division course for
7 a baccalaureate degree shall be designated for both the lower
8 and upper division.

9 (c) A course designated as lower-division may be
10 offered by any community college.

11 (3) The Commissioner of Education shall recommend to
12 the State Board of Education the levels for the courses. The
13 State Board of Education, with input from the Board of
14 Governors, shall approve the levels for the courses.

15 (4) The statewide course numbering system shall
16 include the courses at the recommended levels.

17 Section 115. Subsections (5), (6), (8), (9), and (11)
18 of section 1007.25, Florida Statutes, are amended to read:

19 1007.25 General education courses; common
20 prerequisites; and other degree requirements.--

21 (5) The department shall identify common prerequisite
22 courses and course substitutions for degree programs across
23 all institutions. Common degree program prerequisites shall be
24 offered and accepted by all state universities and community
25 colleges, except in cases approved by the State Board of
26 Education for community colleges and the Board of Governors
27 for state universities pursuant to s. 1001.02(2)(x). The
28 department shall develop a centralized database containing the
29 list of courses and course substitutions that meet the
30 prerequisite requirements for each baccalaureate degree
31 program.

1 (6) The boards of trustees of the community colleges
2 ~~and state universities~~ shall identify their core curricula,
3 which shall include courses required by the State Board of
4 Education. The boards of trustees of the state universities
5 shall identify their core curricula, which shall include
6 courses required by the Board of Governors. The universities
7 and community colleges shall work with their school districts
8 to assure that high school curricula coordinate with the core
9 curricula and to prepare students for college-level work. Core
10 curricula for associate in arts programs shall be adopted in
11 rule by the State Board of Education and shall include 36
12 semester hours of general education courses in the subject
13 areas of communication, mathematics, social sciences,
14 humanities, and natural sciences.

15 (8) A baccalaureate degree program shall require no
16 more than 120 semester hours of college credit, including 36
17 semester hours of general education coursework, unless prior
18 approval has been granted by the Board of Governors for
19 baccalaureate degree programs offered by state universities
20 and by the State Board of Education for baccalaureate degree
21 programs offered by community colleges.

22 (9) A student who received an associate in arts degree
23 for successfully completing 60 semester credit hours may
24 continue to earn additional credits at a community college.
25 The university must provide credit toward the student's
26 baccalaureate degree for an additional community college
27 course if, according to the statewide course numbering, the
28 community college course is a course listed in the university
29 catalog as required for the degree or as prerequisite to a
30 course required for the degree. Of the courses required for
31 the degree, at least half of the credit hours required for the

1 degree shall be achievable through courses designated as lower
2 division, except in degree programs approved by the State
3 Board of Education for programs offered by community colleges
4 and by the Board of Governors for programs offered by state
5 universities.

6 (11) The Commissioner of Education shall appoint
7 faculty committees representing both community college and
8 public school faculties to recommend to the commissioner for
9 approval by the State Board of Education a standard program
10 length and appropriate occupational completion points for each
11 postsecondary career certificate program, diploma, and degree
12 offered by a school district or a community college.

13 Section 116. Paragraph (b) of subsection (2) and
14 paragraph (d) of subsection (3) of section 1007.2615, Florida
15 Statutes, are amended to read:

16 1007.2615 American Sign Language; findings;
17 foreign-language credits authorized; teacher licensing.--

18 (2) AMERICAN SIGN LANGUAGE; FOREIGN-LANGUAGE CREDIT.--

19 (b) Any public or independent school may offer
20 American Sign Language for foreign-language credit. Students
21 taking American Sign Language for foreign-language credit must
22 be advised by the school board prior to enrollment in such
23 course that state universities and postsecondary institutions
24 outside of Florida may not accept such credits as satisfying
25 foreign-language requirements.

26 (3) DUTIES OF COMMISSIONER OF EDUCATION AND STATE
27 BOARD OF EDUCATION; LICENSING OF AMERICAN SIGN LANGUAGE
28 TEACHERS; PLAN FOR POSTSECONDARY EDUCATION PROVIDERS.--

29 (d) The Commissioner of Education shall work with
30 providers of postsecondary education, except for state
31 universities, to develop and implement a plan to ensure that

1 | ~~these postsecondary~~ institutions in this state will accept
2 | secondary school credits in ASL as credits in a foreign
3 | language and to encourage postsecondary institutions to offer
4 | ASL courses to students as a fulfillment of the requirement
5 | for studying a foreign language.

6 | Section 117. Section 1007.262, Florida Statutes, is
7 | amended to read:

8 | 1007.262 Foreign language competence; equivalence
9 | determinations.--The Department of Education shall identify
10 | the competencies demonstrated by students upon the successful
11 | completion of 2 credits of sequential high school foreign
12 | language instruction. For the purpose of determining
13 | postsecondary equivalence ~~pursuant to s. 1007.261(1)(b)~~, the
14 | department shall develop rules through which community
15 | colleges correlate such competencies to the competencies
16 | required of students in the colleges' respective courses.
17 | Based on this correlation, each community college shall
18 | identify the minimum number of postsecondary credits that
19 | students must earn in order to demonstrate a level of
20 | competence in a foreign language at least equivalent to that
21 | of students who have completed 2 credits of such instruction
22 | in high school. The department may also specify alternative
23 | means by which students can demonstrate equivalent foreign
24 | language competence, including means by which a student whose
25 | native language is not English may demonstrate proficiency in
26 | the native language. A student who demonstrates proficiency in
27 | a native language other than English is exempt from a ~~the~~
28 | requirement of completing foreign language courses at the
29 | secondary or community college ~~postsecondary~~ level.

30 | Section 118. Section 1007.264, Florida Statutes, is
31 | amended to read:

1 1007.264 Impaired and learning disabled persons;
2 admission to postsecondary educational institutions;
3 substitute requirements; rules.--

4 (1) Any student with a disability, as defined in s.
5 1007.02(2), except those students who have been documented as
6 having mental retardation, shall be eligible for reasonable
7 substitution for any requirement for admission into a public
8 postsecondary educational institution where documentation can
9 be provided that the person's failure to meet the admission
10 requirement is related to the disability.

11 (2) The State Board of Education, in consultation with
12 the Board of Governors, shall adopt rules to implement this
13 section for community colleges and shall develop substitute
14 admission requirements where appropriate.

15 (3) The Board of Governors, in consultation with the
16 State Board of Education, shall adopt rules to implement this
17 section for state universities and shall develop substitute
18 admission requirements where appropriate.

19 Section 119. Section 1007.265, Florida Statutes, is
20 amended to read:

21 1007.265 Impaired and learning disabled persons;
22 graduation, study program admission, and upper-division entry;
23 substitute requirements; rules.--

24 (1) Any student with a disability, as defined in s.
25 1007.02(2), in a public postsecondary educational institution,
26 except those students who have been documented as having
27 mental retardation, shall be eligible for reasonable
28 substitution for any requirement for graduation, for admission
29 into a program of study, or for entry into the upper division
30 where documentation can be provided that the person's failure
31 to meet the requirement is related to the disability and where

1 failure to meet the graduation requirement or program
2 admission requirement does not constitute a fundamental
3 alteration in the nature of the program.

4 (2) The State Board of Education, in consultation with
5 the Board of Governors, shall adopt rules to implement this
6 section for community colleges and shall develop substitute
7 requirements where appropriate.

8 (3) The Board of Governors, in consultation with the
9 State Board of Education, shall adopt rules to implement this
10 section for state universities and shall develop substitute
11 requirements where appropriate.

12 Section 120. Subsections (6), (7), (8), (9), and (11)
13 of section 1007.27, Florida Statutes, are amended to read:

14 1007.27 Articulated acceleration mechanisms.--

15 (6) Advanced placement shall be the enrollment of an
16 eligible secondary student in a course offered through the
17 Advanced Placement Program administered by the College Board.
18 Postsecondary credit for an advanced placement course shall be
19 limited to students who score a minimum of 3, on a 5-point
20 scale, on the corresponding Advanced Placement Examination.
21 The specific courses for which students receive such credit
22 shall be identified in the statewide articulation agreement
23 required by s. 1007.23(1) ~~determined by the department.~~

24 Students of Florida public secondary schools enrolled pursuant
25 to this subsection shall be exempt from the payment of any
26 fees for administration of the examination regardless of
27 whether or not the student achieves a passing score on the
28 examination.

29 (7) Credit by examination shall be the program through
30 which secondary and postsecondary students generate
31 postsecondary credit based on the receipt of a specified

1 minimum score on nationally standardized general or
2 subject-area examinations. For the purpose of statewide
3 application, such examinations and the corresponding minimum
4 scores required for an award of credit shall be delineated by
5 the State Board of Education and the Board of Governors in the
6 statewide articulation agreement required by s. 1007.23(1).
7 The maximum credit generated by a student pursuant to this
8 subsection shall be mitigated by any related postsecondary
9 credit earned by the student prior to the administration of
10 the examination. This subsection shall not preclude community
11 colleges and universities from awarding credit by examination
12 based on student performance on examinations developed within
13 and recognized by the individual postsecondary institutions.

14 (8) The International Baccalaureate Program shall be
15 the curriculum in which eligible secondary students are
16 enrolled in a program of studies offered through the
17 International Baccalaureate Program administered by the
18 International Baccalaureate Office. The State Board of
19 Education and the Board of Governors shall ~~establish rules~~
20 ~~which~~ specify in the statewide articulation agreement required
21 by s. 1007.23(1) the cutoff scores and International
22 Baccalaureate Examinations which will be used to grant
23 postsecondary credit at community colleges and universities.
24 Any changes to the articulation agreement ~~such rules~~, which
25 have the effect of raising the required cutoff score or of
26 changing the International Baccalaureate Examinations which
27 will be used to grant postsecondary credit, shall only apply
28 to students taking International Baccalaureate Examinations
29 after such changes ~~rules~~ are adopted by the State Board of
30 Education and the Board of Governors. Students shall be
31 awarded a maximum of 30 semester credit hours pursuant to this

1 subsection. The specific course for which a student may
2 receive ~~receives~~ such credit shall be specified in the
3 statewide articulation agreement required by s. 1007.23(1)
4 ~~determined by the department~~. Students enrolled pursuant to
5 this subsection shall be exempt from the payment of any fees
6 for administration of the examinations regardless of whether
7 or not the student achieves a passing score on the
8 examination.

9 (9) The Advanced International Certificate of
10 Education Program and the International General Certificate of
11 Secondary Education (pre-AICE) Program shall be the curricula
12 in which eligible secondary students are enrolled in programs
13 of study offered through the Advanced International
14 Certificate of Education Program or the International General
15 Certificate of Secondary Education (pre-AICE) Program
16 administered by the University of Cambridge Local Examinations
17 Syndicate. The State Board of Education and the Board of
18 Governors shall ~~establish rules which~~ specify in the statewide
19 articulation agreement required by s. 1007.23(1) the cutoff
20 scores and Advanced International Certificate of Education
21 examinations which will be used to grant postsecondary credit
22 at community colleges and universities. Any changes to the
23 cutoff scores ~~such rules~~, which changes have the effect of
24 raising the required cutoff score or of changing the Advanced
25 International Certification of Education examinations which
26 will be used to grant postsecondary credit, shall apply to
27 students taking Advanced International Certificate of
28 Education examinations after such changes ~~rules~~ are adopted by
29 the State Board of Education and the Board of Governors.
30 Students shall be awarded a maximum of 30 semester credit
31 hours pursuant to this subsection. The specific course for

1 | which a student may receive ~~receives~~ such credit shall be
2 | determined by the community college or university that accepts
3 | the student for admission. Students enrolled in either program
4 | of study pursuant to this subsection shall be exempt from the
5 | payment of any fees for administration of the examinations
6 | regardless of whether the student achieves a passing score on
7 | the examination.

8 | ~~(11)(a) The State Board of Education shall conduct a~~
9 | ~~review of the extent to which the acceleration mechanisms~~
10 | ~~authorized by this section are currently utilized by school~~
11 | ~~districts and public postsecondary educational institutions~~
12 | ~~and shall submit a report to the Governor and the Legislature~~
13 | ~~by December 31, 2003.~~

14 | ~~(b) The report must include a summary of ongoing~~
15 | ~~activities and a plan to increase and enhance the use of~~
16 | ~~acceleration mechanisms as a way to shorten the length of time~~
17 | ~~as well as the funding required for a student, including a~~
18 | ~~student with a documented disability, to obtain a~~
19 | ~~postsecondary degree.~~

20 | ~~(c) The review and plan shall address, but are not~~
21 | ~~limited to, the following issues:~~

22 | ~~1. The manner in which students, including students~~
23 | ~~with documented disabilities, are advised regarding the~~
24 | ~~availability of acceleration mechanism options.~~

25 | ~~2. The availability of acceleration mechanism options~~
26 | ~~to eligible students, including students with documented~~
27 | ~~disabilities, who wish to participate.~~

28 | ~~3. The grading practices, including weighting of~~
29 | ~~courses, of school districts and public postsecondary~~
30 | ~~educational institutions with regard to credit earned through~~
31 | ~~acceleration mechanisms.~~

1 4. ~~The extent to which credit earned through an~~
2 ~~acceleration mechanism is used to meet the general education~~
3 ~~requirements of a public postsecondary educational~~
4 ~~institution.~~

5 5. ~~The extent to which the secondary instruction~~
6 ~~associated with acceleration mechanism options could be~~
7 ~~offered at sites other than public K through 12 school sites~~
8 ~~to assist in meeting class size reduction needs.~~

9 6. ~~The manner in which funding for instruction~~
10 ~~associated with acceleration mechanism options is provided.~~

11 7. ~~The feasibility of providing students, including~~
12 ~~students with documented disabilities, the option of choosing~~
13 ~~Advanced Placement credit or College Level Examination Program~~
14 ~~(CLEP) credit as an alternative to dual enrollment credit upon~~
15 ~~completion of a dual enrollment course.~~

16 Section 121. Section 1007.28, Florida Statutes, is
17 amended to read:

18 1007.28 Computer-assisted student advising
19 system.--The Department State Board of Education, in
20 conjunction with the Board of Governors, shall establish and
21 maintain ~~within the Department of Education~~ a single,
22 statewide computer-assisted student advising system, which
23 must be an integral part of the process of advising,
24 registering, and certifying students for graduation. ~~It is~~
25 ~~intended that an advising system be the primary advising and~~
26 ~~tracking tool for students enrolled in public postsecondary~~
27 ~~educational institutions~~ and must be accessible to all Florida
28 students. The state universities and community colleges shall
29 interface institutional systems with the computer-assisted
30 advising system required by this section. The State Board of
31 Education and the Board of Governors shall specify in the

1 statewide articulation agreement required by s. 1007.23(1)
2 ~~prescribe by rule~~ the roles and responsibilities of the
3 department, the state universities, and the community colleges
4 in the design, implementation, promotion, development, and
5 analysis of the system. The system shall consist of a degree
6 audit and an articulation component that includes the
7 following characteristics:

8 (1) The system shall constitute an integral part of
9 the process of advising students and assisting them in course
10 selection. The system shall be accessible to students in the
11 following ways:

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

15 (b) A status report from the system shall be generated
16 and sent with each grade report to each student enrolled in
17 public postsecondary educational institutions with a declared
18 major.

19 (2) The system shall be an integral part of the
20 registration process at public postsecondary educational
21 institutions. As part of the process, the system shall:

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

24 (b) Verify that a student has completed requirements
25 for graduation.

26 (3) The system must provide students information
27 related to career descriptions and corresponding educational
28 requirements, admissions requirements, and available sources
29 of student financial assistance. Such advising must enable
30 students to examine their interests and aptitudes for the
31 purpose of curricular and career planning.

