

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

29 provosts; updating terminology; amending s. 112.3135,
 30 F.S., relating to restriction on employment of relatives;
 31 updating terminology; amending s. 112.3145, F.S., relating
 32 to disclosure of financial interests and clients
 33 represented before agencies; updating terminology;
 34 amending s. 120.52, F.S., relating to definitions for
 35 purposes of the Administrative Procedure Act; revising
 36 definition of "agency" to include the Board of Governors
 37 and state university boards of trustees under certain
 38 circumstances; revising definition of "educational unit";
 39 amending s. 120.65, F.S.; including the Board of Governors
 40 in the list of entities that must reimburse the Division
 41 of Administrative Hearings for certain services and travel
 42 expenses; amending s. 121.021, F.S., relating to
 43 definitions for purposes of the Florida Retirement System;
 44 updating terminology; amending s. 121.35, F.S., relating
 45 to the optional retirement program for the State
 46 University System; transferring authority from the State
 47 Board of Education to the Board of Governors; updating
 48 terminology and provisions; amending s. 159.703, F.S.,
 49 relating to creation of research and development
 50 authorities; updating terminology and an effective date;
 51 amending s. 159.704, F.S., relating to research and
 52 development authorities; updating terminology; amending s.
 53 159.706, F.S.; including research and development
 54 authorities designated by the Board of Regents in a
 55 grandfather clause; amending s. 211.3103, F.S., relating
 56 to distribution of the tax levy on severance of phosphate

57 | rock; updating terminology; amending s. 215.16, F.S.,
58 | relating to appropriations from the General Revenue Fund;
59 | deleting unnecessary language; amending s. 215.32, F.S.,
60 | relating to segregation of trust funds; including trust
61 | funds under the management of the Board of Governors;
62 | amending s. 215.559, F.S., relating to the Hurricane Loss
63 | Mitigation Program; updating terminology; deleting
64 | obsolete terminology; conforming cross-references;
65 | amending s. 215.82, F.S., relating to validation of bonds;
66 | conforming a cross-reference; amending s. 216.0152, F.S.,
67 | relating to inventory of facilities; updating terminology;
68 | amending s. 216.251, F.S., relating to salary
69 | appropriations; deleting reference to the State Board of
70 | Education with respect to State University System
71 | positions; adding the Board of Governors' designee;
72 | amending s. 220.15, F.S., relating to apportionment of
73 | adjusted federal income; updating terminology; amending s.
74 | 250.10, F.S.; providing duties of the Board of Governors
75 | in cooperation with the Adjutant General and the State
76 | Board of Education; amending s. 253.381, F.S., relating to
77 | the sale of unsurveyed marshlands; deleting reference to
78 | the State Board of Education; amending s. 255.02, F.S.,
79 | relating to boards authorized to replace buildings
80 | destroyed by fire; deleting obsolete terminology; amending
81 | s. 255.043, F.S., relating to art in state buildings;
82 | deleting obsolete terminology; amending s. 255.102, F.S.;
83 | requiring the Board of Governors to collaborate in the
84 | adoption of rules for contractor compliance with minority

85 business participation; amending s. 280.02, F.S.; revising
86 definition of "public deposit" to include moneys of a
87 state university; amending s. 286.001, F.S., relating to
88 statutorily required reports; updating terminology;
89 amending s. 287.064, F.S., relating to consolidated
90 financing of deferred-payment purchases; conforming a
91 cross-reference; amending s. 287.155, F.S., relating to
92 purchase of motor vehicles; updating terminology; amending
93 s. 288.15, F.S.; adding the Board of Governors to the list
94 of entities authorized to cooperate with the Division of
95 Bond Finance; amending s. 288.17, F.S., relating to
96 revenue certificates; updating terminology; amending s.
97 288.705, F.S.; updating terminology; amending s. 288.7091,
98 F.S.; requiring the Florida Black Business Investment
99 Board to develop memoranda of understanding with the Board
100 of Governors; amending s. 288.8175, F.S.; requiring a
101 linkage institute to be governed by an agreement between
102 the Board of Governors and the State Board of Education;
103 amending s. 295.07, F.S., relating to preference in
104 appointment and retention for veterans; including certain
105 equivalent positions; amending s. 320.08058, F.S.,
106 relating to specialty license plates; updating
107 terminology; amending s. 334.065, F.S.; updating
108 terminology; amending s. 377.705, F.S.; updating
109 terminology; amending s. 381.79, F.S., relating to the
110 Brain and Spinal Cord Injury Program Trust Fund; updating
111 terminology; amending s. 388.43, F.S.; updating
112 terminology; amending s. 403.073, F.S., relating to

113 | pollution prevention; updating terminology; amending s.
114 | 403.074, F.S., relating to technical assistance by the
115 | Department of Environmental Protection; updating
116 | terminology; amending s. 409.908, F.S., relating to
117 | reimbursement of Medicaid providers; updating terminology;
118 | amending s. 413.051, F.S., relating to blind persons
119 | eligible to operate vending stands; updating terminology;
120 | amending s. 447.203, F.S.; designating the Board of
121 | Governors, or the board's designee, as the public employer
122 | and legislative body with respect to public employees of
123 | state universities; revising definition of "legislative
124 | body" to conform; amending s. 455.2125, F.S., relating to
125 | adoption of changes to training requirements; updating
126 | terminology; amending s. 456.028, F.S., relating to
127 | adoption of changes to training requirements; updating
128 | terminology; amending s. 464.0196, F.S., relating to nurse
129 | educator appointments; prescribing appointing authorities
130 | for the Florida Center for Nursing board; amending s.
131 | 489.103, F.S., relating to exemptions for purposes of
132 | construction contracting; updating terminology; amending
133 | s. 489.503, F.S., relating to exemptions for purposes of
134 | electrical and alarm system contracting; updating
135 | terminology; amending s. 553.71, F.S., relating to
136 | definitions for purposes of the Florida Building Code;
137 | conforming terminology relating to education boards;
138 | amending ss. 627.06281 and 627.06292, F.S., relating to
139 | hurricane loss data; updating terminology; amending s.
140 | 633.01, F.S., relating to the State Fire Marshal;

141 conforming cross-references; amending s. 650.03, F.S.,
142 relating to federal-state agreement; updating terminology;
143 amending s. 943.1755, F.S., relating to the Florida
144 Criminal Justice Executive Institute; updating
145 terminology; amending s. 1000.01, F.S.; providing for
146 certain transfers; amending s. 1000.03, F.S., relating to
147 the function, mission, and goals of the Florida K-20
148 education system; deleting duplicative provisions;
149 limiting oversight authority over state university matters
150 to the Board of Governors; amending s. 1000.05, F.S.;
151 assigning responsibilities for implementation of equal
152 opportunity policies to the Commissioner of Education and
153 State Board of Education and to the Board of Governors;
154 limiting the functions of the Office of Equal Educational
155 Opportunity to those relating to school districts and
156 community colleges; amending s. 1000.21, F.S.; defining
157 "Board of Governors" as used in the education code;
158 amending s. 1001.02, F.S.; revising powers and duties of
159 the State Board of Education to include working in
160 consultation with the Board of Governors on certain
161 matters; providing for exceptions; prohibiting the State
162 Board of Education from amending a specified budget
163 request; prohibiting amendment of certain fixed capital
164 outlay lists; deleting certain responsibilities relating
165 to state universities; revising reporting requirements
166 relating to financial aid; conforming provisions; amending
167 s. 1001.03, F.S.; providing exceptions regarding State
168 Board of Education enforcement authority; requiring

169 working in conjunction with the Board of Governors on
170 certain matters; deleting State Board of Education review
171 of state university academic programs; amending s.
172 1001.10, F.S.; providing duties of the Commissioner of
173 Education relating to expenditures of the Board of
174 Governors in the K-20 budget; revising reporting
175 requirements; amending s. 1001.11, F.S.; requiring annual
176 reporting by the Commissioner of Education; requiring the
177 Commissioner of Education to work with the Board of
178 Governors for allocation of funds for qualified
179 postsecondary projects; amending s. 1001.20, F.S.;
180 transferring responsibilities regarding determination of
181 need for investigations of state universities by the
182 Office of Inspector General; amending s. 1001.28, F.S.;
183 providing that Department of Education distance learning
184 duties do not alter duties of the Board of Governors;
185 amending s. 1001.64, F.S., relating to powers and duties
186 of community college boards of trustees; conforming a
187 cross-reference; amending s. 1001.70, F.S.; providing
188 authority of the Board of Governors; authorizing travel
189 and per diem; creating s. 1001.706, F.S., relating to
190 powers and duties of the Board of Governors; providing for
191 rulemaking; providing powers and duties relating to
192 organization and operation of state universities, finance,
193 accountability, personnel, property, compliance with laws
194 and rules, and cooperation with other education boards;
195 prohibiting assessment of a fee on universities; amending
196 s. 1001.71, F.S.; providing that the university boards of

197 trustees are part of the executive branch of state
198 government; deleting certain board member requirements;
199 amending s. 1001.72, F.S., relating to university boards
200 of trustees acting as corporations; amending s. 1001.73,
201 F.S., relating to university boards acting as trustees;
202 transferring responsibilities of the State Board of
203 Education to the Board of Governors; subjecting agreements
204 to requirements for the issuance of bonds and debt;
205 amending s. 1001.74, F.S.; revising powers and duties of
206 university boards of trustees relating to general
207 provisions for responsibility, organization and operation
208 of state universities, finance, accountability, personnel,
209 property, and compliance with laws and rules; amending s.
210 1002.35, F.S.; requiring the State Board of Education to
211 work in conjunction with the Board of Governors regarding
212 assignment of a university partner to the New World School
213 of the Arts; updating terminology; amending s. 1002.41,
214 F.S., relating to home education programs; conforming
215 provisions; amending s. 1004.03, F.S.; transferring
216 responsibilities for approval of new programs at state
217 universities from the State Board of Education to the
218 Board of Governors; amending s. 1004.04, F.S., relating to
219 accountability and approval for teacher preparation
220 programs; including the Board of Governors as a report
221 recipient; amending s. 1004.07, F.S., relating to student
222 withdrawal from courses due to military service; providing
223 for rules by the State Board of Education and Board of
224 Governors; amending s. 1004.21, F.S.; removing legislative

225 | intent regarding state universities; providing that state
226 | universities are part of the executive branch of state
227 | government and administered by a board of trustees;
228 | amending s. 1004.22, F.S., relating to divisions of
229 | sponsored research at state universities; providing for
230 | guidelines of the Board of Governors; transferring
231 | responsibilities from the State Board of Education to the
232 | Board of Governors; amending s. 1004.24, F.S.; transferring
233 | responsibilities relating to securing liability insurance
234 | from the State Board of Education to the Board of
235 | Governors or the board's designee; amending s. 1004.28,
236 | F.S.; transferring responsibilities relating to duties of
237 | direct-support organizations from the State Board of
238 | Education to the Board of Governors; defining "property";
239 | providing for rules; subjecting certain agreements to
240 | requirements for issuance of bonds and debt; amending s.
241 | 1004.29, F.S.; transferring responsibilities relating to
242 | university health services support organizations from the
243 | State Board of Education to the Board of Governors;
244 | providing for rules; amending s. 1004.35, F.S.; including
245 | the Board of Governors in consultations regarding
246 | coordination of course offerings; amending s. 1004.36,
247 | F.S.; transferring responsibilities relating to
248 | comprehensive master plans from the State Board of
249 | Education to the Board of Governors; amending s. 1004.39,
250 | F.S.; transferring responsibilities relating to the
251 | college of law at Florida International University from
252 | the State Board of Education to the Board of Governors;