1 (4) The system must provide management information to
2 decisionmakers, including information relating student
3 enrollment patterns and course demands to plans for
4 corresponding course offerings and information useful in
5 planning the student registration process.

6 Section 122. Subsection (3) of section 1007.33,
7 Florida Statutes, is amended to read:

8 1007.33 Site-determined baccalaureate degree access.--

9 (3) A community college may develop a proposal to
10 deliver specified baccalaureate degree programs in its
11 district to meet local workforce needs. The proposal must be
12 submitted to the State Board of Education for approval. The
13 community college's proposal must include the following
14 information:

15 (a) Demand for the baccalaureate degree program is
16 identified by the workforce development board, local
17 businesses and industry, local chambers of commerce, and
18 potential students.

19 (b) Unmet need for graduates of the proposed degree
20 program is substantiated.

21 (c) The community college has the facilities and
22 academic resources to deliver the program.

23
24 ~~The proposal must be submitted to the Council for Education~~
25 ~~Policy Research and Improvement for review and comment.~~ Upon
26 approval of the State Board of Education for the specific
27 degree program or programs, the community college shall pursue
28 regional accreditation by the Commission on Colleges of the
29 Southern Association of Colleges and Schools. Any additional
30 baccalaureate degree programs the community college wishes to
31 offer must be approved by the State Board of Education.

1 Section 123. Subsections (4), (8), and (9) of section
2 1008.29, Florida Statutes, are amended to read:

3 1008.29 College-level communication and mathematics
4 skills examination (CLAST).--

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

15 (8)(a) The State Board of Education, by rule, shall
16 establish fees for the administration of the examination by
17 community colleges at times other than regularly scheduled
18 dates to accommodate examinees who are unable to be tested on
19 those dates. The state board shall establish the conditions
20 under which examinees may be admitted to the special
21 administrations.

22 (b) The Board of Governors may establish fees for the
23 administration of the examination by state universities at
24 times other than regularly scheduled dates to accommodate
25 examinees who are unable to be tested on those dates. The
26 Board of Governors may establish the conditions under which
27 examinees may be admitted to the special administrations.

28 (9) Any student fulfilling one or both of the
29 following requirements before completion of associate in arts
30 degree requirements or baccalaureate degree requirements is
31 exempt from the testing requirements of this section:

1 (a) Achieves a score that meets or exceeds a minimum
2 score on a nationally standardized examination, as established
3 by the State Board of Education in conjunction with the Board
4 of Governors; or

5 (b) Demonstrates successful remediation of any
6 academic deficiencies identified by the college placement test
7 and achieves a cumulative grade point average of 2.5 or above,
8 on a 4.0 scale, in postsecondary-level coursework identified
9 by the State Board of Education in conjunction with the Board
10 of Governors. The Department of Education shall specify the
11 means by which a student may demonstrate successful
12 remediation.

13
14 Any student denied a degree prior to January 1, 1996, based on
15 the failure of at least one subtest of the CLAST may use
16 either of the alternatives specified in this subsection for
17 receipt of a degree if such student meets all degree program
18 requirements at the time of application for the degree under
19 the exemption provisions of this subsection. This section does
20 not require a student to take the CLAST before being given the
21 opportunity to use any of the alternatives specified in this
22 subsection. The exemptions provided herein do not apply to
23 requirements for certification as provided in s. 1012.56.

24 Section 124. Subsections (1) and (4) of section
25 1008.30, Florida Statutes, are amended to read:

26 1008.30 Common placement testing for public
27 postsecondary education.--

28 (1) The State Board of Education, in conjunction with
29 the Board of Governors, shall develop and implement a common
30 placement test for the purpose of assessing the basic
31 computation and communication skills of students who intend to

1 enter a degree program at any public postsecondary educational
2 institution. ~~The State Board of Education shall adopt rules~~
3 ~~which enable~~ Public postsecondary educational institutions
4 shall provide to implement appropriate modifications of the
5 test instruments or test procedures for students with
6 disabilities.

7 (4)(a) Public postsecondary educational institution
8 students who have been identified as requiring additional
9 preparation pursuant to subsection (1) shall enroll in
10 college-preparatory or other adult education pursuant to s.
11 1004.93 in community colleges to develop needed college-entry
12 skills. These students shall be permitted to take courses
13 within their degree program concurrently in other curriculum
14 areas for which they are qualified while enrolled in
15 college-preparatory instruction courses. A student enrolled in
16 a college-preparatory course may concurrently enroll only in
17 college credit courses that do not require the skills
18 addressed in the college-preparatory course. The State Board
19 of Education, in conjunction with the Board of Governors,
20 shall specify the college credit courses that are acceptable
21 for students enrolled in each college-preparatory skill area,
22 ~~pursuant to s. 1001.02(7)(g).~~ A student who wishes to earn an
23 associate in arts or a baccalaureate degree, but who is
24 required to complete a college-preparatory course, must
25 successfully complete the required college-preparatory studies
26 by the time the student has accumulated 12 hours of
27 lower-division college credit degree coursework; however, a
28 student may continue enrollment in degree-earning coursework
29 provided the student maintains enrollment in
30 college-preparatory coursework for each subsequent semester
31 until college-preparatory coursework requirements are

1 completed, and the student demonstrates satisfactory
2 performance in degree-earning coursework. A passing score on a
3 standardized, institutionally developed test must be achieved
4 before a student is considered to have met basic computation
5 and communication skills requirements; however, no student
6 shall be required to retake any test or subtest that was
7 previously passed by said student. Credit awarded for
8 college-preparatory instruction may not be counted toward
9 fulfilling the number of credits required for a degree.

10 (b) ~~A~~ The university board of trustees may contract
11 with a community college board of trustees for the community
12 college to provide such instruction on the state university
13 campus. Any state university in which the percentage of
14 incoming students requiring college-preparatory instruction
15 equals or exceeds the average percentage of such students for
16 the community college system may offer college-preparatory
17 instruction without contracting with a community college;
18 however, any state university offering college-preparatory
19 instruction as of January 1, 1996, may continue to provide
20 such services.

21 Section 125. Section 1008.32, Florida Statutes, is
22 amended to read:

23 1008.32 State Board of Education oversight enforcement
24 authority.--The State Board of Education shall oversee the
25 performance of district school boards and community college
26 boards of trustees ~~public postsecondary educational~~
27 ~~institution boards~~ in enforcement of all laws and rules.
28 District school boards and community college boards of
29 trustees ~~public postsecondary educational institution boards~~
30 shall be primarily responsible for compliance with law and
31 state board rule.

1 (1) In order to ensure compliance with law or state
2 board rule, the State Board of Education shall have the
3 authority to request and receive information, data, and
4 reports from school districts and community colleges ~~public~~
5 ~~postsecondary educational institutions~~. District school
6 superintendents and community college ~~public postsecondary~~
7 ~~educational institution~~ presidents are responsible for the
8 accuracy of the information and data reported to the state
9 board.

10 (2) The Commissioner of Education may investigate
11 allegations of noncompliance with law or state board rule and
12 determine probable cause. The commissioner shall report
13 determinations of probable cause to the State Board of
14 Education which shall require the district school board or
15 community college board of trustees ~~public postsecondary~~
16 ~~educational institution board~~ to document compliance with law
17 or state board rule.

18 (3) If the district school board or community college
19 board of trustees ~~public postsecondary educational institution~~
20 ~~board~~ cannot satisfactorily document compliance, the State
21 Board of Education may order compliance within a specified
22 timeframe.

23 (4) If the State Board of Education determines that a
24 district school board or community college board of trustees
25 ~~public postsecondary educational institution board~~ is
26 unwilling or unable to comply with law or state board rule
27 within the specified time, the state board shall have the
28 authority to initiate any of the following actions:

29 (a) Report to the Legislature that the school district
30 or community college ~~public postsecondary educational~~
31 ~~institution~~ has been unwilling or unable to comply with law or

1 state board rule and recommend action to be taken by the
2 Legislature.

3 (b) Reduce the discretionary lottery appropriation
4 until the school district or community college ~~public~~
5 ~~postsecondary education institution~~ complies with the law or
6 state board rule.

7 (c) Withhold the transfer of state funds,
8 discretionary grant funds, or any other funds specified as
9 eligible for this purpose by the Legislature until the school
10 district or community college ~~public postsecondary educational~~
11 ~~institution~~ complies with the law or state board rule.

12 (d) Declare the school district or community college
13 ~~public postsecondary educational institution~~ ineligible for
14 competitive grants.

15 (e) Require monthly or periodic reporting on the
16 situation related to noncompliance until it is remedied.

17 (5) Nothing in this section shall be construed to
18 create a private cause of action or create any rights for
19 individuals or entities in addition to those provided
20 elsewhere in law or rule.

21 Section 126. Paragraphs (e) through (i) of subsection
22 (8) of section 1008.345, Florida Statutes, are amended to
23 read:

24 1008.345 Implementation of state system of school
25 improvement and education accountability.--

26 (8) As a part of the system of educational
27 accountability, the Department of Education shall:

28 (e) Maintain a listing of college-level communication
29 and mathematics skills defined pursuant to s. 1008.29 ~~by the~~
30 ~~State Board of Education~~ as being associated with successful
31 student performance through the baccalaureate level and submit

1 ~~it the same~~ to the State Board of Education and the Board of
2 Governors for approval.

3 (f) Maintain a listing of tests and other assessment
4 procedures which measure and diagnose student achievement of
5 college-level communication and computation skills and submit
6 ~~it the same~~ to the State Board of Education and the Board of
7 Governors for approval.

8 (g) Maintain for the information of the State Board of
9 Education, the Board of Governors, and the Legislature a file
10 of data to reflect achievement of college-level communication
11 and mathematics competencies by students in state universities
12 and community colleges.

13 (h) Develop or contract for, and submit to the State
14 Board of Education and the Board of Governors for approval,
15 tests which measure and diagnose student achievement of
16 college-level communication and mathematics skills. Any tests
17 and related documents developed are exempt from the provisions
18 of s. 119.07(1). The commissioner shall maintain statewide
19 responsibility for the administration of such tests and may
20 assign administrative responsibilities for the tests to any
21 state university or community college. The state board, upon
22 recommendation of the commissioner, may enter into contracts
23 for such services beginning in one fiscal year and continuing
24 into the next year which are paid from the appropriation for
25 either or both fiscal years.

26 (i) Perform any other functions that may be involved
27 in educational planning, research, and evaluation or that may
28 be required by the commissioner, the State Board of Education,
29 the Board of Governors, or law.

30 Section 127. Subsections (1) and (2) of section
31 1008.37, Florida Statutes, are amended to read:

1 1008.37 Postsecondary feedback of information to high
2 schools.--

3 (1) ~~The State Board of Education shall adopt rules~~
4 ~~that require the~~ Commissioner of Education shall ~~to~~ report to
5 the State Board of Education, the Board of Governors, the
6 Legislature, and the district school boards on the performance
7 of each first-time-in-postsecondary education student from
8 each public high school in this state who is enrolled in a
9 public postsecondary institution or public career center. Such
10 reports must be based on information databases maintained by
11 the Department of Education. In addition, the public
12 postsecondary educational institutions and career centers
13 shall provide district school boards access to information on
14 student performance in regular and preparatory courses and
15 shall indicate students referred for remediation pursuant to
16 s. 1004.91 or s. 1008.30.

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

28 Section 128. Section 1008.38, Florida Statutes, is
29 amended to read:

30 1008.38 Articulation accountability process.--The
31 State Board of Education, in conjunction with the Board of

1 Governors, shall develop articulation accountability measures
2 which assess the status of systemwide articulation processes
3 authorized under s. 1007.23 ~~and~~. ~~The State Board of Education~~
4 ~~shall~~ establish an articulation accountability process which
5 at a minimum shall address:

6 (1) The impact of articulation processes on ensuring
7 educational continuity and the orderly and unobstructed
8 transition of students between public secondary and
9 postsecondary education systems and facilitating the
10 transition of students between the public and private sectors.

11 (2) The adequacy of preparation of public secondary
12 students to smoothly articulate to a public postsecondary
13 institution.

14 (3) The effectiveness of articulated acceleration
15 mechanisms available to secondary students.

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

18 (5) An examination of degree requirements that exceed
19 the parameters of 60 credit hours for an associate degree and
20 120 hours for a baccalaureate degree in public postsecondary
21 programs.

22 (6) The relationship between the College Level
23 Academic Skills Test Program and articulation to the upper
24 division in public postsecondary institutions.

25 Section 129. Paragraph (h) of subsection (1) of
26 section 1008.45, Florida Statutes, is amended to read:

27 1008.45 Community college accountability process.--

28 (1) It is the intent of the Legislature that a
29 management and accountability process be implemented which
30 provides for the systematic, ongoing improvement and
31 assessment of the improvement of the quality and efficiency of

1 the Florida community colleges. Accordingly, the State Board
2 of Education and the community college boards of trustees
3 shall develop and implement an accountability plan to improve
4 and evaluate the instructional and administrative efficiency
5 and effectiveness of the Florida Community College System.
6 This plan shall be designed in consultation with staff of the
7 Governor and the Legislature and must address the following
8 issues:

9 (h) Other measures ~~as identified by the Council for~~
10 ~~Education Policy Research and Improvement and approved by the~~
11 State Board of Education.

12 Section 130. Section 1008.46, Florida Statutes, is
13 amended to read:

14 1008.46 State university accountability process.--It
15 is the intent of the Legislature that an accountability
16 process be implemented that provides for the systematic,
17 ongoing evaluation of quality and effectiveness of state
18 universities. It is further the intent of the Legislature that
19 this accountability process monitor performance at the system
20 level in each of the major areas of instruction, research, and
21 public service, while recognizing the differing missions of
22 each of the state universities. The accountability process
23 shall provide for the adoption of systemwide performance
24 standards and performance goals for each standard identified
25 through a collaborative effort involving state universities,
26 the Board of Governors, the Legislature, and the Governor's
27 Office. These standards and goals shall be consistent with s.
28 216.011(1) to maintain congruity with the performance-based
29 budgeting process. This process requires that university
30 accountability reports reflect measures defined through
31 performance-based budgeting. The performance-based budgeting

1 measures must also reflect the elements of teaching, research,
2 and service inherent in the missions of the state
3 universities.

4 (1) By December 31 of each year, the Board of
5 ~~Governors State Board of Education~~ shall submit an annual
6 accountability report providing information on the
7 implementation of performance standards, actions taken to
8 improve university achievement of performance goals, the
9 achievement of performance goals during the prior year, and
10 initiatives to be undertaken during the next year. The
11 accountability reports shall be designed in consultation with
12 the Governor's Office, the Office of Program Policy Analysis
13 and Government Accountability, and the Legislature.

14 (2) The Board of Governors ~~State Board of Education~~
15 shall recommend in the annual accountability report any
16 appropriate modifications to this section.

17 Section 131. Subsection (2) of section 1009.01,
18 Florida Statutes, is amended to read:

19 1009.01 Definitions.--The term:

20 (2) "Out-of-state fee" means the additional fee for
21 instruction provided by a public postsecondary educational
22 institution in this state, which fee is charged to a student
23 who does not qualify for the in-state tuition rate pursuant to
24 s. 1009.21 non Florida student as defined in rules of the
25 ~~State Board of Education~~. A charge for any other purpose shall
26 not be included within this fee.

27 Section 132. Subsection (11) of section 1009.21,
28 Florida Statutes, is amended to read:

29 1009.21 Determination of resident status for tuition
30 purposes.--Students shall be classified as residents or
31

1 nonresidents for the purpose of assessing tuition in community
2 colleges and state universities.

3 (11) The State Board of Education and the Board of
4 Governors shall adopt rules to implement this section by rule
5 ~~designate classifications of students as residents or~~
6 ~~nonresidents for tuition purposes at community colleges and~~
7 ~~state universities.~~

8 Section 133. Present subsections (3) through (14) of
9 section 1009.24, Florida Statutes, are renumbered subsections
10 (4) through (15), respectively, new subsections (3) and (16)
11 are added to that section, and present subsections (6), (9),
12 (10), and (11) of that section are amended to read:

13 1009.24 State university student fees.--

14 (3) All moneys from tuition and fees shall be
15 deposited pursuant to s. 1011.42.

16 (7)(6) A university board of trustees is authorized to
17 collect for financial aid purposes an amount not to exceed 5
18 percent of the tuition and out-of-state fee. The revenues from
19 fees are to remain at each campus and replace existing
20 financial aid fees. Such funds shall be disbursed to students
21 as quickly as possible. A minimum of 75 percent of funds from
22 the student financial aid fee for new financial aid awards
23 shall be used to provide financial aid based on absolute need.
24 A student who has received an award prior to July 1, 1984,
25 shall have his or her eligibility assessed on the same
26 criteria that were used at the time of his or her original
27 award. The Board of Governors ~~State Board of Education~~ shall
28 develop criteria for making financial aid awards. Each
29 university shall report annually to the Board of Governors and
30 the Department of Education on the revenue collected pursuant
31 to this subsection, the amount carried forward, the criteria

1 used to make awards, the amount and number of awards for each
2 criterion, and a delineation of the distribution of such
3 awards. The report shall include an assessment by category of
4 the financial need of every student who receives an award,
5 regardless of the purpose for which the award is received.
6 Awards which are based on financial need shall be distributed
7 in accordance with a nationally recognized system of need
8 analysis approved by the Board of Governors ~~State Board of~~
9 ~~Education~~. An award for academic merit shall require a minimum
10 overall grade point average of 3.0 on a 4.0 scale or the
11 equivalent for both initial receipt of the award and renewal
12 of the award.

13 ~~(10)~~(9)(a) Each university board of trustees shall
14 establish a student activity and service fee on the main
15 campus of the university. The university board may also
16 establish a student activity and service fee on any branch
17 campus or center. Any subsequent increase in the activity and
18 service fee must be recommended by an activity and service fee
19 committee, at least one-half of whom are students appointed by
20 the student body president. The remainder of the committee
21 shall be appointed by the university president. A chairperson,
22 appointed jointly by the university president and the student
23 body president, shall vote only in the case of a tie. The
24 recommendations of the committee shall take effect only after
25 approval by the university president, after consultation with
26 the student body president, with final approval by the
27 university board of trustees. An increase in the activity and
28 service fee may occur only once each fiscal year and must be
29 implemented beginning with the fall term. The Board of
30 Governors ~~State Board of Education~~ is responsible for adopting
31

1 ~~promulgating~~ the rules and timetables necessary to implement
2 this fee.

3 (b) The student activity and service fees shall be
4 expended for lawful purposes to benefit the student body in
5 general. This shall include, but shall not be limited to,
6 student publications and grants to duly recognized student
7 organizations, the membership of which is open to all students
8 at the university without regard to race, sex, or religion.

9 The fund may not benefit activities for which an admission fee
10 is charged to students, except for
11 student-government-association-sponsored concerts. The
12 allocation and expenditure of the fund shall be determined by
13 the student government association of the university, except
14 that the president of the university may veto any line item or
15 portion thereof within the budget when submitted by the
16 student government association legislative body. The
17 university president shall have 15 school days from the date
18 of presentation of the budget to act on the allocation and
19 expenditure recommendations, which shall be deemed approved if
20 no action is taken within the 15 school days. If any line item
21 or portion thereof within the budget is vetoed, the student
22 government association legislative body shall within 15 school
23 days make new budget recommendations for expenditure of the
24 vetoed portion of the fund. If the university president vetoes
25 any line item or portion thereof within the new budget
26 revisions, the university president may reallocate by line
27 item that vetoed portion to bond obligations guaranteed by
28 activity and service fees. Unexpended funds and undisbursed
29 funds remaining at the end of a fiscal year shall be carried
30 over and remain in the student activity and service fund and
31

1 be available for allocation and expenditure during the next
2 fiscal year.

3 ~~(11)~~~~(10)~~ Each university board of trustees shall
4 establish a student health fee on the main campus of the
5 university. The university board of trustees may also
6 establish a student health fee on any branch campus or center.
7 Any subsequent increase in the health fee must be recommended
8 by a health committee, at least one-half of whom are students
9 appointed by the student body president. The remainder of the
10 committee shall be appointed by the university president. A
11 chairperson, appointed jointly by the university president and
12 the student body president, shall vote only in the case of a
13 tie. The recommendations of the committee shall take effect
14 only after approval by the university president, after
15 consultation with the student body president, with final
16 approval by the university board of trustees. An increase in
17 the health fee may occur only once each fiscal year and must
18 be implemented beginning with the fall term. The Board of
19 Governors State Board of Education is responsible for adopting
20 ~~promulgating~~ the rules and timetables necessary to implement
21 this fee.

22 ~~(12)~~~~(11)~~ Each university board of trustees shall
23 establish a separate athletic fee on the main campus of the
24 university. The university board may also establish a separate
25 athletic fee on any branch campus or center. Any subsequent
26 increase in the athletic fee must be recommended by an
27 athletic fee committee, at least one-half of whom are students
28 appointed by the student body president. The remainder of the
29 committee shall be appointed by the university president. A
30 chairperson, appointed jointly by the university president and
31 the student body president, shall vote only in the case of a

1 tie. The recommendations of the committee shall take effect
2 only after approval by the university president, after
3 consultation with the student body president, with final
4 approval by the university board of trustees. An increase in
5 the athletic fee may occur only once each fiscal year and must
6 be implemented beginning with the fall term. The Board of
7 ~~Governors State Board of Education~~ is responsible for adopting
8 ~~promulgating~~ the rules and timetables necessary to implement
9 this fee.

10 (16) A state university may not charge any fee except
11 as specifically authorized by law.

12 Section 134. Subsections (4) and (6) of section
13 1009.26, Florida Statutes, are amended, and subsection (10) is
14 added to that section, to read:

15 1009.26 Fee waivers.--

16 (4) A state university may waive any or all
17 application, tuition, and related fees for persons 60 years of
18 age or older who are residents of this state and who attend
19 classes for credit. No academic credit shall be awarded for
20 attendance in classes for which fees are waived under this
21 subsection. This privilege may be granted only on a
22 space-available basis, if such classes are not filled as of
23 the close of registration. A university may limit or deny the
24 privilege for courses which are in programs for which the
25 ~~Board of Governors State Board of Education~~ has established
26 selective admissions criteria. Persons paying full fees and
27 state employees taking courses on a space-available basis
28 shall have priority over those persons whose fees are waived
29 in all cases where classroom spaces are limited.

30 (6) A university board of trustees may waive the State
31 ~~Board of Education may establish rules to allow for the waiver~~

1 ~~of~~ out-of-state fees for nondegree-seeking students enrolled
2 at a state university if the earned student credit hours
3 generated by such students are nonfundable and the direct cost
4 for the program of study is recovered from the fees charged to
5 all students.

6 (10) Each university board of trustees is authorized
7 to waive tuition and out-of-state fees for purposes that
8 support and enhance the mission of the university. All fees
9 waived must be based on policies that are adopted by
10 university boards of trustees pursuant to rules adopted by the
11 Board of Governors. Each university shall report the purpose,
12 number, and value of all fee waivers granted annually in a
13 format prescribed by the Board of Governors.

14 Section 135. Subsection (1) of section 1009.27,
15 Florida Statutes, is amended to read:

16 1009.27 Deferral of fees.--

17 (1) School districts, community colleges, and state
18 universities may defer ~~The State Board of Education shall~~
19 ~~adopt rules to allow the deferral of~~ tuition and registration
20 fees for students receiving financial aid from a federal or
21 state assistance program when the aid is delayed in being
22 transmitted to the student through circumstances beyond the
23 control of the student. The failure to make timely application
24 for the aid is an insufficient reason to receive a deferral of
25 fees. ~~The rules must provide for the enforcement and~~
26 ~~collection or other settlement of delinquent accounts.~~

27 Section 136. Section 1009.285, Florida Statutes, is
28 amended to read:

29 1009.285 Fees for repeated enrollment in
30 college-credit courses.--A student enrolled in the same
31 undergraduate college-credit course more than twice shall pay

1 tuition at 100 percent of the full cost of instruction and
2 shall not be included in calculations of full-time equivalent
3 enrollments for state funding purposes. However, students who
4 withdraw or fail a class due to extenuating circumstances may
5 be granted an exception only once for each class, provided
6 that approval is granted according to policy established by
7 the community college board of trustees or the university
8 board of trustees. Each community college and state university
9 may review and reduce fees paid by students due to continued
10 enrollment in a college-credit class on an individual basis
11 contingent upon the student's financial hardship, ~~pursuant to~~
12 ~~definitions and fee levels established by the State Board of~~
13 ~~Education~~. For purposes of this section, first-time enrollment
14 in a class shall mean enrollment in a class beginning fall
15 semester 1997, and calculations of the full cost of
16 instruction shall be based on the systemwide average of the
17 prior year's cost of undergraduate programs for the community
18 colleges and the state universities. Boards of trustees may
19 make exceptions to this section for individualized study,
20 elective coursework, courses that are repeated as a
21 requirement of a major, and courses that are intended as
22 continuing over multiple semesters, excluding the repeat of
23 coursework more than two times to increase grade point average
24 or meet minimum course grade requirements.

25 Section 137. Subsection (1) of section 1009.29,
26 Florida Statutes, is amended to read:

27 1009.29 Increased fees for funding financial aid
28 program.--

29 (1) Student tuition and registration fees at each
30 state university and community college shall include up to
31 \$4.68 per quarter, or \$7.02 per semester, per full-time

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

21 Section 138. Section 1009.40, Florida Statutes, is
22 amended to read:

23 1009.40 General requirements for student eligibility
24 for state financial aid awards and tuition assistance
25 grants.--

26 (1)(a) The general requirements for eligibility of
27 students for state financial aid awards and tuition assistance
28 grants consist of the following:

29 1. Achievement of the academic requirements of and
30 acceptance at a state university or community college; a
31 nursing diploma school approved by the Florida Board of

1 Nursing; a Florida college, university, or community college
2 which is accredited by an accrediting agency recognized by the
3 State Board of Education; any Florida institution the credits
4 of which are acceptable for transfer to state universities;
5 any career center; or any private career institution
6 accredited by an accrediting agency recognized by the State
7 Board of Education.

8 2. Residency in this state for no less than 1 year
9 preceding the award of aid or a tuition assistance grant for a
10 program established pursuant to s. 1009.50, s. 1009.51, s.
11 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s. 1009.57, s.
12 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s. 1009.72, s.
13 1009.73, s. 1009.76, s. 1009.77, ~~or~~ s. 1009.89, or s.

14 1009.891. Residency in this state must be for purposes other
15 than to obtain an education. Resident status for purposes of
16 receiving state financial aid awards shall be determined in
17 the same manner as resident status for tuition purposes
18 pursuant to s. 1009.21 ~~and rules of the State Board of~~
19 ~~Education~~.

20 3. Submission of certification attesting to the
21 accuracy, completeness, and correctness of information
22 provided to demonstrate a student's eligibility to receive
23 state financial aid awards or tuition assistance grants.
24 Falsification of such information shall result in the denial
25 of any pending application and revocation of any award or
26 grant currently held to the extent that no further payments
27 shall be made. Additionally, students who knowingly make false
28 statements in order to receive state financial aid awards or
29 tuition assistance grants ~~commit~~ ~~shall be guilty of a~~
30 misdemeanor of the second degree subject to the provisions of
31

1 s. 837.06 and shall be required to return all state financial
2 aid awards or tuition assistance grants wrongfully obtained.

3 (b)1. Eligibility for the renewal of undergraduate
4 financial aid awards shall be evaluated at the end of the
5 second semester or third quarter of each academic year. As a
6 condition for renewal, a student shall:

7 a. Have earned a minimum cumulative grade point
8 average of 2.0 on a 4.0 scale; and

9 b. Have earned, for full-time study, 12 credits per
10 term or the equivalent for the number of terms for which aid
11 was received.

12 2. A student who earns the minimum number of credits
13 required for renewal, but who fails to meet the minimum 2.0
14 cumulative grade point average, may be granted a probationary
15 award for up to the equivalent of 1 academic year and shall be
16 required to earn a cumulative grade point average of 2.0 on a
17 4.0 scale by the end of the probationary period to be eligible
18 for subsequent renewal. A student who receives a probationary
19 award and who fails to meet the conditions for renewal by the
20 end of his or her probationary period shall be ineligible to
21 receive additional awards for the equivalent of 1 academic
22 year following his or her probationary period. Each such
23 student may, however, reapply for assistance during a
24 subsequent application period and may be eligible for an award
25 if he or she has earned a cumulative grade point average of
26 2.0 on a 4.0 scale.

27 3. A student who fails to earn the minimum number of
28 credits required for renewal shall lose his or her eligibility
29 for renewal for a period equivalent to 1 academic year.
30 However, the student may reapply during a subsequent
31 application period and may be eligible for an award if he or

1 she has earned a minimum cumulative grade point average of 2.0
2 on a 4.0 scale.

3 4. Students who receive state student aid and
4 subsequently fail to meet state academic progress requirements
5 due to verifiable illness or other emergencies may be granted
6 an exception from the academic requirements. Such students
7 shall make a written appeal to the institution. The appeal
8 shall include a description and verification of the
9 circumstances. Verification of illness or other emergencies
10 may include but not be limited to a physician's statement or
11 written statement of a parent or college official. The
12 institution shall recommend exceptions with necessary
13 documentation to the department. The department may accept or
14 deny such recommendations for exception from the institution.

15 (2) These requirements do not preclude higher
16 standards specified in other sections of this part, in rules
17 of the state board, or in rules of a participating
18 institution.

19 (3) Undergraduate students are eligible to receive
20 financial aid for a maximum of 8 semesters or 12 quarters.
21 However, undergraduate students participating in
22 college-preparatory instruction, students requiring additional
23 time to complete the college-level communication and
24 computation skills testing programs, or students enrolled in a
25 5-year undergraduate degree program are eligible to receive
26 financial aid for a maximum of 10 semesters or 15 quarters.

27 (4) No student is eligible to receive more than one
28 state scholarship that is based on academic merit. Students
29 who qualify for more than one such scholarship shall be
30 notified of all awards for which they qualify and shall be
31 provided the opportunity to accept one of their choosing.

1 Section 139. Subsections (9) and (12) of section
2 1009.90, Florida Statutes, are amended to read:

3 1009.90 Duties of the Department of Education.--The
4 duties of the department shall include:

5 (9) Development and submission of a report, annually,
6 to the State Board of Education, the Board of Governors, the
7 President of the Senate, and the Speaker of the House of
8 Representatives, which shall include, but not be limited to,
9 recommendations for the distribution of state financial aid
10 funds.

11 (12) Calculation of the amount of need-based student
12 financial aid required to offset fee increases recommended by
13 the State Board of Education and the Board of Governors and
14 inclusion of such amount within the legislative budget request
15 for student assistance grant programs.

16 Section 140. Subsection (4) of section 1009.91,
17 Florida Statutes, is amended to read:

18 1009.91 Assistance programs and activities of the
19 department.--

20 (4) The department shall maintain records on the
21 student loan default rate of each Florida postsecondary
22 institution and report that information annually to both the
23 institution and the State Board of Education. Information
24 relating to state universities shall also be reported annually
25 to the Board of Governors.