253 deleting obsolete provisions; amending s. 1004.40, F.S.;
254 transferring responsibilities relating to the college of
255 law at Florida Agricultural and Mechanical University from
256 the State Board of Education to the Board of Governors;
257 deleting obsolete provisions; amending s. 1004.41, F.S.,
258 relating to the J. Hillis Miller Health Center at the
259 University of Florida; authorizing the University of
260 Florida Board of Trustees to utilize certain revenues;
261 amending s. 1004.43, F.S.; transferring responsibilities
262 relating to the H. Lee Moffitt Cancer Center and Research
263 Institute from the State Board of Education to the Board
264 of Governors; amending s. 1004.435, F.S.; transferring
265 responsibilities relating to cancer control from the State
266 Board of Education to the Board of Governors; revising
267 membership of the Florida Cancer Control and Research
268 Council; amending s. 1004.445, F.S.; transferring
269 responsibilities relating to the Johnnie B. Byrd, Sr.,
270 Alzheimer's Center and Research Institute from the State
271 Board of Education to the Board of Governors; amending s.
272 1004.447, F.S.; requiring annual reporting to the Board of
273 Governors; amending s. 1004.47, F.S.; updating terminology
274 relating to solid and hazardous waste management research;
275 amending s. 1004.58, F.S.; including the Board of
276 Governors as a report recipient; providing for the
277 Chancellor of the State University System to serve as a
278 member of the board and to staff the board; amending s.
279 1005.03, F.S., relating to the designation "college" or
280 "university"; deleting obsolete terminology; amending s.

281 1005.06, F.S., relating to institutions not under the
282 jurisdiction of the Commission for Independent Education;
283 deleting obsolete terminology; amending s. 1005.22, F.S.;
284 removing an obsolete reference; amending s. 1006.53, F.S.;
285 removing references to State Board of Education rules for
286 religious observances; amending s. 1006.60, F.S.;
287 including rules of the Board of Governors relating to
288 codes of conduct; amending s. 1006.61, F.S.; including
289 policies of the Board of Governors relating to disruptive
290 student activities; amending s. 1006.62, F.S.; including
291 rules of the Board of Governors relating to expulsion and
292 discipline of students; amending s. 1006.65, F.S.;
293 requiring the Board of Governors to adopt rules for state
294 universities relating to safety issues; amending s.
295 1006.71, F.S., relating to gender equity in
296 intercollegiate athletics; transferring responsibilities
297 relating to state universities from the Commissioner of
298 Education and State Board of Education to the Chancellor
299 of the State University System and Board of Governors;
300 adding the Legislature to the list of recipients of annual
301 assessments; amending s. 1007.01, F.S.; requiring
302 recommendations to the Legislature relating to
303 articulation; amending s. 1007.22, F.S.; encouraging
304 boards to establish programs to maximize articulation;
305 amending s. 1007.23, F.S.; requiring the State Board of
306 Education in consultation with the Board of Governors to
307 establish in rule a statewide articulation agreement;
308 revising provisions relating to admissions; amending s.

309 | 1007.24, F.S., relating to the statewide course numbering
 310 | system; requiring the Commissioner of Education in
 311 | conjunction with the chancellor, to perform certain
 312 | duties; requiring the Department of Education in
 313 | conjunction with the Board of Governors to perform certain
 314 | duties; requiring the State Board of Education to approve
 315 | course level with input from the Board of Governors;
 316 | amending s. 1007.25, F.S., relating to general education
 317 | courses, common prerequisites, and other degree
 318 | requirements; transferring responsibilities relating to
 319 | state universities from the State Board of Education to
 320 | the Board of Governors; amending s. 1007.2615, F.S.,
 321 | relating to acceptance of American Sign Language credits
 322 | as foreign language credits; conforming provisions;
 323 | amending s. 1007.262, F.S., relating to foreign language
 324 | competence and equivalence determinations; conforming
 325 | provisions; providing an exemption; amending s. 1007.264,
 326 | F.S., relating to admission of impaired and learning
 327 | disabled persons to postsecondary educational
 328 | institutions; transferring responsibilities relating to
 329 | state universities from the State Board of Education to
 330 | the Board of Governors; providing for consultation between
 331 | Board of Governors and State Board of Education; amending
 332 | s. 1007.265, F.S., relating to graduation, study program
 333 | admission, and upper-division entry for impaired and
 334 | learning disabled persons; transferring responsibilities
 335 | relating to state universities from the State Board of
 336 | Education to the Board of Governors; providing for

337 | consultation between Board of Governors and State Board of
338 | Education; amending s. 1007.27, F.S., relating to
339 | articulated acceleration mechanisms and the statewide
340 | articulation agreement; conforming provisions; deleting
341 | obsolete provisions; amending s. 1007.28, F.S.;
342 | transferring requirement for establishment and maintenance
343 | of a computer-assisted student advising system from the
344 | State Board of Education to the Department of Education in
345 | conjunction with the Board of Governors; requiring the
346 | State Board of Education and the Board of Governors to
347 | specify roles and responsibilities relating to the system;
348 | amending s. 1007.33, F.S., relating to site-determined
349 | baccalaureate degree access; conforming provisions;
350 | amending s. 1008.29, F.S., relating to the college-level
351 | communication and mathematics skills examination (CLAST);
352 | requiring the State Board of Education in conjunction with
353 | the Board of Governors to establish minimum passing scores
354 | and identify coursework to satisfy testing requirements;
355 | authorizing the Board of Governors to set certain
356 | examination fees; amending s. 1008.30, F.S., relating to
357 | common placement testing; requiring public postsecondary
358 | educational institutions to provide certain modifications
359 | for students with disabilities; requiring the State Board
360 | of Education in conjunction with the Board of Governors to
361 | implement the common placement test and specify certain
362 | college-preparatory requirements; amending s. 1008.32,
363 | F.S.; limiting State Board of Education oversight
364 | enforcement authority to school districts and community

365 colleges and their respective boards; amending s.
366 1008.345, F.S.; conforming provisions relating to
367 implementation of the state system of school improvement
368 and education accountability; requiring State Board of
369 Education and Board of Governors approval of CLAST skills
370 and certain assessments; including the Board of Governors
371 as a recipient of certain information; amending s.
372 1008.37, F.S., relating to postsecondary feedback of
373 information to high schools; removing State Board of
374 Education rulemaking; requiring the Commissioner of
375 Education to report to the Board of Governors; amending s.
376 1008.38, F.S., relating to the articulation accountability
377 process; requiring the State Board of Education in
378 conjunction with the Board of Governors to establish an
379 articulation accountability process; amending s. 1008.45,
380 F.S., relating to the community college accountability
381 process; conforming provisions; amending s. 1008.46, F.S.;
382 transferring responsibilities relating to the state
383 university accountability process from the State Board of
384 Education to the Board of Governors; amending s. 1009.01,
385 F.S.; revising definition of "out-of-state fee"; amending
386 s. 1009.21, F.S., relating to determination of resident
387 status for tuition purposes; modifying State Board of
388 Education rulemaking; authorizing rulemaking by the Board
389 of Governors; amending s. 1009.24, F.S.; revising
390 provisions relating to state university tuition and fees;
391 providing guidelines and requirements for the
392 establishment of fees; updating terminology; providing

393 that a state university may not charge any fee except as
394 specifically authorized by law; amending s. 1009.26, F.S.;
395 transferring responsibilities relating to state university
396 fee waivers from the State Board of Education to the Board
397 of Governors; authorizing university boards of trustees to
398 waive tuition and out-of-state fees under certain
399 conditions; amending s. 1009.27, F.S., relating to
400 deferral of fees; removing State Board of Education
401 rulemaking; amending s. 1009.285, F.S., relating to fees
402 for repeated enrollment in college-credit courses;
403 deleting reference to definitions and fee levels
404 established by the State Board of Education; amending s.
405 1009.29, F.S., relating to increased fees for funding
406 financial aid programs; correcting a reference; amending
407 s. 1009.40, F.S., relating to general requirements for
408 student eligibility for state financial aid; conforming
409 provisions relating to tuition assistance grants; amending
410 s. 1009.90, F.S.; including the Board of Governors with
411 respect to Department of Education duties relating to
412 student financial aid; amending s. 1009.91, F.S.;
413 requiring state university student loan information to be
414 reported annually to the Board of Governors; amending s.
415 1009.971, F.S., relating to the Florida Prepaid College
416 Board; updating terminology; amending s. 1010.01, F.S.,
417 relating to uniform records and accounts; transferring
418 responsibilities relating to state universities from the
419 State Board of Education to the Board of Governors;
420 requiring a uniform classification of accounts; requiring

421 state universities to file financial statements; amending
 422 s. 1010.011, F.S.; revising a definition for purposes of
 423 financial matters; amending s. 1010.02, F.S., relating to
 424 financial accounting and expenditure; transferring
 425 responsibilities relating to state universities from the
 426 State Board of Education to the Board of Governors;
 427 amending s. 1010.04, F.S., relating to purchasing;
 428 transferring responsibilities relating to state
 429 universities from the State Board of Education to the
 430 Board of Governors; amending s. 1010.07, F.S., relating to
 431 bonds and insurance; transferring responsibilities
 432 relating to state universities from the State Board of
 433 Education to the Board of Governors; amending s. 1010.09,
 434 F.S., relating to direct-support organizations;
 435 transferring responsibilities relating to state
 436 universities from the State Board of Education to the
 437 Board of Governors; amending s. 1010.30, F.S., relating to
 438 audits; transferring supervision of state universities
 439 from the State Board of Education to the Board of
 440 Governors; amending s. 1011.01, F.S.; transferring budget
 441 responsibilities relating to state universities from the
 442 State Board of Education to the Board of Governors;
 443 requiring coordination; amending s. 1011.011, F.S.;
 444 requiring the State Board of Education in conjunction with
 445 the Board of Governors to submit legislative capital
 446 outlay budget requests for state universities; amending s.
 447 1011.40, F.S.; transferring state university budget
 448 responsibilities from the State Board of Education to the

449 Board of Governors; amending s. 1011.41, F.S.; requiring
450 compliance with certain tuition and fee policies for
451 receipt of state university appropriations; amending s.
452 1011.4106, F.S.; providing requirements for the
453 expenditure of tuition and fee revenues from local
454 accounts; providing for deposit into the State Treasury
455 under certain conditions; amending s. 1011.411, F.S.,
456 relating to budgets for sponsored research at
457 universities; conforming a cross-reference; amending s.
458 1011.48, F.S.; transferring responsibilities for
459 educational research centers for child development from
460 the State Board of Education to the Board of Governors;
461 amending s. 1011.82, F.S., relating to requirements for
462 participation in the Community College Program Fund;
463 conforming a cross-reference; amending s. 1011.90, F.S.;
464 transferring state university funding responsibilities
465 from the State Board of Education to the Board of
466 Governors; amending s. 1011.91, F.S.; transferring certain
467 responsibilities relating to additional appropriations;
468 amending s. 1012.01, F.S.; limiting definitions for
469 purposes of personnel; amending s. 1012.80, F.S.;
470 transferring responsibilities relating to employee
471 disruptive activities at state universities from the State
472 Board of Education to the Board of Governors; amending s.
473 1012.801, F.S., relating to State University System
474 employees; updating terminology; amending s. 1012.93,
475 F.S.; authorizing evaluation of faculty proficiency in
476 English through a test approved by the Board of Governors;