26 Section 141. Subsection (2) of section 1009.971,
27 Florida Statutes, is amended to read:

28 1009.971 Florida Prepaid College Board.--

29 (2) FLORIDA PREPAID COLLEGE BOARD; MEMBERSHIP.--The
30 board shall consist of seven members to be composed of the
31 Attorney General, the Chief Financial Officer, the Chancellor

1 ~~of the State University System Deputy Commissioner of Colleges~~
2 ~~and Universities~~, the Deputy Commissioner of Community
3 Colleges, and three members appointed by the Governor and
4 subject to confirmation by the Senate. Each member appointed
5 by the Governor shall possess knowledge, skill, and experience
6 in the areas of accounting, actuary, risk management, or
7 investment management. Each member of the board not appointed
8 by the Governor may name a designee to serve on the board on
9 behalf of the member; however, any designee so named shall
10 meet the qualifications required of gubernatorial appointees
11 to the board. Members appointed by the Governor shall serve
12 terms of 3 years. Any person appointed to fill a vacancy on
13 the board shall be appointed in a like manner and shall serve
14 for only the unexpired term. Any member shall be eligible for
15 reappointment and shall serve until a successor qualifies.
16 Members of the board shall serve without compensation but
17 shall be reimbursed for per diem and travel in accordance with
18 s. 112.061. Each member of the board shall file a full and
19 public disclosure of his or her financial interests pursuant
20 to s. 8, Art. II of the State Constitution and corresponding
21 statute.

22 Section 142. Section 1010.01, Florida Statutes, is
23 amended to read:

24 1010.01 Uniform records and accounts.--

25 (1)~~(a)~~ The financial records and accounts of each
26 school district, community college, ~~university~~, and other
27 institution or agency under the supervision of the State Board
28 of Education shall be prepared and maintained as prescribed by
29 law and rules of the State Board of Education.

30 (b) The financial records and accounts of each state
31 university under the supervision of the Board of Governors

1 shall be prepared and maintained as prescribed by law and
2 rules of the Board of Governors.

3 (2) Rules of the State Board of Education and rules of
4 the Board of Governors shall incorporate the requirements of
5 law and accounting principles generally accepted in the United
6 States ~~the appropriate requirements of the Governmental~~
7 ~~Accounting Standards Board (GASB) for State and Local~~
8 Government. Such rules shall include a uniform classification
9 of accounts.

10 (3) Each state university shall annually file with the
11 Board of Governors financial statements prepared in conformity
12 with accounting principles generally accepted by the United
13 States and the uniform classification of accounts prescribed
14 by the Board of Governors. The Board of Governors' rules shall
15 prescribe the filing deadline for the financial statements.

16 ~~(4)(3)~~ Required financial accounts and reports shall
17 include provisions that are unique to each of the following:
18 K-12 school districts, community colleges, and state
19 universities, and shall provide for the data to be reported to
20 the National Center of Educational Statistics and other
21 governmental and professional educational data information
22 services as appropriate.

23 Section 143. Section 1010.011, Florida Statutes, is
24 amended to read:

25 1010.011 Definition.--For purposes of this chapter and
26 chapter 1011, the ~~following~~ terms+ "university,"
27 "universities," and "university board of trustees" include all
28 state universities ~~New College~~ under the supervision of the
29 Board of Governors ~~State Board of Education.~~

30 Section 144. Section 1010.02, Florida Statutes, is
31 amended to read:

1 1010.02 Financial accounting and expenditures.--

2 (1) All funds accruing to a school district ~~or~~ a
3 community college, ~~or a university~~ must be received, accounted
4 for, and expended in accordance with law and rules of the
5 State Board of Education.

6 (2) All funds accruing to a state university must be
7 received, accounted for, and expended in accordance with law
8 and rules of the Board of Governors.

9 Section 145. Subsections (1) and (4) of section
10 1010.04, Florida Statutes, are amended to read:

11 1010.04 Purchasing.--

12 (1)(a) Purchases and leases by school districts ~~and~~
13 community colleges, ~~and universities~~ shall comply with the
14 requirements of law and rules of the State Board of Education.

15 (b) Purchases and leases by state universities shall
16 comply with the requirements of law and rules of the Board of
17 Governors.

18 (4)(a) The State Board of Education may, by rule,
19 provide for alternative procedures for school districts and
20 community colleges for bidding or purchasing in cases in which
21 the character of the item requested renders competitive
22 bidding impractical.

23 (b) The Board of Governors may, by rule, provide for
24 alternative procedures for state universities for bidding or
25 purchasing in cases in which the character of the item
26 requested renders competitive bidding impractical.

27 Section 146. Subsection (2) of section 1010.07,
28 Florida Statutes, is amended to read:

29 1010.07 Bonds or insurance required.--

30 (2)(a) Contractors paid from school district ~~or~~
31 community college, ~~or university~~ funds shall give bond for the

1 faithful performance of their contracts in such amount and for
2 such purposes as prescribed by s. 255.05 or by rules of the
3 State Board of Education relating to the type of contract
4 involved. It shall be the duty of the district school board
5 ~~or~~, community college board of trustees, ~~and university board~~
6 ~~of trustees~~ to require from construction contractors a bond
7 adequate to protect the board and the board's funds involved.

8 (b) Contractors paid from university funds shall give
9 bond for the faithful performance of their contracts in such
10 amount and for such purposes as prescribed by s. 255.05 or by
11 rules of the Board of Governors relating to the type of
12 contract involved. It shall be the duty of the university
13 board of trustees to require from construction contractors a
14 bond adequate to protect the board and the board's funds
15 involved.

16 Section 147. Section 1010.09, Florida Statutes, is
17 amended to read:

18 1010.09 Direct-support organizations.--

19 (1) School district ~~and~~, community college, ~~and~~
20 university direct-support organizations shall be organized and
21 conducted under the provisions of ss. 1001.453, ~~1004.28~~, and
22 1004.70 and rules of the State Board of Education, as
23 applicable.

24 (2) State university direct-support organizations
25 shall be organized and conducted under the provisions of s.
26 1004.28 and rules of the Board of Governors, as applicable.

27 Section 148. Section 1010.30, Florida Statutes, is
28 amended to read:

29 1010.30 Audits required.--School districts, community
30 colleges, ~~universities~~, and other institutions and agencies
31 under the supervision of the State Board of Education and

1 state universities under the supervision of the Board of
2 Governors are subject to the audit provisions under ss. 11.45
3 and 218.39.

4 Section 149. Section 1011.01, Florida Statutes, is
5 amended to read:

6 1011.01 Budget system established.--

7 (1) The State Board of Education shall prepare and
8 submit a coordinated K-20 education annual legislative budget
9 request to the Governor and the Legislature on or before the
10 date provided by the Governor and the Legislature. The board's
11 legislative budget request must clearly define the needs of
12 school districts, community colleges, universities, other
13 institutions, organizations, programs, and activities under
14 the supervision of the board and that are assigned by law or
15 the General Appropriations Act to the Department of Education.

16 (2)(a) There shall be established in each school
17 district and, ~~community college, and university~~ a budget
18 system as prescribed by law and rules of the State Board of
19 Education.

20 (b) There shall be established in each state
21 university a budget system as prescribed by law and rules of
22 the Board of Governors.

23 (3)(a) Each district school board and, each community
24 college board of trustees, ~~and each state university board of~~
25 ~~trustees~~ shall prepare, adopt, and submit to the Commissioner
26 of Education for review an annual operating budget. Operating
27 budgets shall be prepared and submitted in accordance with the
28 provisions of law, rules of the State Board of Education, the
29 General Appropriations Act, and for district school boards in
30 accordance with the provisions of ss. 200.065 and 1011.64.

31

1 (b) Each state university board of trustees shall
2 prepare, adopt, and submit to the Chancellor of the State
3 University System for review an annual operating budget in
4 accordance with provisions of law, rules of the Board of
5 Governors, and the General Appropriations Act.

6 (4) The State Board of Education shall coordinate with
7 the Board of Governors to facilitate the budget system
8 requirements of this section. The Board of Governors
9 exclusively retains the review and approval powers of this
10 section for state universities.

11 Section 150. Section 1011.011, Florida Statutes, is
12 amended to read:

13 1011.011 Legislative capital outlay budget
14 request.--The State Board of Education shall submit an
15 integrated, comprehensive budget request for educational
16 facilities construction and fixed capital outlay needs for
17 school districts, community colleges, and, in conjunction with
18 the Board of Governors, universities pursuant to this section
19 and s. 1013.46 and applicable provisions of chapter 216.

20 Section 151. Section 1011.40, Florida Statutes, is
21 amended to read:

22 1011.40 Budgets for universities.--

23 (1) LEGISLATIVE BUDGET REQUEST.--The Board of
24 Governors ~~State Board of Education~~ shall provide instructions,
25 guidelines, and standard formats to be used by each university
26 that will provide to the Board of Governors ~~State Board of~~
27 ~~Education~~ and the Legislature adequate information to support
28 and justify the legislative budget requests submitted pursuant
29 to ss. 216.023, 1011.90, and 1013.60 for each university.

30 (2) OPERATING BUDGET.--Each university board of
31 trustees shall adopt an operating budget for the operation of

1 the university as prescribed by law and rules of the Board of
2 Governors State Board of Education. Each university president
3 shall prepare and implement the operating budget of the
4 university as prescribed by law, rules of the Board of
5 Governors State Board of Education, policies of the university
6 board of trustees, and provisions of the General
7 Appropriations Act. The proposed expenditures, plus transfers,
8 and balances shall not exceed the estimated income, transfers,
9 and balances. The budget and each part thereof shall balance.
10 If at any time the unencumbered balance in the education and
11 general fund of the university board of trustees approved
12 operating budget goes below 5 percent, the president shall
13 provide written notification to the Board of Governors State
14 Board of Education.

15 (3) EXPENDITURES.--Expenditures from any source of
16 funds by any university shall not exceed the funds available.
17 Expenditures shall not exceed the amount budgeted under each
18 classification of accounts for each fund and the total amount
19 of the budget, as amended as prescribed by rules of the Board
20 of Governors State Board of Education. No expenditure of
21 funds, contract, or agreement of any nature shall be made that
22 requires additional appropriation of funds by the Legislature
23 unless specifically authorized in advance by law or the
24 General Appropriations Act.

25 (4) DISTRIBUTION OF APPROPRIATION.--Funds appropriated
26 in the General Appropriations Act for the operation of state
27 universities shall be distributed ~~by the State Board of~~
28 ~~Education~~ to the universities twice monthly. The Executive
29 Office of the Governor may modify this schedule if required to
30 meet specific needs of a university.

31

1 Section 152. Section 1011.41, Florida Statutes, is
2 amended to read:

3 1011.41 University appropriations.--Funds for the
4 general operations of universities shall be requested and
5 appropriated as Aid to Local Governments Grants and Aids,
6 subject to provisions of the General Appropriations Act. Funds
7 provided to state universities in the General Appropriations
8 Act are contingent upon each university complying with the
9 tuition and fee policies established in the proviso language
10 and with the tuition and fee policies for state universities
11 included in part II of chapter 1009. However, the funds
12 appropriated to a specific university shall not be affected by
13 the failure of another university to comply with this
14 provision.

15 Section 153. Section 1011.4106, Florida Statutes, is
16 amended to read:

17 1011.4106 Trust fund dissolution and local account
18 appropriations.--

19 (1) Notwithstanding the provisions of ss. 215.3206(2)
20 and 215.3208(2), and pursuant to s. 216.351, all unexpended
21 balances as of June 30, 2002, in the following State
22 University System trust funds are hereby appropriated to the
23 appropriate accounts of each university based upon the
24 original source of the trust fund revenue and any accrued
25 interest: the Education/General Student and Other Fees Trust
26 Fund, the Experiment Station Federal Grant Trust Fund, the
27 Experiment Station Incidental Trust Fund, the Extension
28 Service Federal Grant Trust Fund, the Extension Service
29 Incidental Trust Fund, the Incidental Trust Fund, the UF
30 Health Center Operations and Maintenance Trust Fund, the
31 Operations and Maintenance Trust Fund, and all other trust

1 funds in the State Treasury for universities. Expenditure of
2 these funds by each university must be based on the laws,
3 rules, grant agreements, or other legal controlling factors
4 associated with all trust fund balances which are appropriated
5 to local accounts pursuant to this section, and included in
6 each university board of trustees approved operating budget.
7 Each university shall be responsible for the payment of
8 outstanding debts or obligations associated with these funds.

9 (2) Any appropriations provided in the General
10 Appropriations Act from the Education/General Student and
11 Other Fees Trust Fund are the only budget authority for the
12 fiscal year to the named universities to expend tuition and
13 out-of-state fees that are collected during the fiscal year
14 and carried forward from the prior fiscal year. The
15 expenditure of tuition and fee revenues from local accounts by
16 each university shall not exceed the authority provided in the
17 General Appropriations Act unless approved pursuant to the
18 provisions of chapter 216. If a court of competent
19 jurisdiction finds that the restriction in this subsection is
20 invalid, the moneys described in this section shall be
21 deposited in the State Treasury.

22 Section 154. Section 1011.411, Florida Statutes, is
23 amended to read:

24 1011.411 Budgets for sponsored research at
25 universities.--Funds for sponsored research at each university
26 shall be budgeted and expended pursuant to ss. 1004.22 ~~1010.30~~
27 and 1011.42.

28 Section 155. Subsection (6) of section 1011.42,
29 Florida Statutes, is amended to read:

30 1011.42 University depositories; deposits into and
31 withdrawals from depositories.--

1 (6) The university president or his or her designee,
2 after having been specifically authorized by the university
3 board of trustees, may transfer funds from one depository to
4 another, within a depository, to another institution, or from
5 another institution to a depository for investment purposes
6 and may transfer funds to pay expenses, expenditures, or other
7 disbursements, evidenced by an invoice or other appropriate
8 documentation ~~in a similar manner when the transfer does not~~
9 ~~represent an expenditure, advance, or reduction of cash~~
10 ~~assets.~~

11 Section 156. Subsections (3), (4), and (5) of section
12 1011.48, Florida Statutes, are amended to read:

13 1011.48 Establishment of educational research centers
14 for child development.--

15 (3) Each center is authorized to charge fees for the
16 care and services it provides. Such fees must be approved by
17 the Board of Governors ~~State Board of Education~~ and may be
18 imposed on a sliding scale based on ability to pay or any
19 other factors deemed relevant by the board.

20 (4) The Board of Governors ~~may adopt State Board of~~
21 ~~Education is authorized and directed to promulgate~~ rules for
22 the establishment, operation, and supervision of educational
23 research centers for child development. Such rules shall
24 include, but need not be limited to: a defined method of
25 establishment of and participation in the operation of centers
26 by the appropriate student government associations; guidelines
27 for the establishment of an intern program in each center; and
28 guidelines for the receipt and monitoring of funds from grants
29 and other sources of funds consistent with existing laws.

30 (5) Each educational research center for child
31 development shall be funded by a portion of the Capital

1 Improvement Trust Fund fee established by the Board of
2 Governors ~~State Board of Education~~ pursuant to s. 1009.24(7).
3 Each university that establishes a center shall receive a
4 portion of such fees collected from the students enrolled at
5 that university, usable only at that university, equal to 22.5
6 cents per student per credit hour taken per term, based on the
7 summer term and fall and spring semesters. This allocation
8 shall be used by the university only for the establishment and
9 operation of a center as provided by this section and rules
10 ~~adopted promulgated~~ hereunder. Said allocation may be made
11 only after all bond obligations required to be paid from such
12 fees have been met.

13 Section 157. Subsection (1) of section 1011.82,
14 Florida Statutes, is amended to read:

15 1011.82 Requirements for participation in Community
16 College Program Fund.--Each community college district which
17 participates in the state appropriations for the Community
18 College Program Fund shall provide evidence of its effort to
19 maintain an adequate community college program which shall:

20 (1) Meet the minimum standards prescribed by the State
21 Board of Education in accordance with s.1001.02(6) ~~s.~~
22 ~~1001.02(9)~~.