477 amending s. 1012.98, F.S.; deleting obsolete provisions
478 relating to professional development programs; amending s.
479 1013.01, F.S.; excluding the Board of Governors from the
480 definition of "board" for purposes of educational
481 facilities; amending s. 1013.02, F.S.; transferring
482 rulemaking authority relating to state university
483 educational facilities from the State Board of Education
484 to the Board of Governors; amending s. 1013.03, F.S.;
485 providing functions of the Board of Governors relating to
486 state university educational facilities; revising
487 provisions relating to submission of data; deleting
488 obsolete provisions; amending s. 1013.11, F.S.; providing
489 for the Chancellor of the State University System to
490 receive reports; amending s. 1013.12, F.S.; requiring
491 state university firesafety inspections to comply with
492 rules of the Board of Governors; revising recipients of an
493 annual report; amending s. 1013.15, F.S.; subjecting lease
494 or lease-purchase agreements to requirements for issuance
495 of bonds and debt; amending s. 1013.16, F.S.; subjecting
496 leases executed by a university board of trustees to
497 requirements for issuance of bonds and debt; amending s.
498 1013.17, F.S.; transferring responsibilities relating to
499 university leasing in affiliated research and development
500 parks from the State Board of Education to the Board of
501 Governors; subjecting leases to requirements for issuance
502 of bonds and debt; amending s. 1013.171, F.S.; authorizing
503 each university board of trustees to enter into certain
504 lease agreements; transferring systemwide strategic plan

505 adoption responsibilities from the State Board of
506 Education to the Board of Governors; subjecting agreements
507 to requirements for issuance of bonds and debt; amending
508 s. 1013.19, F.S.; subjecting certain contracts executed by
509 a university board of trustees to requirements for the
510 issuance of bonds and debt; amending s. 1013.25, F.S.;
511 requiring approval of the Administration Commission to
512 exercise the power of eminent domain; amending s. 1013.28,
513 F.S.; requiring state university disposal of property
514 according to rules of the Board of Governors or the Board
515 of Trustees for the Florida School for the Deaf and the
516 Blind; amending s. 1013.31, F.S.; providing Department of
517 Education duties relating to educational plant surveys and
518 PECO funding; removing State Board of Education
519 rulemaking; updating terminology and making technical
520 changes; providing duties of the Chancellor of the State
521 University System; requiring approval of state university
522 educational plant surveys by the Board of Governors;
523 amending s. 1013.46, F.S.; deleting State Board of
524 Education rulemaking for prequalification of bidders;
525 amending s. 1013.47, F.S.; including rules of the Board of
526 Governors with respect to contracts for construction of
527 educational facilities; amending s. 1013.52, F.S.;
528 requiring the Board of Governors' or the Chancellor of the
529 State University System's review and approval for state
530 university joint-use facilities proposals; amending s.
531 1013.60, F.S.; requiring that state university capital
532 outlay budget request information approved by the Board of

533 | Governors be submitted to the Commissioner of Education;
534 | amending s. 1013.64, F.S.; requiring the Board of
535 | Governors to submit a 3-year priority list for
536 | universities; transferring responsibilities for state
537 | university funds for comprehensive educational plant needs
538 | from the State Board of Education to the Board of
539 | Governors; amending s. 1013.65, F.S.; requiring copies of
540 | capital outlay allocations to be provided to the Board of
541 | Governors; amending s. 1013.74, F.S.; deleting a cross-
542 | reference; transferring responsibilities relating to state
543 | university fixed capital outlay projects from the State
544 | Board of Education to the Board of Governors; subjecting
545 | projects to requirements for issuance of bonds and debt;
546 | amending s. 1013.78, F.S.; providing an exception relating
547 | to legislative approval for university-related facility
548 | acquisitions; repealing s. 186.805, F.S., relating to the
549 | Data Bank on Older Floridians; repealing s. 1004.54, F.S.,
550 | relating to the Learning Development and Evaluation
551 | Center; repealing s. 741.03055, F.S., relating to review
552 | of premarital preparation courses, pilot programs, and
553 | questionnaire and curriculum; repealing s. 741.03056,
554 | F.S., relating to an informational questionnaire;
555 | repealing s. 1001.75, F.S., relating to powers and duties
556 | of state university presidents; repealing s. 1007.261,
557 | F.S., relating to state university admission of students;
558 | repealing s. 1007.31, F.S., relating to limited access
559 | programs; repealing s. 1007.32, F.S., relating to transfer
560 | students; repealing s. 1008.51, F.S., relating to the

561 Council for Education Policy Research and Improvement;
 562 repealing s. 1011.4105, F.S., relating to transition from
 563 the state accounting system (FLAIR) to the university
 564 accounting system; repealing s. 1012.92, F.S., relating to
 565 personnel codes of conduct, disciplinary measures, and
 566 rulemaking authority; repealing s. 1012.94, F.S., relating
 567 to evaluations of faculty members; repealing s. 1012.95,
 568 F.S., relating to university employment equity
 569 accountability programs; providing an effective date.

570

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

572

573 Section 1. Paragraph (a) of subsection (1) of section
 574 20.055, Florida Statutes, is amended to read:

575 20.055 Agency inspectors general.--

576 (1) For the purposes of this section:

577 (a) "State agency" means each department created pursuant
 578 to this chapter, and also includes the Executive Office of the
 579 Governor, the Department of Military Affairs, the Fish and
 580 Wildlife Conservation Commission, the Office of Insurance
 581 Regulation of the Financial Services Commission, the Office of
 582 Financial Regulation of the Financial Services Commission, the
 583 Public Service Commission, the Board of Governors of the State
 584 University System, and the state courts system.

585 Section 2. Paragraphs (d) and (e) of subsection (3) of
 586 section 20.15, Florida Statutes, are redesignated as paragraphs
 587 (c) and (d), respectively, present paragraph (c) of that
 588 subsection and subsections (5) and (7) are amended, and

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589 subsection (8) is added to that section, to read:

590 20.15 Department of Education.--There is created a
591 Department of Education.

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

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

595 (5) POWERS AND DUTIES.--The State Board of Education and
596 the Commissioner of Education, in consultation with the Board of
597 Governors of the State University System, the Commission for
598 Independent Education, and other education entities, shall
599 assign to the divisions such powers, duties, responsibilities,
600 and functions as are necessary to ensure the greatest possible
601 coordination, efficiency, and effectiveness of education for
602 students in K-20 education.

603 (7) BOARDS.--Notwithstanding anything contained in law to
604 the contrary, all members of the ~~university and~~ community
605 college boards of trustees must be appointed according to
606 chapter 1001.

607 (8) SUPPORT SERVICES.--The Department of Education shall
608 continue to provide support to the Board of Governors of the
609 State University System. At a minimum, support services provided
610 to the Board of Governors shall include accounting, printing,
611 computer and Internet support, personnel and human resources
612 support, support for accountability initiatives, and
613 administrative support as needed for trust funds under the
614 jurisdiction of the Board of Governors.

615 Section 3. Section 20.155, Florida Statutes, is created to
616 read:

617 20.155 Board of Governors of the State University
 618 System.--
 619 (1) GENERAL PROVISIONS.--The Board of Governors of the
 620 State University System is established by the State Constitution
 621 under s. 7, Art. IX and, accordingly, is granted rights and
 622 privileges equal to those of departments established under this
 623 chapter while preserving the Board of Governors' constitutional
 624 designation and title.
 625 (2) HEAD OF THE BOARD.--The head of the Board of Governors
 626 is the board with members appointed by the Governor as provided
 627 for in s. 7, Art. IX of the State Constitution.
 628 (3) PERSONNEL.--The Board of Governors may appoint a
 629 Chancellor to aid the board in the implementation of its
 630 responsibilities.
 631 (4) POWERS AND DUTIES.--
 632 (a) The Board of Governors shall operate, regulate,
 633 control, and be responsible for the management of the whole
 634 State University System in accordance with s. 7, Art. IX of the
 635 State Constitution and law.
 636 (b) The Board of Governors, in exercising its authority
 637 under the State Constitution and statutes, shall do so in a
 638 manner that supports, promotes, and enhances all of the
 639 following:
 640 1. Affordable access to postsecondary educational
 641 opportunities for Florida residents.
 642 2. Articulation among state universities and with public
 643 schools and other postsecondary educational institutions.
 644 3. Fiscal responsibility.

645 4. Accountability.
 646 (5) OFFICE OF INSPECTOR GENERAL.--An Office of Inspector
 647 General shall be organized using existing resources and funds to
 648 promote accountability, efficiency, and effectiveness and to
 649 detect fraud and abuse within state universities. If the Board
 650 of Governors determines that a state university board of
 651 trustees is unwilling or unable to address substantiated
 652 allegations made by any person relating to waste, fraud, or
 653 financial mismanagement, the office shall conduct, coordinate,
 654 or request investigations into substantiated allegations made by
 655 any person relating to waste, fraud, or financial mismanagement
 656 within a state university. The office shall have access to all
 657 information and personnel necessary to perform its duties and
 658 shall have all of its current powers, duties, and
 659 responsibilities authorized in s. 20.055.

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

662 23.21 Definitions.--For purposes of this part:

663 (1) "Department" means a principal administrative unit
 664 within the executive branch of state government, as defined in
 665 chapter 20, and includes the State Board of Administration, the
 666 Executive Office of the Governor, the Fish and Wildlife
 667 Conservation Commission, the Parole Commission, the Agency for
 668 Health Care Administration, ~~the Board of Regents,~~ the State
 669 Board of Education Community Colleges, the Board of Governors of
 670 the State University System, the Justice Administrative
 671 Commission, the capital collateral regional counsel, and
 672 separate budget entities placed for administrative purposes

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673 within a department.

674 Section 5. Paragraph (a) of subsection (6) of section
675 110.131, Florida Statutes, is amended to read:

676 110.131 Other-personal-services temporary employment.--

677 (6) (a) The provisions of subsections (2), (3), and (4) do
678 not apply to any employee for whom the Board of Governors of the
679 State University System, or the board's designee, Regents or the
680 Board of Trustees of the Florida School for the Deaf and the
681 Blind is the employer as defined in s. 447.203(2); except that,
682 for purposes of subsection (5), the Board of Trustees of the
683 Florida School for the Deaf and the Blind shall comply with the
684 recordkeeping and reporting requirements adopted by the
685 department pursuant to subsection (3) with respect to those
686 other-personal-services employees exempted by this subsection.

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

689 110.181 Florida State Employees' Charitable Campaign.--

690 (5) PARTICIPATION OF STATE UNIVERSITIES.--Each university
691 may elect to participate in the Florida State Employees'
692 Charitable Campaign, upon timely notice to the department. Each
693 university may also conduct annual charitable fundraising drives
694 for employees under the authority granted in ss. 1001.706 and ~~ss.~~
695 ~~1001.74(19)~~.