23 Section 158. Subsection (4) of section 1011.90,
24 Florida Statutes, is amended to read:

25 1011.90 State university funding.--

26 (4) The Board of Governors ~~State Board of Education~~
27 shall establish and validate a cost-estimating system
28 consistent with the requirements of subsection (1) and shall
29 report as part of its legislative budget request the actual
30 expenditures for the fiscal year ending the previous June 30.
31 Expenditure analysis, operating budgets, and annual financial

1 statements of each university must be prepared using the
2 standard financial reporting procedures and formats prescribed
3 by the Board of Governors ~~State Board of Education~~. These
4 formats shall be the same as used for the 2000-2001 fiscal
5 year reports. Any revisions to these financial and reporting
6 procedures and formats must be approved by the Executive
7 Office of the Governor and the appropriations committees of
8 the Legislature jointly under the provisions of s. 216.023(3).
9 The Board of Governors ~~State Board of Education~~ shall continue
10 to collect and maintain at a minimum the management
11 information databases existing on June 30, 2002. The
12 expenditure analysis report shall include total expenditures
13 from all sources for the general operation of the university
14 and shall be in such detail as needed to support the
15 legislative budget request.

16 Section 159. Subsections (1) and (2) of section
17 1011.91, Florida Statutes, are amended to read:

18 1011.91 Additional appropriation.--

19 (1) Except as otherwise provided in the General
20 Appropriations Act, all moneys received by universities, ~~other~~
21 ~~than from state and federal sources~~, from student ~~building and~~
22 ~~capital improvement fees authorized in s. 1009.24~~, from
23 federal sources, from private sources, and from vending
24 machine collections, are hereby appropriated to the use of the
25 respective universities collecting same, to be expended as the
26 university board of trustees may direct; however, the funds
27 shall not be expended except in pursuance of detailed budgets
28 filed with the Board of Governors ~~State Board of Education~~ and
29 shall not be expended for the construction or reconstruction
30 of buildings except as provided under s. 1013.74.

31

1 (2) All moneys received from vending machine
2 collections by a state university ~~universities~~ shall be
3 expended only as set forth in detailed budgets approved by the
4 university's board of trustees ~~State Board of Education~~.

5 Section 160. Section 1011.94, Florida Statutes, is
6 amended to read:

7 1011.94 ~~Trust Fund for~~ University Major Gifts
8 Program.--

9 (1) There is established a ~~Trust Fund for~~ University
10 Major Gifts Program. The purpose of the program ~~trust fund~~ is
11 to enable each university ~~and New College~~ to provide donors
12 with an incentive in the form of matching grants for donations
13 for the establishment of permanent endowments and sales tax
14 exemption matching funds received pursuant to s. 212.08(5)(j),
15 which must be invested, with the proceeds of the investment
16 used to support libraries and instruction and research
17 programs, as defined by the Board of Governors ~~State Board of~~
18 ~~Education~~. ~~All funds appropriated for the challenge grants,~~
19 ~~new donors, major gifts, sales tax exemption matching funds~~
20 ~~pursuant to s. 212.08(5)(j), or eminent scholars program may~~
21 ~~be deposited into the trust fund and invested pursuant to s.~~
22 ~~17.61 until the State Board of Education allocates the funds~~
23 ~~to universities to match private donations. Notwithstanding s.~~
24 ~~216.301 and pursuant to s. 216.351, any undisbursed balance~~
25 ~~remaining in the trust fund and interest income accruing to~~
26 ~~the portion of the trust fund which is not matched and~~
27 ~~distributed to universities must remain in the trust fund and~~
28 ~~be used to increase the total funds available for challenge~~
29 ~~grants. Funds deposited in the trust fund for the sales tax~~
30 ~~exemption matching program authorized in s. 212.08(5)(j), and~~
31 ~~interest earnings thereon, shall be maintained in a separate~~

1 ~~account within the Trust Fund for University Major Gifts, and~~
2 ~~may be used only to match qualified sales tax exemptions that~~
3 ~~a certified business designates for use by state universities~~
4 ~~and community colleges to support research and development~~
5 ~~projects requested by the certified business. The State Board~~
6 ~~of Education may authorize any university to encumber the~~
7 ~~state matching portion of a challenge grant from funds~~
8 ~~available under s. 1011.45.~~

9 (2) The Board of Governors ~~State Board of Education~~
10 shall specify the process for submission, documentation, and
11 approval of requests for matching funds, accountability for
12 endowments and proceeds of endowments, allocations to
13 universities, restrictions on the use of the proceeds from
14 endowments, and criteria used in determining the value of
15 donations.

16 (3)(a) The Board of Governors ~~State Board of Education~~
17 shall allocate the amount appropriated to ~~the trust fund to~~
18 each university ~~and New College~~ based on the amount of the
19 donation and the restrictions applied to the donation.

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

22 1. Each university that raises at least \$100,000 but
23 no more than \$599,999 from a private source must receive a
24 matching grant equal to 50 percent of the private
25 contribution.

26 2. Each university that raises a contribution of at
27 least \$600,000 but no more than \$1 million from a private
28 source must receive a matching grant equal to 70 percent of
29 the private contribution.

30 3. Each university that raises a contribution in
31 excess of \$1 million but no more than \$1.5 million from a

1 private source must receive a matching grant equal to 75
2 percent of the private contribution.

3 4. Each university that raises a contribution in
4 excess of \$1.5 million but no more than \$2 million from a
5 private source must receive a matching grant equal to 80
6 percent of the private contribution.

7 5. Each university that raises a contribution in
8 excess of \$2 million from a private source must receive a
9 matching grant equal to 100 percent of the private
10 contribution.

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

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

22 (5)(a) Each university foundation ~~and New College~~
23 ~~Foundation~~ shall establish a challenge grant account for each
24 challenge grant as a depository for private contributions and
25 state matching funds to be administered on behalf of the Board
26 of Governors or State Board of Education, the university, ~~or~~
27 ~~New College~~. State matching funds must be transferred to a
28 university foundation ~~or New College Foundation~~ upon
29 notification that the university ~~or New College~~ has received
30 and deposited the amount specified in this section in a
31 foundation challenge grant account.

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

11 (c) A donation of at least \$600,000 and associated
12 state matching funds may be used to designate an Eminent
13 Scholar Endowed Chair pursuant to procedures specified by the
14 Board of Governors State Board of Education.

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

19 Section 161. Section 1012.01, Florida Statutes, is
20 amended to read:

21 1012.01 Definitions.--As used in this chapter, the
22 following terms have the following meanings ~~Specific~~
23 ~~definitions shall be as follows, and wherever such defined~~
24 ~~words or terms are used in the Florida K-20 Education Code,~~
25 ~~they shall be used as follows:~~

26 (1) SCHOOL OFFICERS.--The officers of the state system
27 of public K-12 and community college education shall be the
28 Commissioner of Education and the members of the State Board
29 of Education; ~~and~~, for each district school system, the
30 officers shall be the district school superintendent and
31 members of the district school board; and for each community

1 college, the officers shall be the community college president
2 and members of the community college board of trustees.

3 (2) INSTRUCTIONAL PERSONNEL.--"Instructional
4 personnel" means any K-12 staff member whose function includes
5 the provision of direct instructional services to students.
6 Instructional personnel also includes K-12 personnel whose
7 functions provide direct support in the learning process of
8 students. Included in the classification of instructional
9 personnel are the following K-12 personnel:

10 (a) Classroom teachers.--Classroom teachers are staff
11 members assigned the professional activity of instructing
12 students in courses in classroom situations, including basic
13 instruction, exceptional student education, career education,
14 and adult education, including substitute teachers.

15 (b) Student personnel services.--Student personnel
16 services include staff members responsible for: advising
17 students with regard to their abilities and aptitudes,
18 educational and occupational opportunities, and personal and
19 social adjustments; providing placement services; performing
20 educational evaluations; and similar functions. Included in
21 this classification are guidance counselors, social workers,
22 career specialists, and school psychologists.

23 (c) Librarians/media specialists.--Librarians/media
24 specialists are staff members responsible for providing school
25 library media services. These employees are responsible for
26 evaluating, selecting, organizing, and managing media and
27 technology resources, equipment, and related systems;
28 facilitating access to information resources beyond the
29 school; working with teachers to make resources available in
30 the instructional programs; assisting teachers and students in
31

1 media productions; and instructing students in the location
2 and use of information resources.

3 (d) Other instructional staff.--Other instructional
4 staff are staff members who are part of the instructional
5 staff but are not classified in one of the categories
6 specified in paragraphs (a)-(c). Included in this
7 classification are primary specialists, learning resource
8 specialists, instructional trainers, adjunct educators
9 certified pursuant to s. 1012.57, and similar positions.

10 (e) Education paraprofessionals.--Education
11 paraprofessionals are individuals who are under the direct
12 supervision of an instructional staff member, aiding the
13 instructional process. Included in this classification are
14 classroom paraprofessionals in regular instruction,
15 exceptional education paraprofessionals, career education
16 paraprofessionals, adult education paraprofessionals, library
17 paraprofessionals, physical education and playground
18 paraprofessionals, and other school-level paraprofessionals.

19 (3) ADMINISTRATIVE PERSONNEL.--"Administrative
20 personnel" includes K-12 personnel who perform management
21 activities such as developing broad policies for the school
22 district and executing those policies through the direction of
23 personnel at all levels within the district. Administrative
24 personnel are generally high-level, responsible personnel who
25 have been assigned the responsibilities of systemwide or
26 schoolwide functions, such as district school superintendents,
27 assistant superintendents, deputy superintendents, school
28 principals, assistant principals, career center directors, and
29 others who perform management activities. Broad
30 classifications of K-12 administrative personnel are as
31 follows:

1 (a) District-based instructional
2 administrators.--Included in this classification are persons
3 with district-level administrative or policymaking duties who
4 have broad authority for management policies and general
5 school district operations related to the instructional
6 program. Such personnel often report directly to the district
7 school superintendent and supervise other administrative
8 employees. This classification includes assistant, associate,
9 or deputy superintendents and directors of major instructional
10 areas, such as curriculum, federal programs such as Title I,
11 specialized instructional program areas such as exceptional
12 student education, career education, and similar areas.

13 (b) District-based noninstructional
14 administrators.--Included in this classification are persons
15 with district-level administrative or policymaking duties who
16 have broad authority for management policies and general
17 school district operations related to the noninstructional
18 program. Such personnel often report directly to the district
19 school superintendent and supervise other administrative
20 employees. This classification includes assistant, associate,
21 or deputy superintendents and directors of major
22 noninstructional areas, such as personnel, construction,
23 facilities, transportation, data processing, and finance.

24 (c) School administrators.--Included in this
25 classification are:

26 1. School principals or school directors who are staff
27 members performing the assigned activities as the
28 administrative head of a school and to whom have been
29 delegated responsibility for the coordination and
30 administrative direction of the instructional and
31

1 noninstructional activities of the school. This classification
2 also includes career center directors.

3 2. Assistant principals who are staff members
4 assisting the administrative head of the school. This
5 classification also includes assistant principals for
6 curriculum and administration.

7 (4) YEAR OF SERVICE.--The minimum time which may be
8 recognized in administering K-12 ~~the state program of~~
9 education, not including retirement, as a year of service by a
10 school employee shall be full-time actual service; and,
11 beginning July 1963, such service shall also include sick
12 leave and holidays for which compensation was received but
13 shall exclude all other types of leave and holidays for a
14 total of more than one-half of the number of days required for
15 the normal contractual period of service for the position
16 held, which shall be 196 days or longer, or the minimum
17 required for the district to participate in the Florida
18 Education Finance Program in the year service was rendered, or
19 the equivalent for service performed on a daily or hourly
20 basis; provided, further, that absence from duty after the
21 date of beginning service shall be covered by leave duly
22 authorized and granted; further, the school board shall have
23 authority to establish a different minimum for local district
24 school purposes.

25 (5) SCHOOL VOLUNTEER.--A K-12 school volunteer is any
26 nonpaid person who may be appointed by a district school board
27 or its designee. School volunteers may include, but may not be
28 limited to, parents, senior citizens, students, and others who
29 assist the teacher or other members of the school staff.

30 (6) EDUCATIONAL SUPPORT EMPLOYEES.--"Educational
31 support employees" means K-12 employees whose job functions

1 are neither administrative nor instructional, yet whose work
2 supports the educational process.

3 (a) Other professional staff or
4 nonadministrative/noninstructional employees are staff members
5 who perform professional job functions which are
6 nonadministrative/noninstructional in nature and who are not
7 otherwise classified in this section. Included in this
8 classification are employees such as doctors, nurses,
9 attorneys, certified public accountants, and others
10 appropriate to the classification.

11 (b) Technicians are individuals whose occupations
12 require a combination of knowledge and manual skill which can
13 be obtained through about 2 years of post-high school
14 education, such as is offered in many career centers and
15 community colleges, or through equivalent on-the-job training.

16 (c) Clerical/secretarial workers are individuals whose
17 job requires skills and training in clerical-type work,
18 including activities such as preparing, transcribing,
19 systematizing, or preserving written communications and
20 reports or operating equipment performing those functions.
21 Included in this classification are secretaries, bookkeepers,
22 messengers, and office machine operators.

23 (d) Skilled crafts workers are individuals who perform
24 jobs which require special manual skill and a thorough and
25 comprehensive knowledge of the processes involved in the work
26 which is acquired through on-the-job training and experience
27 or through apprenticeship or other formal training programs.
28 Lead workers for the various skilled crafts areas shall be
29 included in this classification.

30 (e) Service workers are staff members performing a
31 service for which there are no formal qualifications,

1 including those responsible for: cleaning the buildings,
2 school plants, or supporting facilities; maintenance and
3 operation of such equipment as heating and ventilation
4 systems; preserving the security of school property; and
5 keeping the school plant safe for occupancy and use. Lead
6 workers in the various service areas shall be included in this
7 broad classification.

8 (7) MANAGERS.--"Managers" includes those K-12 staff
9 members who perform managerial and supervisory functions while
10 usually also performing general operations functions. Managers
11 may be either instructional or noninstructional in their
12 responsibility. They may direct employees' work, plan the work
13 schedule, control the flow and distribution of work or
14 materials, train employees, handle complaints, authorize
15 payments, and appraise productivity and efficiency of
16 employees. This classification includes coordinators and
17 supervisors working under the general direction of those staff
18 identified as district-based instructional or noninstructional
19 administrators.

20 Section 162. Subsection (1) of section 1012.80,
21 Florida Statutes, is amended to read:

22 1012.80 Participation by employees in disruptive
23 activities at public postsecondary educational institutions;
24 penalties.--

25 (1)(a) Any person who accepts the privilege extended
26 by the laws of this state of employment at any community
27 college ~~public postsecondary educational institution~~ shall, by
28 ~~so~~ working at such institution, be deemed to have given his or
29 her consent to the policies of that institution, the policies
30 of the State Board of Education, and the laws of this state.
31 Such policies shall include prohibition against disruptive

1 activities at community colleges ~~public postsecondary~~
2 ~~educational institutions.~~

3 (b) Any person who accepts the privilege extended by
4 the laws of this state of employment at any state university
5 shall, by working at such institution, be deemed to have given
6 his or her consent to the policies of that institution, the
7 policies of the Board of Governors, and the laws of this
8 state. Such policies shall include prohibition against
9 disruptive activities at state universities.