696 Section 7. Paragraphs (e), (f), and (g) of subsection (13)
697 of section 112.0455, Florida Statutes, are redesignated as
698 paragraphs (d), (e), and (f), respectively, and paragraph (d) of
699 that subsection is amended to read:

700 112.0455 Drug-Free Workplace Act.--

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701 (13) RULES.--

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

704
 705 This section shall not be construed to eliminate the bargainable
 706 rights as provided in the collective bargaining process where
 707 applicable.

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

710 112.19 Law enforcement, correctional, and correctional
 711 probation officers; death benefits.--

712 (5) The State Board Department of Education and the Board
 713 of Governors, as appropriate, shall adopt rules and procedures
 714 as are necessary to implement the educational benefits
 715 provisions of this section.

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

718 112.191 Firefighters; death benefits.--

719 (5) The State Board Department of Education and the Board
 720 of Governors, as appropriate, shall adopt rules and procedures
 721 as are necessary to implement the educational benefits
 722 provisions of this section.

723 Section 10. Paragraph (a) of subsection (9) of section
 724 112.313, Florida Statutes, is amended to read:

725 112.313 Standards of conduct for public officers,
 726 employees of agencies, and local government attorneys.--

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

729 (a)1. It is the intent of the Legislature to implement by
 730 statute the provisions of s. 8(e), Art. II of the State
 731 Constitution relating to legislators, statewide elected
 732 officers, appointed state officers, and designated public
 733 employees.

734 2. As used in this paragraph:

735 a. "Employee" means:

736 (I) Any person employed in the executive or legislative
 737 branch of government holding a position in the Senior Management
 738 Service as defined in s. 110.402 or any person holding a
 739 position in the Selected Exempt Service as defined in s. 110.602
 740 or any person having authority over policy or procurement
 741 employed by the Department of the Lottery.

742 (II) The Auditor General, the director of the Office of
 743 Program Policy Analysis and Government Accountability, the
 744 Sergeant at Arms and Secretary of the Senate, and the Sergeant
 745 at Arms and Clerk of the House of Representatives.

746 (III) The executive director of the Legislative Committee
 747 on Intergovernmental Relations and the executive director and
 748 deputy executive director of the Commission on Ethics.

749 (IV) An executive director, staff director, or deputy
 750 staff director of each joint committee, standing committee, or
 751 select committee of the Legislature; an executive director,
 752 staff director, executive assistant, analyst, or attorney of the
 753 Office of the President of the Senate, the Office of the Speaker
 754 of the House of Representatives, the Senate Majority Party
 755 Office, Senate Minority Party Office, House Majority Party
 756 Office, or House Minority Party Office; or any person, hired on

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757 a contractual basis, having the power normally conferred upon
758 such persons, by whatever title.

759 (V) The Chancellor and Vice Chancellors of the State
760 University System; the general counsel to the Board of Governors
761 of the State University System Regents; and the president,
762 provost, vice presidents, and deans of each state university.

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

766 b. "Appointed state officer" means any member of an
767 appointive board, commission, committee, council, or authority
768 of the executive or legislative branch of state government whose
769 powers, jurisdiction, and authority are not solely advisory and
770 include the final determination or adjudication of any personal
771 or property rights, duties, or obligations, other than those
772 relative to its internal operations.

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

776 3. No member of the Legislature, appointed state officer,
777 or statewide elected officer shall personally represent another
778 person or entity for compensation before the government body or
779 agency of which the individual was an officer or member for a
780 period of 2 years following vacation of office. No member of the
781 Legislature shall personally represent another person or entity
782 for compensation during his or her term of office before any
783 state agency other than judicial tribunals or in settlement
784 negotiations after the filing of a lawsuit.

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785 4. An agency employee, including an agency employee who
786 was employed on July 1, 2001, in a Career Service System
787 position that was transferred to the Selected Exempt Service
788 System under chapter 2001-43, Laws of Florida, may not
789 personally represent another person or entity for compensation
790 before the agency with which he or she was employed for a period
791 of 2 years following vacation of position, unless employed by
792 another agency of state government.

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

797 6. This paragraph is not applicable to:

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

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

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

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

809 e. Any appointed state officer whose term of office began
810 before January 1, 1995, unless reappointed to that office on or
811 after January 1, 1995.

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

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813 112.3135, Florida Statutes, is amended to read:
 814 112.3135 Restriction on employment of relatives.--
 815 (1) In this section, unless the context otherwise
 816 requires:
 817 (a) "Agency" means:
 818 1. A state agency, except an institution under the
 819 jurisdiction of the Board of Governors of the State University
 820 System ~~Division of Universities of the Department of Education;~~
 821 2. An office, agency, or other establishment in the
 822 legislative branch;
 823 3. An office, agency, or other establishment in the
 824 judicial branch;
 825 4. A county;
 826 5. A city; and
 827 6. Any other political subdivision of the state, except a
 828 district school board or community college district.
 829 Section 12. Paragraph (c) of subsection (1) of section
 830 112.3145, Florida Statutes, is amended to read:
 831 112.3145 Disclosure of financial interests and clients
 832 represented before agencies.--
 833 (1) For purposes of this section, unless the context
 834 otherwise requires, the term:
 835 (c) "State officer" means:
 836 1. Any elected public officer, excluding those elected to
 837 the United States Senate and House of Representatives, not
 838 covered elsewhere in this part and any person who is appointed
 839 to fill a vacancy for an unexpired term in such an elective
 840 office.

841 2. An appointed member of each board, commission,
842 authority, or council having statewide jurisdiction, excluding a
843 member of an advisory body.

844 3. A member of the Board of Governors of the State
845 University System or a state university board of trustees
846 ~~Regents~~, the Chancellor and Vice Chancellors of the State
847 University System, and the president of a state university.

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

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

852 120.52 Definitions.--As used in this act:

853 (1) "Agency" means:

854 (b) Each:

855 1. State officer and state department, and each
856 departmental unit described in s. 20.04.

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

858 3. Board, including the Board of Governors of the State
859 University System and a state university board of trustees when
860 acting pursuant to statutory authority derived from the
861 Legislature.

862 4. Commission, including the Commission on Ethics and the
863 Fish and Wildlife Conservation Commission when acting pursuant
864 to statutory authority derived from the Legislature.

865 5. Regional planning agency.

866 6. Multicounty special district with a majority of its
867 governing board comprised of nonelected persons.

868 7. Educational units.

869 8. Entity described in chapters 163, 373, 380, and 582 and
870 s. 186.504.

871
872 This definition does not include any legal entity or agency
873 created in whole or in part pursuant to chapter 361, part II,
874 any metropolitan planning organization created pursuant to s.
875 339.175, any separate legal or administrative entity created
876 pursuant to s. 339.175 of which a metropolitan planning
877 organization is a member, an expressway authority pursuant to
878 chapter 348, any legal or administrative entity created by an
879 interlocal agreement pursuant to s. 163.01(7), unless any party
880 to such agreement is otherwise an agency as defined in this
881 subsection, or any multicounty special district with a majority
882 of its governing board comprised of elected persons; however,
883 this definition shall include a regional water supply authority.

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

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

890 120.65 Administrative law judges.--

891 (11) The division shall be reimbursed for administrative
892 law judge services and travel expenses by the following
893 entities: water management districts, regional planning
894 councils, school districts, community colleges, the Division of
895 Community Colleges, state universities, the Board of Governors
896 of the State University System, the State Board of Education,

897 the Florida School for the Deaf and the Blind, and the
 898 Commission for Independent Education. These entities shall
 899 contract with the division to establish a contract rate for
 900 services and provisions for reimbursement of administrative law
 901 judge travel expenses and video teleconferencing expenses
 902 attributable to hearings conducted on behalf of these entities.
 903 The contract rate must be based on a total-cost-recovery
 904 methodology.

905 Section 15. Paragraph (b) of subsection (22) of section
 906 121.021, Florida Statutes, is amended to read:

907 121.021 Definitions.--The following words and phrases as
 908 used in this chapter have the respective meanings set forth
 909 unless a different meaning is plainly required by the context:

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

913 (b) Under no circumstances shall compensation include:

914 1. Fees paid professional persons for special or
 915 particular services or include salary payments made from a
 916 faculty practice plan authorized by the Board of Governors of
 917 the State University System ~~operated by rule of the Board of~~
 918 ~~Regents~~ for eligible clinical faculty at a state university with
 919 a faculty practice plan ~~the University of Florida and the~~
 920 ~~University of South Florida~~; or

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

924 Section 16. Paragraphs (b) and (d) of subsection (2) and

925 paragraphs (a) and (b) of subsection (6) of section 121.35,
 926 Florida Statutes, are amended to read:

927 121.35 Optional retirement program for the State
 928 University System.--

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

930 (b) For purposes of this section, both the appointees and
 931 employees are referred to as "employees," and the "employer" of
 932 an appointee or employee is the individual institution within
 933 the State University System or the Board of Governors of the
 934 State University System ~~State Board of Education~~, whichever is
 935 appropriate with respect to the particular employee or
 936 appointee.

937 (d) For purposes of this section, the authority granted to
 938 the Board of Governors of the State University System ~~State~~
 939 ~~Board of Education~~ may be exercised by the Board of Governors or
 940 by the Chancellor of the State University System ~~Division of~~
 941 ~~Colleges and Universities~~.

942 (6) ADMINISTRATION OF PROGRAM.--

943 (a) The optional retirement program authorized by this
 944 section shall be administered by the department. The department
 945 shall adopt rules establishing the responsibilities of the ~~State~~
 946 ~~Board of Education~~ and institutions in the State University
 947 System in administering the optional retirement program. The
 948 Board of Regents ~~State Board of Education~~ shall, no more than 90
 949 days after July 1, 1983, submit to the department its
 950 recommendations for the contracts to be offered by the companies
 951 chosen by the department. Effective July 1, 2001, the State
 952 Board of Education shall submit to the department its

953 recommendations for the contracts to be offered by the companies
 954 chosen by the department. Effective July 1, 2007, the Board of
 955 Governors of the State University System shall submit
 956 recommendations on contracts within 90 days after request by the
 957 department. The recommendations of the board shall include the
 958 following:

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

961 2. The suitability of the rights and benefits to the needs
 962 of the participants and the interests of the institutions in the
 963 recruitment and retention of eligible employees.

964 (b) After receiving and considering the recommendations of
 965 the Board of Governors of the State University System ~~State~~
 966 ~~Board of Education~~, the department shall designate no more than
 967 five companies from which contracts may be purchased under the
 968 program and shall approve the form and content of the optional
 969 retirement program contracts. Any domestic company that has been
 970 designated as of July 1, 2005, shall be included in the five
 971 companies until expiration of its existing contract with the
 972 department. The domestic company may assign its contract with
 973 the department to an affiliated qualified company that is wholly
 974 owned by the domestic company's parent company and has assumed
 975 100 percent of the responsibility for the contracts purchased
 976 from the domestic company.

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

979 159.703 Creation of research and development
 980 authorities.--

981 (1) Subject to the provisions of this part, each county or
 982 group of counties may create by ordinance a local governmental
 983 body as a public body corporate and politic to be known as
 984 " _____ Research and Development Authority," hereafter referred
 985 to as "authority" or "authorities." Each of the authorities is
 986 constituted as a public instrumentality for the purposes of
 987 development, operation, management, and financing of a research
 988 and development park, and the exercise by an authority of the
 989 powers conferred by ss. 159.701-159.7095 shall be deemed and
 990 held to be the performance of an essential public purpose and
 991 function. However, no authority created on or after July 1, 2007
 992 ~~July 7, 1988~~, shall transact any business or exercise any power
 993 hereunder until and unless the Board of Governors of the State
 994 University System Board of Regents has designated the authority
 995 pursuant to the requirements of s. 159.704.

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

998 159.704 Designation by Board of Governors of the State
 999 University System Board of Regents; procedure.--

1000 (1) The authority shall prepare and submit to the Board of
 1001 Governors of the State University System Board of Regents a
 1002 petition requesting that the authority be designated a research
 1003 and development authority.

1004 (3) Upon approval of the petition and designation as a
 1005 research and development authority by the Board of Governors of
 1006 the State University System Board of Regents, the authority
 1007 shall be empowered to transact any business and exercise any
 1008 power authorized by ss. 159.701-159.7095 for the purposes set

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1009 out in such sections.

1010 Section 19. Section 159.706, Florida Statutes, is amended
1011 to read:

1012 159.706 Grandfather clause.--Each county designated as a
1013 research and development authority on June 30, 1979, or
1014 designated by the Board of Regents as a research and development
1015 authority prior to July 1, 2001, shall be entitled to continue
1016 to be designated and shall be accorded all powers conferred to
1017 designated authorities by ss. 159.701-159.7095, except that any
1018 authority not constituted and designated under the provisions of
1019 ss. 159.701-159.7095 shall be prohibited from exercising any
1020 power to issue revenue bonds or other debt obligations pursuant
1021 to s. 159.705(6) and (7).

1022 Section 20. Paragraph (b) of subsection (2) of section
1023 211.3103, Florida Statutes, is amended to read:

1024 211.3103 Levy of tax on severance of phosphate rock; rate,
1025 basis, and distribution of tax.--

1026 (2) Beginning July 1, 2003, the proceeds of all taxes,
1027 interest, and penalties imposed under this section shall be paid
1028 into the State Treasury as follows:

1029 (b) The remaining revenues collected from the tax during
1030 that fiscal year, after the required payment under paragraph
1031 (a), shall be paid into the State Treasury as follows:

1032 1. For payment to counties in proportion to the number of
1033 tons of phosphate rock produced from a phosphate rock matrix
1034 located within such political boundary, 18.75 percent. The
1035 department shall distribute this portion of the proceeds
1036 annually based on production information reported by the

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1037 producers on the annual returns for the taxable year. Any such
 1038 proceeds received by a county shall be used only for phosphate-
 1039 related expenses.

1040 2. For payment to counties that have been designated a
 1041 rural area of critical economic concern pursuant to s. 288.0656
 1042 in proportion to the number of tons of phosphate rock produced
 1043 from a phosphate rock matrix located within such political
 1044 boundary, 15 percent. The department shall distribute this
 1045 portion of the proceeds annually based on production information
 1046 reported by the producers on the annual returns for the taxable
 1047 year.

1048 3. To the credit of the Phosphate Research Trust Fund in
 1049 the Department of Education, ~~Division of Universities~~, 11.25
 1050 percent.

1051 4. To the credit of the Minerals Trust Fund, 11.25
 1052 percent.

1053 5. To the credit of the Nonmandatory Land Reclamation
 1054 Trust Fund, 43.75 percent.

1055 Section 21. Subsection (2) of section 215.16, Florida
 1056 Statutes, is amended to read:

1057 215.16 Appropriations from General Revenue Fund for public
 1058 schools, state institutions of higher learning, and community
 1059 colleges; reduction.--

1060 (2) If the state appropriations from the General Revenue
 1061 Fund for the benefit of the uniform system of public free
 1062 schools, state institutions of higher learning, and community
 1063 colleges cannot be paid in full during any given year, they
 1064 shall be diminished only in the same proportion that

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1065 appropriations for all other purposes from the General Revenue
 1066 Fund are diminished during such year. Additionally, any funding
 1067 reductions to public free schools, state institutions of higher
 1068 learning, and community colleges shall be diminished in
 1069 proportions identical to one another. For the purpose of
 1070 implementing this section, general revenue funds exclude the
 1071 administrative budgets of the Board of Governors and the
 1072 Department of Education. ~~provided for public free schools, state~~
 1073 ~~institutions of higher learning, and community colleges shall be~~
 1074 ~~restricted to general revenue funds appropriated for the~~
 1075 ~~Division of Public Schools and Community Education, the Division~~
 1076 ~~of Workforce Development, the Division of Universities,~~
 1077 ~~excluding the general office of the Board of Regents, and the~~
 1078 ~~Division of Community Colleges, excluding the division office.~~

1079 Section 22. Paragraph (b) of subsection (2) of section
 1080 215.32, Florida Statutes, is amended to read:

1081 215.32 State funds; segregation.--

1082 (2) The source and use of each of these funds shall be as
 1083 follows:

1084 (b)1. The trust funds shall consist of moneys received by
 1085 the state which under law or under trust agreement are
 1086 segregated for a purpose authorized by law. The state agency or
 1087 branch of state government receiving or collecting such moneys
 1088 shall be responsible for their proper expenditure as provided by
 1089 law. Upon the request of the state agency or branch of state
 1090 government responsible for the administration of the trust fund,
 1091 the Chief Financial Officer may establish accounts within the
 1092 trust fund at a level considered necessary for proper

1093 | accountability. Once an account is established within a trust
 1094 | fund, the Chief Financial Officer may authorize payment from
 1095 | that account only upon determining that there is sufficient cash
 1096 | and releases at the level of the account.

1097 | 2. In addition to other trust funds created by law, to the
 1098 | extent possible, each agency shall use the following trust funds
 1099 | as described in this subparagraph for day-to-day operations:

1100 | a. Operations or operating trust fund, for use as a
 1101 | depository for funds to be used for program operations funded by
 1102 | program revenues, with the exception of administrative
 1103 | activities when the operations or operating trust fund is a
 1104 | proprietary fund.

1105 | b. Operations and maintenance trust fund, for use as a
 1106 | depository for client services funded by third-party payors.

1107 | c. Administrative trust fund, for use as a depository for
 1108 | funds to be used for management activities that are departmental
 1109 | in nature and funded by indirect cost earnings and assessments
 1110 | against trust funds. Proprietary funds are excluded from the
 1111 | requirement of using an administrative trust fund.

1112 | d. Grants and donations trust fund, for use as a
 1113 | depository for funds to be used for allowable grant or donor
 1114 | agreement activities funded by restricted contractual revenue
 1115 | from private and public nonfederal sources.

1116 | e. Agency working capital trust fund, for use as a
 1117 | depository for funds to be used pursuant to s. 216.272.

1118 | f. Clearing funds trust fund, for use as a depository for
 1119 | funds to account for collections pending distribution to lawful
 1120 | recipients.

1121 g. Federal grant trust fund, for use as a depository for
 1122 funds to be used for allowable grant activities funded by
 1123 restricted program revenues from federal sources.

1124
 1125 To the extent possible, each agency must adjust its internal
 1126 accounting to use existing trust funds consistent with the
 1127 requirements of this subparagraph. If an agency does not have
 1128 trust funds listed in this subparagraph and cannot make such
 1129 adjustment, the agency must recommend the creation of the
 1130 necessary trust funds to the Legislature no later than the next
 1131 scheduled review of the agency's trust funds pursuant to s.
 1132 215.3206.

1133 3. All such moneys are hereby appropriated to be expended
 1134 in accordance with the law or trust agreement under which they
 1135 were received, subject always to the provisions of chapter 216
 1136 relating to the appropriation of funds and to the applicable
 1137 laws relating to the deposit or expenditure of moneys in the
 1138 State Treasury.

1139 4.a. Notwithstanding any provision of law restricting the
 1140 use of trust funds to specific purposes, unappropriated cash
 1141 balances from selected trust funds may be authorized by the
 1142 Legislature for transfer to the Budget Stabilization Fund and
 1143 General Revenue Fund in the General Appropriations Act.

1144 b. This subparagraph does not apply to trust funds
 1145 required by federal programs or mandates; trust funds
 1146 established for bond covenants, indentures, or resolutions whose
 1147 revenues are legally pledged by the state or public body to meet
 1148 debt service or other financial requirements of any debt

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1149 obligations of the state or any public body; the State
 1150 Transportation Trust Fund; the trust fund containing the net
 1151 annual proceeds from the Florida Education Lotteries; the
 1152 Florida Retirement System Trust Fund; trust funds under the
 1153 management of the State Board of Education or the Board of
 1154 Governors of the State University System, where such trust funds
 1155 are for auxiliary enterprises, self-insurance, and contracts,
 1156 grants, and donations, as those terms are defined by general
 1157 law; trust funds that serve as clearing funds or accounts for
 1158 the Chief Financial Officer or state agencies; trust funds that
 1159 account for assets held by the state in a trustee capacity as an
 1160 agent or fiduciary for individuals, private organizations, or
 1161 other governmental units; and other trust funds authorized by
 1162 the State Constitution.

1163 Section 23. Subsection (4) of section 215.559, Florida
 1164 Statutes, is amended to read:

1165 215.559 Hurricane Loss Mitigation Program.--

1166 (4) Of moneys provided to the Department of Community
 1167 Affairs in paragraph (2)(a), 10 percent shall be allocated to
 1168 the Florida International University ~~a Type I center within the~~
 1169 ~~State University System~~ dedicated to hurricane research. The
 1170 ~~Type I~~ center shall develop a preliminary work plan approved by
 1171 the advisory council set forth in subsection (5) ~~(6)~~ to
 1172 eliminate the state and local barriers to upgrading existing
 1173 mobile homes and communities, research and develop a program for
 1174 the recycling of existing older mobile homes, and support
 1175 programs of research and development relating to hurricane loss
 1176 reduction devices and techniques for site-built residences. The

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1177 State University System also shall consult with the Department
 1178 of Community Affairs and assist the department with the report
 1179 required under subsection (7) ~~(8)~~.

1180 Section 24. Subsection (2) of section 215.82, Florida
 1181 Statutes, is amended to read:

1182 215.82 Validation; when required.--

1183 (2) Any bonds issued pursuant to this act which are
 1184 validated shall be validated in the manner provided by chapter
 1185 75. In actions to validate bonds to be issued in the name of the
 1186 State Board of Education under s. 9(a) and (d), Art. XII of the
 1187 State Constitution and bonds to be issued pursuant to chapter
 1188 259, the Land Conservation Act of 1972, the complaint shall be
 1189 filed in the circuit court of the county where the seat of state
 1190 government is situated, the notice required to be published by
 1191 s. 75.06 shall be published only in the county where the
 1192 complaint is filed, and the complaint and order of the circuit
 1193 court shall be served only on the state attorney of the circuit
 1194 in which the action is pending. In any action to validate bonds
 1195 issued pursuant to s. 1010.62 ~~ss. 1010.61-1010.619~~ or issued
 1196 pursuant to s. 9(a)(1), Art. XII of the State Constitution or
 1197 issued pursuant to s. 215.605 or s. 338.227, the complaint shall
 1198 be filed in the circuit court of the county where the seat of
 1199 state government is situated, the notice required to be
 1200 published by s. 75.06 shall be published in a newspaper of
 1201 general circulation in the county where the complaint is filed
 1202 and in two other newspapers of general circulation in the state,
 1203 and the complaint and order of the circuit court shall be served
 1204 only on the state attorney of the circuit in which the action is

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1205 pending; provided, however, that if publication of notice
 1206 pursuant to this section would require publication in more
 1207 newspapers than would publication pursuant to s. 75.06, such
 1208 publication shall be made pursuant to s. 75.06.