10 Section 163. Section 1012.801, Florida Statutes, is
11 amended to read:

12 1012.801 Employees of the Board of Governors Division
13 ~~of Colleges and Universities.~~--Employees of the Board of
14 Governors Division of Colleges and Universities of the
15 ~~Department of Education~~ who were ~~are~~ participating in the
16 State University Optional Retirement Program prior to June 30,
17 2002, shall be eligible to continue such participation as long
18 as they remain employees of the Board of Governors Department
19 ~~of Education~~ or a state university without a break in
20 continuous service.

21 Section 164. Section 1012.93, Florida Statutes, is
22 amended to read:

23 1012.93 Faculty members; test of spoken English.--~~The~~
24 ~~State Board of Education shall adopt rules requiring that~~ All
25 faculty members in each state university ~~and New College,~~
26 other than those persons who teach courses that are conducted
27 primarily in a foreign language, shall be proficient in the
28 oral use of English, as determined by a satisfactory grade on
29 the "Test of Spoken English" of the Educational Testing
30 Service or a similar test approved by the Board of Governors
31 ~~state board.~~

1 Section 165. Paragraph (c) of subsection (4) of
2 section 1012.98, Florida Statutes, is amended to read:

3 1012.98 School Community Professional Development
4 Act.--

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

9 ~~(c) The Department of Education shall approve a public
10 state university having an approved physical education teacher
11 preparation program within its college of education to develop
12 and implement an Internet based clearinghouse for physical
13 education professional development programs that may be
14 accessed and used by all instructional personnel. The
15 development of these programs shall be financed primarily by
16 private funds and shall be available for use no later than
17 August 1, 2005.~~

18 Section 166. Subsection (3) of section 1013.01,
19 Florida Statutes, is amended to read:

20 1013.01 Definitions.--The following terms shall be
21 defined as follows for the purpose of this chapter:

22 (3) "Board," unless otherwise specified, means a
23 district school board, a community college board of trustees,
24 a university board of trustees, and the Board of Trustees for
25 the Florida School for the Deaf and the Blind. The term
26 "board" does not include the State Board of Education or the
27 Board of Governors.

28 Section 167. Subsection (2) of section 1013.02,
29 Florida Statutes, is amended to read:

30 1013.02 Purpose; rules.--
31

1 (2)(a) The State Board of Education shall adopt rules
2 pursuant to ss. 120.536(1) and 120.54 to implement the
3 provisions of this chapter for school districts and community
4 colleges.

5 (b) The Board of Governors shall adopt rules pursuant
6 to ss. 120.536(1) and 120.54 to implement the provisions of
7 this chapter for state universities.

8 Section 168. Section 1013.03, Florida Statutes, is
9 amended to read:

10 1013.03 Functions of the department and the Board of
11 Governors.--The functions of the Department of Education as it
12 pertains to educational facilities of school districts and
13 community colleges and of the Board of Governors as it
14 pertains to educational facilities of state universities shall
15 include, but not be limited to, the following:

16 (1) Establish recommended minimum and maximum square
17 footage standards for different functions and areas and
18 procedures for determining the gross square footage for each
19 educational facility to be funded in whole or in part by the
20 state, including public broadcasting stations but excluding
21 postsecondary special purpose laboratory space. The gross
22 square footage determination standards may be exceeded when
23 the core facility space of an educational facility is
24 constructed or renovated to accommodate the future addition of
25 classrooms to meet projected increases in student enrollment.
26 The department and the Board of Governors shall encourage
27 multiple use of facilities and spaces in educational plants.

28 (2) Establish, for the purpose of determining need,
29 equitably uniform utilization standards for all types of like
30 space, regardless of the level of education. These standards
31 shall also establish, for postsecondary education classrooms,

1 a minimum room utilization rate of 40 hours per week and a
2 minimum station utilization rate of 60 percent. These rates
3 shall be subject to increase based on national norms for
4 utilization of postsecondary education classrooms.

5 (3) Require boards to submit other educational plant
6 inventories data and statistical data or information relevant
7 to construction, capital improvements, and related costs.

8 (4) Require each board and other appropriate agencies
9 to submit complete and accurate financial data as to the
10 amounts of funds from all sources that are available and spent
11 for construction and capital improvements. The commissioner
12 shall prescribe the format and the date for the submission of
13 this data and any other educational facilities data. If any
14 district does not submit the required educational facilities
15 fiscal data by the prescribed date, the Commissioner of
16 Education shall notify the district school board of this fact
17 and, if appropriate action is not taken to immediately submit
18 the required report, the district school board shall be
19 directed to proceed pursuant to the provisions of s.
20 1001.42(11)(b). If any community college or university does
21 not submit the required educational facilities fiscal data by
22 the prescribed date, the same policy prescribed in this
23 subsection for school districts shall be implemented.

24 (5) Administer, under the supervision of the
25 Commissioner of Education, the Public Education Capital Outlay
26 and Debt Service Trust Fund and the School District and
27 Community College District Capital Outlay and Debt Service
28 Trust Fund.

29 (6) Develop, review, update, revise, and recommend a
30 mandatory portion of the Florida Building Code for educational
31

1 facilities construction and capital improvement by community
2 college boards and district school boards.

3 (7) Provide training, technical assistance, and
4 building code interpretation for requirements of the mandatory
5 Florida Building Code for the educational facilities
6 construction and capital improvement programs of the community
7 college boards and district school boards and, upon request,
8 approve phase III construction documents for remodeling,
9 renovation, or new construction of educational plants or
10 ancillary facilities, except that university boards of
11 trustees shall approve specifications and construction
12 documents for their respective institutions pursuant to
13 guidelines of the Board of Governors. The Department of
14 Management Services may, upon request, provide similar
15 services for the Florida School for the Deaf and the Blind and
16 shall use the Florida Building Code and the Florida Fire
17 Prevention Code.

18 (8) Provide minimum criteria, procedures, and training
19 to boards to conduct educational plant surveys and document
20 the determination of future needs.

21 (9) Make available to boards technical assistance,
22 awareness training, and research and technical publications
23 relating to lifesafety, casualty, sanitation, environmental,
24 maintenance, and custodial issues; and, as needed, technical
25 assistance for survey, planning, design, construction,
26 operation, and evaluation of educational and ancillary
27 facilities and plants, facilities administrative procedures
28 review, and training for new administrators.

29 (10)(a) Review and validate surveys proposed or
30 amended by the boards and recommend to the Commissioner of
31 Education, or the Chancellor of the State University System,

1 as appropriate, for approval, surveys that meet the
2 requirements of this chapter.

3 1. The term "validate" as applied to surveys by school
4 districts means to review inventory data as submitted to the
5 department by district school boards; provide for review and
6 inspection, where required, of student stations and aggregate
7 square feet of inventory changed from satisfactory to
8 unsatisfactory or changed from unsatisfactory to satisfactory;
9 compare new school inventory to allocation limits provided by
10 this chapter; review cost projections for conformity with cost
11 limits set by s. 1013.64(6); compare total capital outlay
12 full-time equivalent enrollment projections in the survey with
13 the department's projections; review facilities lists to
14 verify that student station and auxiliary facility space
15 allocations do not exceed the limits provided by this chapter
16 and related rules; review and confirm the application of
17 uniform facility utilization factors, where provided by this
18 chapter or related rules; utilize the documentation of
19 programs offered per site, as submitted by the board, to
20 analyze facility needs; confirm that need projections for
21 career and adult educational programs comply with needs
22 documented by the Department of Education ~~Office of Workforce~~
23 ~~and Economic Development~~; and confirm the assignment of
24 full-time student stations to all space except auxiliary
25 facilities, which, for purposes of exemption from student
26 station assignment, include the following:

- 27 a. Cafeterias.
28 b. Multipurpose dining areas.
29 c. Media centers.
30 d. Auditoriums.
31 e. Administration.

1 f. Elementary, middle, and high school resource rooms,
2 up to the number of such rooms recommended for the applicable
3 occupant and space design capacity of the educational plant in
4 the State Requirements for Educational Facilities, beyond
5 which student stations must be assigned.

6 g. Elementary school skills labs, up to the number of
7 such rooms recommended for the applicable occupant and space
8 design capacity of the educational plant in the State
9 Requirements for Educational Facilities, beyond which student
10 stations must be assigned.

11 h. Elementary school art and music rooms.

12 2. The term "validate" as applied to surveys by
13 community colleges and universities means to review and
14 document the approval of each new site and official
15 designation, where applicable; review the inventory database
16 as submitted by each board to the department, including
17 noncareer, and total capital outlay full-time equivalent
18 enrollment projections per site and per college; provide for
19 the review and inspection, where required, of student stations
20 and aggregate square feet of space changed from satisfactory
21 to unsatisfactory; utilize and review the documentation of
22 programs offered per site submitted by the boards as accurate
23 for analysis of space requirements and needs; confirm that
24 needs projected for career and adult educational programs
25 comply with needs documented by the Department of Education
26 ~~Office of Workforce and Economic Development~~; compare new
27 facility inventory to allocations limits as provided in this
28 chapter; review cost projections for conformity with state
29 averages or limits designated by this chapter; compare student
30 enrollment projections in the survey to the department's
31 projections; review facilities lists to verify that area

1 allocations and space factors for generating space needs do
2 not exceed the limits as provided by this chapter and related
3 rules; confirm the application of facility utilization factors
4 as provided by this chapter and related rules; and review, as
5 submitted, documentation of how survey recommendations will
6 implement the detail of current campus master plans and
7 integrate with local comprehensive plans and development
8 regulations.

9 (b) Recommend priority of projects to be funded ~~for~~
10 ~~approval by the state board, when required by law.~~

11 (11) Prepare the commissioner's comprehensive fixed
12 capital outlay legislative budget request and provide annually
13 an estimate of the funds available for developing required
14 3-year priority lists. This amount shall be based upon the
15 average percentage for the 5 prior years of funds appropriated
16 by the Legislature for fixed capital outlay to each level of
17 public education: public schools, community colleges, and
18 universities.

19 (12) Perform any other functions that may be involved
20 in educational facilities construction and capital improvement
21 which shall ensure that the intent of the Legislature is
22 implemented.

23 ~~(13) By October 1, 2003, review all rules related to~~
24 ~~school construction to identify requirements that are~~
25 ~~outdated, obsolete, unnecessary, or otherwise could be amended~~
26 ~~in order to provide additional flexibility to school districts~~
27 ~~to comply with the constitutional class size maximums~~
28 ~~described in s. 1003.03(1) and make recommendations concerning~~
29 ~~such rules to the State Board of Education. The State Board of~~
30 ~~Education shall act on such recommendations by December 31,~~
31 ~~2003.~~

1 Section 169. Section 1013.11, Florida Statutes, is
2 amended to read:

3 1013.11 Postsecondary institutions assessment of
4 physical plant safety.--The president of each postsecondary
5 institution shall conduct or cause to be conducted an annual
6 assessment of physical plant safety. An annual report shall
7 incorporate the findings obtained through such assessment and
8 recommendations for the improvement of safety on each campus.
9 The annual report shall be submitted to the respective
10 governing or licensing board of jurisdiction no later than
11 January 1 of each year. Each board shall compile the
12 individual institutional reports and convey the aggregate
13 institutional reports to the Commissioner of Education or the
14 Chancellor of the State University System, as appropriate. The
15 Commissioner of Education and the Chancellor of the State
16 University System shall convey these reports and the reports
17 required in s. 1008.48 to the President of the Senate and the
18 Speaker of the House of Representatives no later than March 1
19 of each year.

20 Section 170. Section 1013.12, Florida Statutes, is
21 amended to read:

22 1013.12 Casualty, safety, sanitation, and firesafety
23 standards and inspection of property.--

24 (1) FIRESAFETY.--The State Board of Education shall
25 adopt and administer rules prescribing standards for the
26 safety and health of occupants of educational and ancillary
27 plants as a part of State Requirements for Educational
28 Facilities or the Florida Building Code for educational
29 facilities construction as provided in s. 1013.37, except that
30 the State Fire Marshal in consultation with the Department of
31 Education shall adopt uniform firesafety standards for

1 educational and ancillary plants and educational facilities,
2 as provided in s. 633.022(1)(b), and a firesafety evaluation
3 system to be used as an alternate firesafety inspection
4 standard for existing educational and ancillary plants and
5 educational facilities. The uniform firesafety standards and
6 the alternate firesafety evaluation system shall be
7 administered and enforced by local fire officials. These
8 standards must be used by all public agencies when inspecting
9 public educational and ancillary plants, and the firesafety
10 standards must be used by local fire officials when performing
11 firesafety inspections of public educational and ancillary
12 plants and educational facilities. In accordance with such
13 standards, each board shall prescribe policies and procedures
14 establishing a comprehensive program of safety and sanitation
15 for the protection of occupants of public educational and
16 ancillary plants. Such policies must contain procedures for
17 periodic inspections as prescribed in this section ~~herein~~ and
18 for withdrawal of any educational and ancillary plant, or
19 portion thereof, from use until unsafe or unsanitary
20 conditions are corrected or removed.

21 ~~(2)(1)~~ PERIODIC INSPECTION OF PROPERTY BY DISTRICT
22 SCHOOL BOARDS.--

23 (a) Each board shall provide for periodic inspection,
24 other than firesafety inspection, of each educational and
25 ancillary plant at least once during each fiscal year to
26 determine compliance with standards of sanitation and casualty
27 safety prescribed in the rules of the State Board of
28 Education.

29 (b) Firesafety inspections of each educational and
30 ancillary plant must be made annually by persons certified by
31 the Division of State Fire Marshal to be eligible to conduct

1 firesafety inspections in public educational and ancillary
2 plants. The board shall submit a copy of the firesafety
3 inspection report to the State Fire Marshal and, if there is a
4 local fire official who conducts firesafety inspections, to
5 the local fire official.

6 (c) In each firesafety inspection report, the board
7 shall include a plan of action and a schedule for the
8 correction of each deficiency which have been formulated in
9 consultation with the local fire control authority. If
10 immediate life-threatening deficiencies are noted in any
11 inspection, the board shall either take action to promptly
12 correct the deficiencies or withdraw the educational or
13 ancillary plant from use until such time as the deficiencies
14 are corrected.

15 ~~(3)(2)~~ INSPECTION OF EDUCATIONAL PROPERTY BY OTHER
16 PUBLIC AGENCIES.--

17 (a) A safety or sanitation inspection of any
18 educational or ancillary plant may be made at any time by the
19 Department of Education or any other state or local agency
20 authorized or required to conduct such inspections by either
21 general or special law. Each agency conducting inspections
22 shall use the standards adopted by the Commissioner of
23 Education in lieu of, and to the exclusion of, any other
24 inspection standards prescribed either by statute or
25 administrative rule. The agency shall submit a copy of the
26 inspection report to the board.

27 (b) One firesafety inspection of each educational or
28 ancillary plant must be conducted each fiscal year by the
29 county, municipality, or special fire control district in
30 which the plant is located using the standards adopted by the
31 State Fire Marshal. The board shall cooperate with the

1 inspecting authority when a firesafety inspection is made by a
2 governmental authority under this paragraph.

3 (c) In each firesafety inspection report, the local
4 fire official in conjunction with the board shall include a
5 plan of action and a schedule for the correction of each
6 deficiency. If immediate life-threatening deficiencies are
7 noted in any inspection, the local fire official shall either
8 take action to require the board to promptly correct the
9 deficiencies or withdraw the educational facility from use
10 until the deficiencies are corrected, subject to review by the
11 State Fire Marshal who shall act within 10 days to ensure that
12 the deficiencies are corrected or withdraw the facility from
13 use.