1209 Section 25. Subsection (1) of section 216.0152, Florida
 1210 Statutes, is amended to read:

1211 216.0152 Inventory of state-owned facilities or state-
 1212 occupied facilities.--

1213 (1) The Department of Management Services shall develop
 1214 and maintain an automated inventory of all facilities owned,
 1215 leased, rented, or otherwise occupied or maintained by any
 1216 agency of the state or by the judicial branch, except those with
 1217 less than 3,000 square feet. The inventory shall include the
 1218 location, occupying agency, ownership, size, condition
 1219 assessment, maintenance record, age, parking and employee
 1220 facilities, and other information as required by the department
 1221 for determining maintenance needs and life-cycle cost
 1222 evaluations of the facility. The inventory need not include a
 1223 condition assessment or maintenance record of facilities not
 1224 owned by a state agency or by the judicial branch. The term
 1225 "facility," as used in this section, means buildings,
 1226 structures, and building systems, but does not include
 1227 transportation facilities of the state transportation system.
 1228 The Department of Transportation shall develop and maintain an
 1229 inventory of transportation facilities of the state
 1230 transportation system. The Board of Governors of the State
 1231 University System and Regents and the Division of Community
 1232 Colleges of the Department of Education, respectively, shall

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1233 develop and maintain an inventory, in the manner prescribed by
 1234 the Department of Management Services, of all state university
 1235 and community college ~~higher education~~ facilities and shall make
 1236 the data available in a format acceptable to the Department of
 1237 Management Services.

1238 Section 26. Paragraph (a) of subsection (2) of section
 1239 216.251, Florida Statutes, is amended to read:

1240 216.251 Salary appropriations; limitations.--

1241 (2)(a) The salary for each position not specifically
 1242 indicated in the appropriations acts shall be as provided in one
 1243 of the following subparagraphs:

1244 1. Within the classification and pay plans provided for in
 1245 chapter 110.

1246 2. Within the classification and pay plans established by
 1247 the Board of Trustees for the Florida School for the Deaf and
 1248 the Blind of the Department of Education and approved by the
 1249 State Board of Education for academic and academic
 1250 administrative personnel.

1251 3. Within the classification and pay plan approved and
 1252 administered by the ~~State Board of Education and the~~ Board of
 1253 Governors, or a designee of the board, for those positions in
 1254 the State University System.

1255 4. Within the classification and pay plan approved by the
 1256 President of the Senate and the Speaker of the House of
 1257 Representatives, as the case may be, for employees of the
 1258 Legislature.

1259 5. Within the approved classification and pay plan for the
 1260 judicial branch.

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1261 Section 27. Paragraph (c) of subsection (2) and paragraph
 1262 (c) of subsection (4) of section 220.15, Florida Statutes, are
 1263 amended to read:

1264 220.15 Apportionment of adjusted federal income.--

1265 (2) The property factor is a fraction the numerator of
 1266 which is the average value of the taxpayer's real and tangible
 1267 personal property owned or rented and used in this state during
 1268 the taxable year or period and the denominator of which is the
 1269 average value of such property owned or rented and used
 1270 everywhere.

1271 (c) The property factor fraction shall not include any
 1272 real or tangible personal property located in this state with
 1273 respect to which it is certified to the Department of Revenue
 1274 that such property is dedicated exclusively to research and
 1275 development activities performed pursuant to sponsored research
 1276 contracts conducted in conjunction with and through a university
 1277 that is a member of the State University System or a nonpublic
 1278 university that is chartered in Florida and conducts graduate
 1279 programs at the professional or doctoral level. The Board of
 1280 Governors of the State University System ~~Board of Regents~~ must
 1281 certify the contracts for members of the State University
 1282 System, and the president of the university must certify the
 1283 contracts for a nonpublic university. As used in this paragraph,
 1284 "sponsored research contract" means an agreement executed by
 1285 parties that include at least the university and the taxpayer.
 1286 Funding for sponsored research contracts may be provided from
 1287 public or private sources.

1288 (4) The payroll factor is a fraction the numerator of

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1289 | which is the total amount paid in this state during the taxable
 1290 | year or period by the taxpayer for compensation and the
 1291 | denominator of which is the total compensation paid everywhere
 1292 | during the taxable year or period.

1293 | (c) The payroll factor fraction shall not include any
 1294 | compensation paid to any employee located in this state when it
 1295 | is certified to the Department of Revenue that such compensation
 1296 | was paid to employees dedicated exclusively to research and
 1297 | development activities performed pursuant to sponsored research
 1298 | contracts conducted in conjunction with and through a university
 1299 | that is a member of the State University System or a nonpublic
 1300 | university that is chartered in Florida and conducts graduate
 1301 | programs at the professional or doctoral level. The Board of
 1302 | Governors of the State University System ~~Board of Regents~~ must
 1303 | certify the contracts for members of the State University
 1304 | System, and the president of the university must certify the
 1305 | contracts for a nonpublic university. As used in this paragraph,
 1306 | "sponsored research contract" means an agreement executed by
 1307 | parties that include at least the university and the taxpayer.
 1308 | Funding for sponsored research contracts may be provided from
 1309 | public or private sources.

1310 | Section 28. Subsection (7) of section 250.10, Florida
 1311 | Statutes, is amended to read:

1312 | 250.10 Appointment and duties of the Adjutant General.--

1313 | (7) The Adjutant General, the Board of Governors of the
 1314 | State University System, and the State Board of Education shall
 1315 | develop education assistance programs for members in good
 1316 | standing of the active Florida National Guard who enroll in a

1317 public institution of higher learning in the state.

1318 (a) The programs shall set forth application requirements,
1319 including, but not limited to, requirements that the applicant:

1320 1. Be 17 years of age or older.

1321 2. Be presently domiciled in the state.

1322 3. Be a member in good standing in the active Florida
1323 National Guard at the beginning of and throughout the entire
1324 academic term for which benefits are received.

1325 4. Maintain continuous satisfactory participation in the
1326 active Florida National Guard for any school term for which
1327 exemption benefits are received.

1328 5. Upon enrollment in a program specified in subsection
1329 (8) or subsection (9), complete a memorandum of agreement to
1330 comply with the rules of the program and serve in the active
1331 Florida National Guard for 3 years after completion of the
1332 studies for which an exemption is granted or tuition and fees
1333 are paid.

1334 (b) The programs shall define those members of the active
1335 Florida National Guard who are ineligible to participate in the
1336 program and those courses of study which are not authorized for
1337 the program.

1338 1. Such members include, but are not limited to:

1339 a. Any member, commissioned officer, warrant officer, or
1340 enlisted person who has a baccalaureate degree.

1341 b. Any member who has 15 years or more of total military
1342 service creditable toward retirement.

1343 c. Any member who has not completed basic military
1344 training.

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1345 2. Courses not authorized include noncredit courses,
 1346 courses that do not meet degree requirements, or courses that do
 1347 not meet requirements for completion of career training.

1348 (c) The Adjutant General, together with the Board of
 1349 Governors of the State University System and the State Board of
 1350 Education, shall adopt rules for the overall policy, guidance,
 1351 administration, implementation, and proper utilization of the
 1352 program. Such rules must include, but not be limited to,
 1353 guidelines for certification by the Adjutant General of a guard
 1354 member's eligibility, procedures for notification to an
 1355 institution of a guard member's termination of eligibility, and
 1356 procedures for restitution when a guard member fails to comply
 1357 with the penalties described in this section.

1358 Section 29. Section 253.381, Florida Statutes, is amended
 1359 to read:

1360 253.381 Unsurveyed marshlands; sale to upland owners.--The
 1361 Board of Trustees of the Internal Improvement Trust Fund of the
 1362 state is ~~and the State Board of Education~~ are hereby authorized
 1363 to make sales of unsurveyed marshlands to record owners of
 1364 uplands which have been surveyed by the United States, and to
 1365 make equitable divisions of unsurveyed marsh areas and
 1366 allocations of the same for sales with due respect to upland
 1367 ownership, sales heretofore made, natural divisions of the
 1368 unsurveyed marshes which are indicated by the general courses of
 1369 water channels within or across the unsurveyed marshes and to
 1370 other topographical features of the affected areas.

1371 Section 30. Section 255.02, Florida Statutes, is amended
 1372 to read:

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1373 255.02 Boards authorized to replace buildings destroyed by
 1374 fire.--The Department of Management Services,~~the Board of~~
 1375 ~~Regents of the Department of Education,~~ or any other board or
 1376 person having the direct supervision and control of any state
 1377 building or state property,~~may have rebuilt or replaced, out of~~
 1378 the proceeds from the fire insurance on such buildings or
 1379 property, any buildings or property owned by the state, which
 1380 may be destroyed in whole or in part by fire.

1381 Section 31. Subsection (2) of section 255.043, Florida
 1382 Statutes, is amended to read:

1383 255.043 Art in state buildings.--

1384 (2) The Department of Management Services,~~the Board of~~
 1385 ~~Regents,~~ or other state agencies receiving appropriations for
 1386 original constructions shall notify the Florida Arts Council and
 1387 the user agency of any construction project which is eligible
 1388 under the provisions of this section. The Department of
 1389 Management Services,~~the Board of Regents,~~ or other state agency
 1390 shall determine the amount to be made available for purchase or
 1391 commission of works of art for each project and shall report
 1392 these amounts to the Florida Arts Council and the user agency.
 1393 Payments therefor shall be made from funds appropriated for
 1394 fixed capital outlay according to law.

1395 Section 32. Subsection (2) of section 255.102, Florida
 1396 Statutes, is amended to read:

1397 255.102 Contractor utilization of minority business
 1398 enterprises.--

1399 (2) The Office of Supplier Diversity, in collaboration
 1400 with the Board of Governors of the State University System,

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1401 shall adopt rules to determine what is a "good faith effort" for
1402 purposes of contractor compliance with minority participation
1403 goals established for competitively awarded building and
1404 construction projects. Pro forma efforts shall not be considered
1405 good faith. Factors which shall be considered by the state
1406 agency in determining whether a contractor has made good faith
1407 efforts shall include, but not be limited to:

1408 (a) Whether the contractor attended any presolicitation or
1409 prebid meetings that were scheduled by the agency to inform
1410 minority business enterprises of contracting and subcontracting
1411 opportunities.

1412 (b) Whether the contractor advertised in general
1413 circulation, trade association, or minority-focus media
1414 concerning the subcontracting opportunities.

1415 (c) Whether the contractor provided written notice to all
1416 relevant subcontractors listed on the minority vendor list for
1417 that locality and statewide as provided by the agency as of the
1418 date of issuance of the invitation to bid, that their interest
1419 in the contract was being solicited in sufficient time to allow
1420 the minority business enterprises to participate effectively.

1421 (d) Whether the contractor followed up initial
1422 solicitations of interest by contacting minority business
1423 enterprises, the Office of Supplier Diversity, or minority
1424 persons who responded and provided detailed information about
1425 prebid meetings, access to plans, specifications, contractor's
1426 project manager, subcontractor bonding, if any, payment
1427 schedule, bid addenda, and other assistance provided by the
1428 contractor to enhance minority business enterprise

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1429 participation.

1430 (e) Whether the contractor selected portions of the work
1431 to be performed by minority business enterprises in order to
1432 increase the likelihood of meeting the minority business
1433 enterprise procurement goals, including, where appropriate,
1434 breaking down contracts into economically feasible units to
1435 facilitate minority business enterprise participation under
1436 reasonable and economical conditions of performance.

1437 (f) Whether the contractor provided the Office of Supplier
1438 Diversity as well as interested minority business enterprises or
1439 minority persons with adequate information about the plans,
1440 specifications, and requirements of the contract or the
1441 availability of jobs at a time no later than when such
1442 information was provided to other subcontractors.

1443 (g) Whether the contractor negotiated in good faith with
1444 interested minority business enterprises or minority persons,
1445 not rejecting minority business enterprises or minority persons
1446 as unqualified without sound reasons based on a thorough
1447 investigation of their capabilities or imposing implausible
1448 conditions of performance on the contract.

1449 (h) Whether the contractor diligently seeks to replace a
1450 minority business enterprise subcontractor that is unable to
1451 perform successfully with another minority business enterprise.

1452 (i) Whether the contractor effectively used the services
1453 of available minority community organizations; minority
1454 contractors' groups; local, state, and federal minority business
1455 assistance offices; and other organizations that provide
1456 assistance in the recruitment and placement of minority business

1457 enterprises or minority persons.

1458 Section 33. Subsection (23) of section 280.02, Florida
 1459 Statutes, is amended to read:

1460 280.02 Definitions.--As used in this chapter, the term:

1461 (23) "Public deposit" means the moneys of the state or of
 1462 any state university, county, school district, community college
 1463 district, special district, metropolitan government, or
 1464 municipality, including agencies, boards, bureaus, commissions,
 1465 and institutions of any of the foregoing, or of any court, and
 1466 includes the moneys of all county officers, including
 1467 constitutional officers, that are placed on deposit in a bank,
 1468 savings bank, or savings association and for which the bank,
 1469 savings bank, or savings association is required to maintain
 1470 reserves. This includes, but is not limited to, time deposit
 1471 accounts, demand deposit accounts, and nonnegotiable
 1472 certificates of deposit. Moneys in deposit notes and in other
 1473 nondeposit accounts such as repurchase or reverse repurchase
 1474 operations are not public deposits. Securities, mutual funds,
 1475 and similar types of investments are not considered public
 1476 deposits and shall not be subject to the provisions of this
 1477 chapter.

1478 Section 34. Section 286.001, Florida Statutes, is amended
 1479 to read:

1480 286.001 Reports statutorily required; filing, maintenance,
 1481 retrieval, and provision of copies.--

1482 (1) Unless otherwise specifically provided by law, any
 1483 agency or officer of the executive, legislative, or judicial
 1484 branches of state government, the State Board of Education, the

1485 Board of Governors of the State University System ~~Community~~
 1486 ~~Colleges, the Board of Regents,~~ or the Public Service Commission
 1487 required or authorized by law to make reports regularly or
 1488 periodically shall fulfill such requirement by filing an
 1489 abstract of the report with the statutorily or administratively
 1490 designated recipients of the report and an abstract and one copy
 1491 of the report with the Division of Library and Information
 1492 Services of the Department of State, unless the head of the
 1493 reporting entity makes a determination that the additional cost
 1494 of providing the entire report to the statutorily or
 1495 administratively designated recipients is justified. A one-page
 1496 summary justifying the determination shall be submitted to the
 1497 chairs of the governmental operations committees of both houses
 1498 of the Legislature. The abstract of the contents of such report
 1499 shall be no more than one-half page in length. The actual report
 1500 shall be retained by the reporting agency or officer, and copies
 1501 of the report shall be provided to interested parties and the
 1502 statutorily or administratively designated recipients of the
 1503 report upon request.

1504 (2) With respect to reports statutorily required of
 1505 agencies or officers within the executive, legislative, or
 1506 judicial branches of state government, the State Board of
 1507 Education, the Board of Governors of the State University System
 1508 ~~Community Colleges, the Board of Regents,~~ or the Public Service
 1509 Commission, it is the duty of the division, in addition to its
 1510 duties under s. 257.05, to:

1511 (a) Regularly compile and update bibliographic information
 1512 on such reports for distribution as provided in paragraph (b).

1513 Such bibliographic information may be included in the
 1514 bibliographies prepared by the division pursuant to s.
 1515 257.05(3)(c).

1516 (b) Provide for at least quarterly distribution of
 1517 bibliographic information on reports to:

1518 1. Agencies and officers within the executive,
 1519 legislative, and judicial branches of state government, the
 1520 State Board of Education, the Board of Governors of the State
 1521 University System ~~Community Colleges~~, the Board of Regents, and
 1522 the Public Service Commission, free of charge; and

1523 2. Other interested parties upon request properly made and
 1524 upon payment of the actual cost of duplication pursuant to s.
 1525 119.07(1).

1526 (3) As soon as practicable, the administrative head of
 1527 each executive, legislative, or judicial agency and each agency
 1528 of the State Board of Education, the Board of Governors of the
 1529 State University System ~~Community Colleges~~, the Board of
 1530 ~~Regents~~, and the Public Service Commission required by law to
 1531 make reports periodically shall ensure that those reports are
 1532 created, stored, managed, updated, retrieved, and disseminated
 1533 through electronic means.

1534 (4) Nothing in this section shall be construed to waive or
 1535 modify the requirement in s. 257.05(2) pertaining to the
 1536 provision of copies of public documents to the division.

1537 Section 35. Subsection (1) of section 287.064, Florida
 1538 Statutes, is amended to read:

1539 287.064 Consolidated financing of deferred-payment
 1540 purchases.--

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1541 (1) The Division of Bond Finance of the State Board of
1542 Administration and the Chief Financial Officer shall plan and
1543 coordinate deferred-payment purchases made by or on behalf of
1544 the state or its agencies or by or on behalf of state
1545 universities or state community colleges participating under
1546 this section pursuant to s. 1001.74(6) ~~s. 1001.74(5)~~ or s.
1547 1001.64(26), respectively. The Division of Bond Finance shall
1548 negotiate and the Chief Financial Officer shall execute
1549 agreements and contracts to establish master equipment financing
1550 agreements for consolidated financing of deferred-payment,
1551 installment sale, or lease purchases with a financial
1552 institution or a consortium of financial institutions. As used
1553 in this act, the term "deferred-payment" includes installment
1554 sale and lease-purchase.

1555 (a) The period during which equipment may be acquired
1556 under any one master equipment financing agreement shall be
1557 limited to not more than 3 years.

1558 (b) Repayment of the whole or a part of the funds drawn
1559 pursuant to the master equipment financing agreement may
1560 continue beyond the period established pursuant to paragraph
1561 (a).

1562 (c) The interest rate component of any master equipment
1563 financing agreement shall be deemed to comply with the interest
1564 rate limitation imposed in s. 287.063 so long as the interest
1565 rate component of every interagency, state university, or
1566 community college agreement entered into under such master
1567 equipment financing agreement complies with the interest rate
1568 limitation imposed in s. 287.063. Such interest rate limitation

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1569 does not apply when the payment obligation under the master
 1570 equipment financing agreement is rated by a nationally
 1571 recognized rating service in any one of the three highest
 1572 classifications, which rating services and classifications are
 1573 determined pursuant to rules adopted by the Chief Financial
 1574 Officer.

1575 Section 36. Subsection (1) of section 287.155, Florida
 1576 Statutes, is amended to read:

1577 287.155 Motor vehicles; purchase by ~~Division of~~
 1578 ~~Universities,~~ Department of Children and Family Services, Agency
 1579 for Persons with Disabilities, Department of Health, Department
 1580 of Juvenile Justice, and Department of Corrections.--

1581 (1) ~~The Division of Universities of the Department of~~
 1582 ~~Education,~~ the Department of Children and Family Services, the
 1583 Agency for Persons with Disabilities, the Department of Health,
 1584 the Department of Juvenile Justice, and the Department of
 1585 Corrections may, subject to the approval of the Department of
 1586 Management Services, purchase automobiles, trucks, tractors, and
 1587 other automotive equipment for the use of institutions under the
 1588 management of the ~~Division of Universities,~~ the Department of
 1589 Children and Family Services, the Agency for Persons with
 1590 Disabilities, the Department of Health, and the Department of
 1591 Corrections, and for the use of residential facilities managed
 1592 or contracted by the Department of Juvenile Justice.

1593 Section 37. Paragraph (d) of subsection (5) of section
 1594 288.15, Florida Statutes, is amended to read:

1595 288.15 Powers of Division of Bond Finance.--There is
 1596 hereby granted to and vested in the Division of Bond Finance of

1597 the State Board of Administration the power, right, franchise,
 1598 and authority:

1599 (5) In order to carry out the objectives and purposes of
 1600 this chapter, the division is authorized to acquire, own,
 1601 construct, operate, maintain, improve, and extend public
 1602 buildings, facilities, or works within the state which are of
 1603 the character hereinafter specifically mentioned. All public
 1604 buildings, facilities, and works which the division is
 1605 authorized to own, construct, operate, and maintain must be such
 1606 as can ultimately be owned and operated by an agency,
 1607 department, board, bureau, or commission of the state. All or
 1608 any such buildings, facilities, or works may be of a revenue-
 1609 producing character in order that the cost of the same or some
 1610 part of improvements or extensions thereto may be paid from
 1611 receipts therefrom, including in Tallahassee only rentals,
 1612 leases, and sales to both public and nonpublic agencies through
 1613 the issue and sales or disposition of revenue bonds, notes, or
 1614 certificates of the division. The buildings, facilities, and
 1615 works which the division is hereby authorized to acquire,
 1616 construct, operate, maintain, improve, and extend are:

1617 (d) Public buildings, facilities, and additions or
 1618 improvements to existing buildings and facilities for ultimate
 1619 use in connection with any of the several state institutions,
 1620 departments, bureaus, boards, or commissions; and, in
 1621 furtherance of this paragraph, the Department of Management
 1622 Services, the Board of Governors of the State University System,
 1623 and the State Board of Education are authorized to cooperate
 1624 with the Division of Bond Finance and to do and perform all acts

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1625 and things necessary thereto. Any property acquired by the
 1626 Division of Bond Finance under the provisions of this chapter
 1627 may ultimately be conveyed to the state free and clear of all
 1628 debt or other encumbrance.

1629 Section 38. Section 288.17, Florida Statutes, is amended
 1630 to read:

1631 288.17 Revenue certificates.--The Division of Bond Finance
 1632 of the State Board of Administration is authorized to issue
 1633 interest-bearing revenue certificates for construction of all
 1634 state buildings approved by the Legislature in its appropriation
 1635 acts and requested by the Department of Management Services or
 1636 by the Board of Governors of the State University System ~~Board~~
 1637 ~~of Regents~~.