14 ~~(4)(3)~~ CORRECTIVE ACTION; DEFICIENCIES OTHER THAN
15 FIRESAFETY DEFICIENCIES.--Upon failure of the board to take
16 corrective action within a reasonable time, the agency making
17 the inspection, other than a local fire official, may request
18 the commissioner to:

19 (a) Order that appropriate action be taken to correct
20 all deficiencies in accordance with a schedule determined
21 jointly by the inspecting authority and the board; in
22 developing the schedule, consideration must be given to the
23 seriousness of the deficiencies and the ability of the board
24 to obtain the necessary funds; or

25 (b) After 30 calendar days' notice to the board, order
26 all or a portion of the educational or ancillary plant
27 withdrawn from use until the deficiencies are corrected.

28 ~~(5)(4)~~ INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION
29 FACILITIES.--

30
31

1 (a) Firesafety inspections of community college ~~and~~
2 ~~university~~ facilities shall comply with State Board of
3 Education rules.

4 (b) Firesafety inspections of state universities shall
5 comply with rules of the Board of Governors.

6 ~~(6)(5)~~ CORRECTIVE ACTION; FIRESAFETY
7 DEFICIENCIES.--Upon failure of the board to take corrective
8 action within the time designated in the plan of action to
9 correct any firesafety deficiency noted under paragraph~~(2)~~
10 ~~(1)~~(c) or paragraph~~(3)~~~~(2)~~(c), the local fire official shall
11 immediately report the deficiency to the State Fire Marshal,
12 who shall have enforcement authority with respect to
13 educational and ancillary plants and educational facilities as
14 provided in chapter 633 for any other building or structure.

15 ~~(7)(6)~~ ADDITIONAL STANDARDS.--In addition to any other
16 rules adopted under this section or s. 633.022, the State Fire
17 Marshal in consultation with the Department of Education shall
18 adopt and administer rules prescribing the following standards
19 for the safety and health of occupants of educational and
20 ancillary plants:

21 (a) The designation of serious life-safety hazards,
22 including, but not limited to, nonfunctional fire alarm
23 systems, nonfunctional fire sprinkler systems, doors with
24 padlocks or other locks or devices that preclude egress at any
25 time, inadequate exits, hazardous electrical system
26 conditions, potential structural failure, and storage
27 conditions that create a fire hazard.

28 (b) The proper placement of functional smoke and heat
29 detectors and accessible, unexpired fire extinguishers.

30 (c) The maintenance of fire doors without doorstops or
31 wedges improperly holding them open.

1 ~~(8)(7)~~ ANNUAL REPORT.--The State Fire Marshal shall
2 publish an annual report to be filed with the substantive
3 committees of the state House of Representatives and Senate
4 having jurisdiction over education, the Commissioner of
5 Education or his or her successor, the State Board of
6 Education, the Board of Governors, and the Governor
7 documenting the status of each board's firesafety program,
8 including the improvement or lack thereof.

9 Section 171. Subsection (3) of section 1013.15,
10 Florida Statutes, is amended to read:

11 1013.15 Lease, rental, and lease-purchase of
12 educational facilities and sites.--

13 (3) Lease or lease-purchase agreements entered into by
14 university boards of trustees shall comply with the provisions
15 of ss. ~~s.~~ 1013.171 and 1010.62.

16 Section 172. Subsection (3) is added to section
17 1013.16, Florida Statutes, to read:

18 1013.16 Construction of facilities on leased property;
19 conditions.--

20 (3) Leases executed by a university board of trustees
21 pursuant to this section are subject to s. 1010.62.

22 Section 173. Section 1013.17, Florida Statutes, is
23 amended to read:

24 1013.17 University leasing in affiliated research and
25 development park.--A university is exempt from the
26 requirements of s. 255.25(3), (4), and (8) when leasing
27 educational facilities in a research and development park with
28 which the university is affiliated and when the Board of
29 Governors ~~State Board of Education~~ certifies in writing that
30 the leasing of such ~~said~~ educational facilities is in the best
31 interests of the university and that the exemption from

1 competitive bid requirements would not be detrimental to the
2 state. Leases entered into pursuant to this section are
3 subject to the provisions of s. 1010.62.

4 Section 174. Subsections (1) and (2) of section
5 1013.171, Florida Statutes, are amended, and subsection (6) is
6 added to that section, to read:

7 1013.171 University lease agreements; land,
8 facilities.--

9 (1) Each university board of trustees is authorized to
10 negotiate and enter into agreements to lease land under its
11 jurisdiction to for-profit and nonprofit corporations,
12 registered by the Secretary of State to do business in this
13 state, for the purpose of erecting thereon facilities and
14 accommodations necessary and desirable to serve the needs and
15 purposes of the university, as determined by the systemwide
16 strategic plan adopted by the Board of Governors ~~State Board~~
17 ~~of Education~~. Such agreement will be for a term not in excess
18 of 99 years or the life expectancy of the permanent facilities
19 constructed thereon, whichever is shorter, and shall include
20 as a part of the consideration provisions for the eventual
21 ownership of the completed facilities by the state. The Board
22 of Trustees of the Internal Improvement Trust Fund upon
23 request of the university board of trustees shall lease any
24 such property to the university for sublease as heretofore
25 provided.

26 (2) Each university board of trustees is authorized to
27 enter into agreements with for-profit and nonprofit
28 corporations, registered by the Secretary of State to do
29 business in this state, whereby income-producing buildings,
30 improvements, and facilities necessary and desirable to serve
31 the needs and purposes of the university, as determined by the

1 systemwide strategic plan adopted by the Board of Governors
2 ~~State Board of Education~~, are acquired by purchase or
3 lease-purchase by the university. When such agreements provide
4 for lease-purchase of facilities erected on land that is not
5 under the jurisdiction of the university, the agreement shall
6 include as a part of the consideration provisions for the
7 eventual ownership of the land and facility by the state.
8 Agreements for lease-purchase shall not exceed 30 years or the
9 life expectancy of the permanent facility constructed,
10 whichever is shorter. ~~Notwithstanding the provisions of any~~
11 ~~other law~~, The university board of trustees may enter into an
12 agreement for the lease-purchase of a facility under this
13 section for a term greater than 1 year. Each university board
14 of trustees is authorized to use any auxiliary trust funds,
15 available and not otherwise obligated, to pay rent to the
16 owner should income from the facilities not be sufficient in
17 any debt payment period. The trust funds used for payment of
18 rent shall be reimbursed as soon as possible to the extent
19 that income from the facilities exceeds the amount necessary
20 for such debt payment.

21 (6) Agreements entered into pursuant to this section
22 are subject to the provisions of s. 1010.62.

23 Section 175. Section 1013.19, Florida Statutes, is
24 amended to read:

25 1013.19 Purchase, conveyance, or encumbrance of
26 property interests above surface of land; joint-occupancy
27 structures.--For the purpose of implementing jointly financed
28 construction project agreements, or for the construction of
29 combined occupancy structures, any board may purchase, own,
30 convey, sell, lease, or encumber airspace or any other
31 interests in property above the surface of the land, provided

1 the lease of airspace for nonpublic use is for such reasonable
2 rent, length of term, and conditions as the board in its
3 discretion may determine. All proceeds from such sale or lease
4 shall be used by the board or boards receiving the proceeds
5 solely for fixed capital outlay purposes. These purposes may
6 include the renovation or remodeling of existing facilities
7 owned by the board or the construction of new facilities;
8 however, for a community college board or university board,
9 such new facility must be authorized by the Legislature. It is
10 declared that the use of such rental by the board for public
11 purposes in accordance with its statutory authority is a
12 public use. Airspace or any other interest in property held by
13 the Board of Trustees of the Internal Improvement Trust Fund
14 or the State Board of Education may not be divested or
15 conveyed without approval of the respective board. Any
16 building, including any building or facility component that is
17 common to both nonpublic and educational portions thereof,
18 constructed in airspace that is sold or leased for nonpublic
19 use pursuant to this section is subject to all applicable
20 state, county, and municipal regulations pertaining to land
21 use, zoning, construction of buildings, fire protection,
22 health, and safety to the same extent and in the same manner
23 as such regulations would be applicable to the construction of
24 a building for nonpublic use on the appurtenant land beneath
25 the subject airspace. Any educational facility constructed or
26 leased as a part of a joint-occupancy facility is subject to
27 all rules and requirements of the respective boards or
28 departments having jurisdiction over educational facilities.
29 Any contract executed by a university board of trustees
30 pursuant to this section is subject to the provisions of s.
31 1010.62.

1 Section 176. Section 1013.25, Florida Statutes, is
2 amended to read:

3 1013.25 When university or community college board of
4 trustees may exercise power of eminent domain.--Whenever it
5 becomes necessary for the welfare and convenience of any of
6 its institutions or divisions to acquire private property for
7 the use of such institutions, and this cannot be acquired by
8 agreement satisfactory to a university or community college
9 board of trustees and the parties interested in, or the owners
10 of, the private property, the board of trustees may exercise
11 the power of eminent domain after receiving approval therefor
12 from the Administration Commission ~~State Board of Education~~
13 and may then proceed to condemn the property in the manner
14 provided by chapter 73 or chapter 74.

15 Section 177. Section 1013.28, Florida Statutes, is
16 amended to read:

17 1013.28 Disposal of property.--

18 (1) REAL PROPERTY.--

19 (a) Subject to rules of the State Board of Education,
20 a district school board, the Board of Trustees for the Florida
21 School for the Deaf and the Blind, or a community college
22 board of trustees may dispose of any land or real property to
23 which the board holds title which ~~that~~ is, by resolution of
24 the board, determined to be unnecessary for educational
25 purposes as recommended in an educational plant survey. A
26 district school board, the Board of Trustees for the Florida
27 School for the Deaf and the Blind, or a community college
28 board of trustees shall take diligent measures to dispose of
29 educational property only in the best interests of the public.
30 However, appraisals may be obtained by the district school
31 board, the Board of Trustees for the Florida School for the

1 Deaf and the Blind, or the community college board of trustees
2 prior to or simultaneously with the receipt of bids.

3 (b) Subject to rules of the Board of Governors, a
4 state university board of trustees may dispose of any land or
5 real property to which it holds valid title which is, by
6 resolution of the state university board of trustees,
7 determined to be unnecessary for educational purposes as
8 recommended in an educational plant survey. A state university
9 board of trustees shall take diligent measures to dispose of
10 educational property only in the best interests of the public.
11 However, appraisals may be obtained by the state university
12 board of trustees prior to or simultaneously with the receipt
13 of bids.

14 (2) TANGIBLE PERSONAL PROPERTY.--

15 (a) Tangible personal property ~~that~~ ~~which~~ has been
16 properly classified as surplus by a district school board or
17 community college board of trustees shall be disposed of in
18 accordance with the procedure established by chapter 274 ~~and~~
19 ~~by a university board of trustees by chapter 273.~~ However, the
20 provisions of chapter 274 shall not be applicable to a motor
21 vehicle used in driver education to which title is obtained
22 for a token amount from an automobile dealer or manufacturer.
23 In such cases, the disposal of the vehicle shall be as
24 prescribed in the contractual agreement between the automotive
25 agency or manufacturer and the board.

26 (b) Tangible personal property that has been properly
27 classified as surplus by a state university board of trustees
28 shall be disposed of in accordance with the procedure
29 established by chapter 273.

30 Section 178. Section 1013.31, Florida Statutes, is
31 amended to read:

1 1013.31 Educational plant survey; localized need
2 assessment; PECO project funding.--

3 (1) At least every 5 years, each board shall arrange
4 for an educational plant survey, to aid in formulating plans
5 for housing the educational program and student population,
6 faculty, administrators, staff, and auxiliary and ancillary
7 services of the district or campus, including consideration of
8 the local comprehensive plan. The Department of Education
9 ~~Office of Workforce and Economic Development~~ shall document
10 the need for additional career and adult education programs
11 and the continuation of existing programs before facility
12 construction or renovation related to career or adult
13 education may be included in the educational plant survey of a
14 school district or community college that delivers career or
15 adult education programs. Information used by the Department
16 of Education ~~Office of Workforce and Economic Development~~ to
17 establish facility needs must include, but need not be limited
18 to, labor market data, needs analysis, and information
19 submitted by the school district or community college.

20 (a) Survey preparation and required data.--Each survey
21 shall be conducted by the board or an agency employed by the
22 board. Surveys shall be reviewed and approved by the board,
23 and a file copy shall be submitted to the Department of
24 Education or the Chancellor of the State University System, as
25 appropriate, ~~Office of Educational Facilities and SMART~~
26 ~~Schools Clearinghouse within the Office of the Commissioner of~~
27 ~~Education~~. The survey report shall include at least an
28 inventory of existing educational and ancillary plants,
29 including safe access facilities; recommendations for existing
30 educational and ancillary plants; recommendations for new
31 educational or ancillary plants, including the general

1 location of each in coordination with the land use plan and
2 safe access facilities; campus master plan update and detail
3 for community colleges; the utilization of school plants based
4 on an extended school day or year-round operation; and such
5 other information as may be required by the Department of
6 Education ~~rules of the State Board of Education~~. This report
7 may be amended, if conditions warrant, at the request of the
8 department ~~board~~ or commissioner.

9 (b) Required need assessment criteria for district,
10 community college, ~~college and~~ state university, and Florida
11 School for the Deaf and the Blind plant surveys.--Educational
12 plant surveys must use uniform data sources and criteria
13 specified in this paragraph. Each revised educational plant
14 survey and each new educational plant survey supersedes
15 previous surveys.

16 1. The school district's survey must be submitted as a
17 part of the district educational facilities plan defined in s.
18 1013.35. To ensure that the data reported to the Department of
19 Education as required by this section is correct, the
20 department shall annually conduct an onsite review of 5
21 percent of the facilities reported for each school district
22 completing a new survey that year. If the department's review
23 finds the data reported by a district is less than 95 percent
24 accurate, within 1 year from the time of notification by the
25 department the district must submit revised reports correcting
26 its data. If a district fails to correct its reports, the
27 commissioner may direct that future fixed capital outlay funds
28 be withheld until such time as the district has corrected its
29 reports so that they are not less than 95 percent accurate.

30 2. Each survey of a special facility, joint-use
31 facility, or cooperative career education facility must be

1 based on capital outlay full-time equivalent student
2 enrollment data prepared by the department for school
3 districts ~~and~~, community colleges, ~~colleges~~, and by the
4 Chancellor of the State University System for universities. A
5 survey of space needs of a joint-use facility shall be based
6 upon the respective space needs of the school districts,
7 community colleges, ~~colleges~~, and universities, as
8 appropriate. Projections of a school district's facility space
9 needs may not exceed the norm space and occupant design
10 criteria established by the State Requirements for Educational
11 Facilities.

12 3. Each community college's survey must reflect the
13 capacity of existing facilities as specified in the inventory
14 maintained by the Department of Education. Projections of
15 facility space needs must comply with standards for
16 determining space needs as specified by rule of the State
17 Board of Education. The 5-year projection of capital outlay
18 student enrollment must be consistent with the annual report
19 of capital outlay full-time student enrollment prepared by the
20 Department of Education.

21 4. Each ~~college and~~ state university's survey must
22 reflect the capacity of existing facilities as specified in
23 the inventory maintained and validated by the Chancellor of
24 the State University System ~~Division of Colleges and~~
25 ~~Universities~~. Projections of facility space needs must be
26 consistent with standards for determining space needs as
27 specified by rule of ~~approved by~~ the Board of Governors
28 ~~Division of Colleges and Universities~~. The projected capital
29 outlay full-time equivalent student enrollment must be
30 consistent with the 5-year planned enrollment cycle for the
31

1 State University System approved by the Board of Governors
2 ~~Division of Colleges and Universities~~.

3 5. The district educational facilities plan of a
4 school district and the educational plant survey of a
5 community college, ~~college or~~ state university, or the Florida
6 School for the Deaf and the Blind may include space needs that
7 deviate from approved standards for determining space needs if
8 the deviation is justified by the district or institution and
9 approved by the department or the Board of Governors, as
10 appropriate, as necessary for the delivery of an approved
11 educational program.

12 (c) Review and validation.--The Department of
13 ~~Education Office of Educational Facilities and SMART Schools~~
14 ~~Clearinghouse~~ shall review and validate the surveys of school
15 districts and, community colleges, ~~and colleges~~ and the
16 Chancellor of the State University System shall review and
17 validate the surveys of universities, and any amendments
18 thereto for compliance with the requirements of this chapter
19 and shall recommend those in compliance for approval by the
20 State Board of Education or the Board of Governors, as
21 appropriate. Annually, the department shall perform an
22 in-depth analysis of a representative sample of each survey of
23 recommended needs for five districts selected by the
24 commissioner from among districts with the largest
25 need-to-revenue ratio. For the purpose of this subsection, the
26 need-to-revenue ratio is determined by dividing the total
27 5-year cost of projects listed on the district survey by the
28 total 5-year fixed capital outlay revenue projections from
29 state and local sources as determined by the department. The
30 commissioner may direct fixed capital outlay funds to be
31

1 withheld from districts until such time as the survey
2 accurately projects facilities needs.

3 (d) Periodic update of Florida Inventory of School
4 Houses.--School districts shall periodically update their
5 inventory of educational facilities as new capacity becomes
6 available and as unsatisfactory space is eliminated. The State
7 Board of Education shall adopt rules to determine the time
8 frame in which districts must provide a periodic update.

9 (2) Only the district school superintendent, community
10 college president, or the university president shall certify
11 to the Department of Education ~~Office of Educational~~
12 ~~Facilities and SMART Schools Clearinghouse~~ a project's
13 compliance with the requirements for expenditure of PECO funds
14 prior to release of funds.

15 (a) Upon request for release of PECO funds for
16 planning purposes, certification must be made to the
17 Department of Education ~~Office of Educational Facilities and~~
18 ~~SMART Schools Clearinghouse~~ that the need for and location of
19 the facility are in compliance with the board-approved survey
20 recommendations, that the project meets the definition of a
21 PECO project and the limiting criteria for expenditures of
22 PECO funding, and that the plan is consistent with the local
23 government comprehensive plan.

24 (b) Upon request for release of construction funds,
25 certification must be made to the Department of Education
26 ~~Office of Educational Facilities and SMART Schools~~
27 ~~Clearinghouse~~ that the need and location of the facility are
28 in compliance with the board-approved survey recommendations,
29 that the project meets the definition of a PECO project and
30 the limiting criteria for expenditures of PECO funding, and
31 that the construction documents meet the requirements of the

1 Florida Building Code for educational facilities construction
2 or other applicable codes as authorized in this chapter.

3 Section 179. Subsection (2) of section 1013.46,
4 Florida Statutes, is amended to read:

5 1013.46 Advertising and awarding contracts;
6 prequalification of contractor.--

7 (2) Boards shall prequalify bidders for construction
8 contracts ~~according to rules prescribed by the State Board of~~
9 ~~Education which require the prequalification of bidders of~~
10 ~~educational facilities construction.~~ Boards shall require that
11 all construction or capital improvement bids be accompanied by
12 evidence that the bidder holds an appropriate certificate or
13 license or that the prime contractor has a current valid
14 license.

15 Section 180. Section 1013.47, Florida Statutes, is
16 amended to read:

17 1013.47 Substance of contract; contractors to give
18 bond; penalties.--Each board shall develop contracts
19 consistent with this chapter and statutes governing public
20 facilities. Such a contract must contain the drawings and
21 specifications of the work to be done and the material to be
22 furnished, the time limit in which the construction is to be
23 completed, the time and method by which payments are to be
24 made upon the contract, and the penalty to be paid by the
25 contractor for any failure to comply with the terms of the
26 contract. The board may require the contractor to pay a
27 penalty for any failure to comply with the terms of the
28 contract and may provide an incentive for early completion.
29 Upon accepting a satisfactory bid, the board shall enter into
30 a contract with the party or parties whose bid has been
31 accepted. The contractor shall furnish the board with a

1 performance and payment bond as set forth in s. 255.05. A
2 board or other public entity may not require a contractor to
3 secure a surety bond under s. 255.05 from a specific agent or
4 bonding company. Notwithstanding any other provision of this
5 section, if 25 percent or more of the costs of any
6 construction project is paid out of a trust fund established
7 pursuant to 31 U.S.C. s. 1243(a)(1), laborers and mechanics
8 employed by contractors or subcontractors on such construction
9 will be paid wages not less than those prevailing on similar
10 construction projects in the locality, as determined by the
11 Secretary of Labor in accordance with the Davis-Bacon Act, as
12 amended. A person, firm, or corporation that constructs any
13 part of any educational plant, or addition thereto, on the
14 basis of any unapproved plans or in violation of any plans
15 approved in accordance with the provisions of this chapter and
16 rules of the State Board of Education or the Board of
17 Governors relating to building standards or specifications is
18 subject to forfeiture of bond and unpaid compensation in an
19 amount sufficient to reimburse the board for any costs that
20 will need to be incurred in making any changes necessary to
21 assure that all requirements are met and is also guilty of a
22 misdemeanor of the second degree, punishable as provided in s.
23 775.082 or s. 775.083, for each separate violation.

24 Section 181. Paragraphs (a), (c), and (d) of
25 subsection (1) and subsections (2) and (3) of section 1013.52,
26 Florida Statutes, are amended to read:

27 1013.52 Cooperative development and joint use of
28 facilities by two or more boards.--

29 (1) Two or more boards, including district school
30 boards, community college boards of trustees, the Board of
31 Trustees for the Florida School for the Deaf and the Blind,

1 and university boards of trustees, desiring to cooperatively
2 establish a common educational facility to accommodate
3 students shall:

4 (a) Jointly request a formal assessment by the
5 Commissioner of Education or the Chancellor of the State
6 University System, as appropriate, of the academic program
7 need and the need to build new joint-use facilities to house
8 approved programs. Completion of the assessment and approval
9 of the project by the State Board of Education, the Board of
10 Governors, the Chancellor of the State University System, or
11 the Commissioner of Education, as appropriate, should be done
12 prior to conducting an educational facilities survey.

13 (c) Adopt and submit to the Commissioner of Education,
14 and the Chancellor of the State University System if the joint
15 request involves a state university, a joint resolution of the
16 participating boards indicating their commitment to the
17 utilization of the requested facility and designating the
18 locale of the proposed facility. The joint resolution shall
19 contain a statement of determination by the participating
20 boards that alternate options, including the use of leased,
21 rented, or borrowed space, were considered and found less
22 appropriate than construction of the proposed facility. The
23 joint resolution shall contain assurance that the development
24 of the proposed facility has been examined in conjunction with
25 the programs offered by neighboring public educational
26 facilities offering instruction at the same level. The joint
27 resolution also shall contain assurance that each
28 participating board shall provide for continuity of
29 educational progression. All joint resolutions shall be
30 submitted ~~to the commissioner~~ by August 1 for consideration of
31 funding by the subsequent Legislature.

1 (d) Submit requests for funding of joint-use
2 facilities projects involving state universities and community
3 colleges for approval by the Commissioner of Education and the
4 Chancellor of the State University System. The Commissioner of
5 Education and the Chancellor of the State University System
6 shall jointly determine the priority for funding these
7 projects in relation to the priority of all other capital
8 outlay projects under their consideration. To be eligible for
9 funding from the Public Education Capital Outlay and Debt
10 Service Trust Fund under the provisions of this section,
11 projects involving both state universities and community
12 colleges shall appear on the 3-year capital outlay priority
13 lists of community colleges and of universities required by s.
14 1013.64. Projects involving a state university, community
15 college, and a public school, and in which the larger share of
16 the proposed facility is for the use of the state university
17 or the community college, shall appear on the 3-year capital
18 outlay priority lists of the community colleges or of the
19 universities, as applicable.

20 (2) An educational plant survey must be conducted
21 within 90 days after submission of the joint resolution and
22 substantiating data describing the benefits to be obtained,
23 the programs to be offered, and the estimated cost of the
24 proposed project. Upon completion of the educational plant
25 survey, the participating boards may include the recommended
26 projects in their plan as provided in s. 1013.31. Upon
27 approval of the project by the commissioner or the Chancellor
28 of the State University System, as appropriate, 25 percent of
29 the total cost of the project, or the pro rata share based on
30 space utilization of 25 percent of the cost, must be included
31 in the department's legislative capital outlay budget request

1 as provided in s. 1013.60 for educational plants. The
2 participating boards must include in their joint resolution a
3 commitment to finance the remaining funds necessary to
4 complete the planning, construction, and equipping of the
5 facility. Funds from the Public Education Capital Outlay and
6 Debt Service Trust Fund may not be expended on any project
7 unless specifically authorized by the Legislature.

8 (3) Included in all proposals for joint-use facilities
9 must be documentation that the proposed new campus or new
10 joint-use facility has been reviewed by the State Board of
11 Education or the Board of Governors, as appropriate, and has
12 been formally requested for authorization by the Legislature.

13 Section 182. Subsection (2) of section 1013.60,
14 Florida Statutes, is amended to read:

15 1013.60 Legislative capital outlay budget request.--

16 (2) The commissioner shall submit to the Governor and
17 to the Legislature an integrated, comprehensive budget request
18 for educational facilities construction and fixed capital
19 outlay needs for school districts, community colleges, and
20 universities, pursuant to the provisions of s. 1013.64 and
21 applicable provisions of chapter 216. Each community college
22 board of trustees and each university board of trustees shall
23 submit to the commissioner a 3-year plan and data required in
24 the development of the annual capital outlay budget. The
25 information that is approved by the Board of Governors must be
26 submitted to the Commissioner of Education for inclusion in
27 the comprehensive budget request for educational facilities.

28 No further disbursements shall be made from the Public
29 Education Capital Outlay and Debt Service Trust Fund to a
30 board of trustees that fails to timely submit the required
31 data until such board of trustees submits the data.

1 Section 183. Paragraph (a) of subsection (4) of
2 section 1013.64, Florida Statutes, is amended to read:

3 1013.64 Funds for comprehensive educational plant
4 needs; construction cost maximums for school district capital
5 projects.--Allocations from the Public Education Capital
6 Outlay and Debt Service Trust Fund to the various boards for
7 capital outlay projects shall be determined as follows:

8 (4)(a) Community college boards of trustees and
9 university boards of trustees shall receive funds for projects
10 based on a 3-year priority list, to be updated annually, which
11 is submitted to the Legislature in the legislative budget
12 request at least 90 days prior to the legislative session. The
13 State Board of Education shall submit a 3-year priority list
14 for community colleges and the Board of Governors shall submit
15 a 3-year priority list for universities. The lists shall
16 reflect decisions by the State Board of Education for
17 community colleges and the Board of Governors for state
18 universities concerning program priorities that implement the
19 statewide plan for program growth and quality improvement in
20 education. No remodeling or renovation project shall be
21 included on the 3-year priority list unless the project has
22 been recommended pursuant to s. 1013.31 or is for the purpose
23 of correcting health and safety deficiencies. No new
24 construction project shall be included on the first year of
25 the 3-year priority list unless the educational specifications
26 have been approved by the commissioner for a community college
27 project or by the Board of Governors for a university project,
28 as applicable. The funds requested for a new construction
29 project in the first year of the 3-year priority list shall be
30 in conformance with the scope of the project as defined in the
31 educational specifications. Any new construction project

1 requested in the first year of the 3-year priority list which
2 is not funded by the Legislature shall be carried forward to
3 be listed first in developing the updated 3-year priority list
4 for the subsequent year's capital outlay budget. Should the
5 order of the priority of the projects change from year to
6 year, a justification for such change shall be included with
7 the updated priority list.

8 Section 184. Subsection (1) of section 1013.65,
9 Florida Statutes, is amended to read:

10 1013.65 Educational and ancillary plant construction
11 funds; Public Education Capital Outlay and Debt Service Trust
12 Fund; allocation of funds.--

13 (1) The commissioner, through the department, shall
14 administer the Public Education Capital Outlay and Debt
15 Service Trust Fund. The commissioner shall allocate or
16 reallocate funds as authorized by the Legislature. Copies of
17 each allocation or reallocation shall be provided to members
18 of the State Board of Education and the Board of Governors and
19 to the chairs of the House of Representatives and Senate
20 appropriations committees. The commissioner shall provide for
21 timely encumbrances of funds for duly authorized projects.
22 Encumbrances may include proceeds to be received under a
23 resolution approved by the State Board of Education
24 authorizing the issuance of public education capital outlay
25 bonds pursuant to s. 9(a)(2), Art. XII of the State
26 Constitution, s. 215.61, and other applicable law. The
27 commissioner shall provide for the timely disbursement of
28 moneys necessary to meet the encumbrance authorizations of the
29 boards. Records shall be maintained by the department to
30 identify legislative appropriations, allocations, encumbrance
31 authorizations, disbursements, transfers, investments, sinking

1 funds, and revenue receipts by source. The Department of
2 Education shall pay the administrative costs of the Public
3 Education Capital Outlay and Debt Service Trust Fund from the
4 funds which comprise the trust fund.

5 Section 185. Paragraph (c) of subsection (2) and
6 subsection (3) of section 1013.74, Florida Statutes, are
7 amended, and subsection (5) is added to that section, to read:

8 1013.74 University authorization for fixed capital
9 outlay projects.--

10 (2) The following types of projects may be
11 accomplished pursuant to this section:

12 (c) Construction of projects financed as provided in
13 s. 1010.62 ~~ss. 1010.60 1010.619 or 1013.71;~~

14 (3) Other than those projects currently authorized, no
15 project proposed by a university which is to be funded from
16 Capital Improvement Trust Fund fees or building fees shall be
17 submitted to the Board of Governors ~~State Board of Education~~
18 for approval without prior consultation with the student
19 government association of that university. The Board of
20 Governors may adopt ~~State Board of Education shall promulgate~~
21 rules which are consistent with this requirement.

22 (5) Projects accomplished pursuant to this section are
23 subject to the requirements of s. 1010.62.

24 Section 186. Subsection (2) of section 1013.78,
25 Florida Statutes, is amended to read:

26 1013.78 Approval required for certain
27 university-related facility acquisitions.--

28 (2) Legislative approval shall not be required for
29 renovations, remodeling, replacement of existing facilities,
30 or construction of minor projects as defined in s. 1013.64,
31 except to the extent required pursuant to s. 1010.62.

1 Section 187. To the extent the Board of Governors of
2 the State University System or a university board of trustees
3 chooses to repeal any rules in Title 6C, Florida
4 Administrative Code, including any rules that derive solely
5 from the constitutional authority of the Board of Governors,
6 such rules shall be repealed pursuant to chapter 120, Florida
7 Statutes.

8 Section 188. Sections 186.805 and 1004.54, Florida
9 Statutes, are repealed. It is the intent of the Legislature
10 that the repeal of ss. 186.805 and 1004.54, Florida Statutes,
11 by this act is to remove existing statutory authorization that
12 is no longer necessary for the establishment, operation, or
13 maintenance of the entities that were established, operated,
14 or regulated under those provisions and does not affect the
15 authority of a state university or the Board of Governors of
16 the State University System under s. 7, Art. IX of the State
17 Constitution and s. 1001.705, Florida Statutes, to continue
18 such entities and their operation and regulation in accordance
19 with that authority.

20 Section 189. Sections 741.03055, 741.03056, 1001.75,
21 1007.261, 1007.31, 1007.32, 1008.51, 1011.4105, 1012.92,
22 1012.94, and 1012.95, Florida Statutes, are repealed.

23 Section 190. This act shall take effect July 1, 2007.
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