1638 Section 39. Section 288.705, Florida Statutes, is amended
 1639 to read:

1640 288.705 Statewide contracts register.--All state agencies
 1641 shall in a timely manner provide the Florida Small Business
 1642 Development Center Procurement System, ~~a Type I center of the~~
 1643 ~~State University System funded as provided in Pub. L. No. 96-~~
 1644 ~~302, as amended,~~ with all formal solicitations for contractual
 1645 services, supplies, and commodities. The Small Business
 1646 Development Center shall coordinate with Minority Business
 1647 Development Centers to compile and distribute such information
 1648 to Florida small and minority businesses requesting such service
 1649 for the period of time necessary to familiarize the business
 1650 with the market represented by state agencies. On or before
 1651 February 1 of each year, the Small Business Development Center
 1652 shall report to the Department of Labor and Employment Security

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1653 on utilization of the statewide contracts register. Such report
 1654 shall include, but not be limited to, information relating to:

1655 (1) The total number of solicitations received from state
 1656 agencies during the calendar year.

1657 (2) The number of solicitations received from each state
 1658 agency during the calendar year.

1659 (3) The method of distributing solicitation information to
 1660 those businesses requesting such service.

1661 (4) The total number of businesses using the service.

1662 (5) The percentage of businesses using the service which
 1663 are owned and controlled by minorities.

1664 Section 40. Subsection (7) of section 288.7091, Florida
 1665 Statutes, is amended to read:

1666 288.7091 Duties of the Florida Black Business Investment
 1667 Board, Inc.--The Florida Black Business Investment Board, Inc.,
 1668 shall:

1669 (7) Develop memoranda of understanding with the
 1670 Departments of Education, Transportation, Community Affairs, and
 1671 Management Services, as well as with Workforce Florida, Inc.,
 1672 the Board of Governors of the State University System, and the
 1673 State Board of Education, detailing efforts of common interest
 1674 and collaborations to expand black business development;

1675 Section 41. Subsection (3) of section 288.8175, Florida
 1676 Statutes, is amended to read:

1677 288.8175 Linkage institutes between postsecondary
 1678 institutions in this state and foreign countries.--

1679 (3) Each institute must be governed by an agreement,
 1680 ~~approved by the department,~~ between the Board of Governors of

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1681 the State University System for a state university and the State
 1682 Board of Education for a community college ~~Florida Community~~
 1683 ~~College System~~ with the counterpart organization in a foreign
 1684 country. Each institute must report to the department regarding
 1685 its program activities, expenditures, and policies.

1686 Section 42. Paragraph (a) of subsection (4) of section
 1687 295.07, Florida Statutes, is amended to read:

1688 295.07 Preference in appointment and retention.--

1689 (4) The following positions are exempt from this section:

1690 (a) Those positions that are exempt from the state Career
 1691 Service System under s. 110.205(2); however, all positions under
 1692 the University Support Personnel System of the State University
 1693 System as well as all Career Service System positions under the
 1694 Florida Community College System and the School for the Deaf and
 1695 the Blind, or the equivalent of such positions at state
 1696 universities, community colleges, or the School for the Deaf and
 1697 the Blind, are included.

1698 Section 43. Paragraph (b) of subsection (3) of section
 1699 320.08058, Florida Statutes, is amended to read:

1700 320.08058 Specialty license plates.--

1701 (3) COLLEGIATE LICENSE PLATES.--

1702 (b) A collegiate plate annual use fee is to be distributed
 1703 to the state or independent university foundation designated by
 1704 the purchaser for deposit in an unrestricted account. The Board
 1705 of Governors of the State University System ~~Board of Regents~~
 1706 shall require each state university to submit a plan for
 1707 approval of the expenditure of all funds so designated. These
 1708 funds may be used only for academic enhancement, including

1709 | scholarships and private fundraising activities.

1710 | Section 44. Subsections (1), (3), and (4) of section
1711 | 334.065, Florida Statutes, are amended to read:

1712 | 334.065 Center for Urban Transportation Research.--

1713 | (1) There is established at the University of South
1714 | Florida the Florida Center for Urban Transportation Research, to
1715 | be administered by the Board of Governors Regents ~~of and~~ the
1716 | State University System. The responsibilities of the center
1717 | include, but are not limited to, conducting and facilitating
1718 | research on issues related to urban transportation problems in
1719 | this state and serving as an information exchange and depository
1720 | for the most current information pertaining to urban
1721 | transportation and related issues.

1722 | (3) An advisory board shall be created to periodically and
1723 | objectively review and advise the center concerning its research
1724 | program. Except for projects mandated by law, state-funded base
1725 | projects shall not be undertaken without approval of the
1726 | advisory board. The membership of the board shall consist of
1727 | nine experts in transportation-related areas, including the
1728 | secretaries of the Florida Departments of Transportation,
1729 | Community Affairs, and Environmental Protection, or their
1730 | designees, and a member of the Florida Transportation
1731 | Commission. The nomination of the remaining members of the board
1732 | shall be made to the President of the University of South
1733 | Florida by the College of Engineering at the University of South
1734 | Florida, and the appointment of these members must be reviewed
1735 | and approved by the Florida Transportation Commission and
1736 | confirmed by the Board of Governors Regents.

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1737 (4) The center shall develop a budget pursuant to chapter
 1738 216. This budget shall be submitted to the Governor along with
 1739 the budget of the Board of Governors ~~Regents~~.

1740 Section 45. Subsection (3) of section 377.705, Florida
 1741 Statutes, is amended to read:

1742 377.705 Solar Energy Center; development of solar energy
 1743 standards.--

1744 (3) DEFINITIONS.--

1745 (a) "Center" is defined as the Florida Solar Energy Center
 1746 of the Board of Governors ~~Regents~~.

1747 (b) "Solar energy systems" is defined as equipment which
 1748 provides for the collection and use of incident solar energy for
 1749 water heating, space heating or cooling, or other applications
 1750 which normally require or would require a conventional source of
 1751 energy such as petroleum products, natural gas, or electricity
 1752 and which performs primarily with solar energy. In such other
 1753 systems in which solar energy is used in a supplemental way,
 1754 only those components which collect and transfer solar energy
 1755 shall be included in this definition.

1756 Section 46. Subsection (4) of section 381.79, Florida
 1757 Statutes, is amended to read:

1758 381.79 Brain and Spinal Cord Injury Program Trust Fund.--

1759 (4) The Board of Governors of the State University System
 1760 ~~Board of Regents~~ shall establish a program administration
 1761 process which shall include: an annual prospective program plan
 1762 with goals, research design, proposed outcomes, a proposed
 1763 budget, an annual report of research activities and findings,
 1764 and an annual end-of-year financial statement. Prospective

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1765 program plans shall be submitted to the Board of Governors ~~Board~~
 1766 ~~of Regents~~, and funds shall be released upon acceptance of the
 1767 proposed program plans. The annual report of research activities
 1768 and findings shall be submitted to the Board of Governors ~~Board~~
 1769 ~~of Regents~~, with the executive summaries submitted to the
 1770 President of the Senate, the Speaker of the House of
 1771 Representatives, and the Secretary of Health.

1772 Section 47. Subsection (1) of section 388.43, Florida
 1773 Statutes, is amended to read:

1774 388.43 Florida Medical Entomology Laboratory.--

1775 (1) The Florida Medical Entomology Laboratory, located in
 1776 Vero Beach, shall be a research and training center for the
 1777 state under the supervision of the Board of Governors ~~Regents~~.
 1778 The laboratory shall be an operational unit of the University of
 1779 Florida and an integral part of the Institute of Food and
 1780 Agricultural Sciences.

1781 Section 48. Subsection (1) of section 403.073, Florida
 1782 Statutes, is amended to read:

1783 403.073 Pollution prevention; state goal; agency programs;
 1784 public education.--

1785 (1) It is a goal of the state that all its agencies, the
 1786 State University System, community colleges ~~the State Board of~~
 1787 ~~Community Colleges~~, and all municipalities, counties, regional
 1788 agencies, and special districts develop and implement strategies
 1789 to prevent pollution, including public information programs and
 1790 education programs.

1791 Section 49. Subsection (2) of section 403.074, Florida
 1792 Statutes, is amended to read:

1793 403.074 Technical assistance by the department.--
 1794 (2) The program shall include onsite, nonregulatory
 1795 technical assistance and shall promote and sponsor conferences
 1796 on pollution prevention techniques. The program may be conducted
 1797 in cooperation with trade associations, trade schools, the State
 1798 University System, community colleges ~~the State Board of~~
 1799 ~~Community Colleges~~, or other appropriate entities.

1800 Section 50. Paragraph (b) of subsection (1) of section
 1801 409.908, Florida Statutes, is amended to read:

1802 409.908 Reimbursement of Medicaid providers.--Subject to
 1803 specific appropriations, the agency shall reimburse Medicaid
 1804 providers, in accordance with state and federal law, according
 1805 to methodologies set forth in the rules of the agency and in
 1806 policy manuals and handbooks incorporated by reference therein.
 1807 These methodologies may include fee schedules, reimbursement
 1808 methods based on cost reporting, negotiated fees, competitive
 1809 bidding pursuant to s. 287.057, and other mechanisms the agency
 1810 considers efficient and effective for purchasing services or
 1811 goods on behalf of recipients. If a provider is reimbursed based
 1812 on cost reporting and submits a cost report late and that cost
 1813 report would have been used to set a lower reimbursement rate
 1814 for a rate semester, then the provider's rate for that semester
 1815 shall be retroactively calculated using the new cost report, and
 1816 full payment at the recalculated rate shall be effected
 1817 retroactively. Medicare-granted extensions for filing cost
 1818 reports, if applicable, shall also apply to Medicaid cost
 1819 reports. Payment for Medicaid compensable services made on
 1820 behalf of Medicaid eligible persons is subject to the

1821 availability of moneys and any limitations or directions
 1822 provided for in the General Appropriations Act or chapter 216.
 1823 Further, nothing in this section shall be construed to prevent
 1824 or limit the agency from adjusting fees, reimbursement rates,
 1825 lengths of stay, number of visits, or number of services, or
 1826 making any other adjustments necessary to comply with the
 1827 availability of moneys and any limitations or directions
 1828 provided for in the General Appropriations Act, provided the
 1829 adjustment is consistent with legislative intent.

1830 (1) Reimbursement to hospitals licensed under part I of
 1831 chapter 395 must be made prospectively or on the basis of
 1832 negotiation.

1833 (b) Reimbursement for hospital outpatient care is limited
 1834 to \$1,500 per state fiscal year per recipient, except for:

- 1835 1. Such care provided to a Medicaid recipient under age
- 1836 21, in which case the only limitation is medical necessity.
- 1837 2. Renal dialysis services.
- 1838 3. Other exceptions made by the agency.

1839
 1840 The agency is authorized to receive funds from state entities,
 1841 including, but not limited to, the Department of Health, the
 1842 Board of Governors of the State University System ~~Board of~~
 1843 ~~Regents~~, local governments, and other local political
 1844 subdivisions, for the purpose of making payments, including
 1845 federal matching funds, through the Medicaid outpatient
 1846 reimbursement methodologies. Funds received from state entities
 1847 and local governments for this purpose shall be separately
 1848 accounted for and shall not be commingled with other state or

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1849 local funds in any manner.

1850 Section 51. Paragraph (d) of subsection (2) of section
1851 413.051, Florida Statutes, is amended to read:

1852 413.051 Eligible blind persons; operation of vending
1853 stands.--

1854 (2) As used in this section, the term:

1855 (d) "State property" means any building or land owned,
1856 leased, or otherwise controlled by the state, but does not
1857 include any building or land under the control of a state
1858 university board of trustees ~~the Board of Regents~~, a community
1859 college district board of trustees, or any state correctional
1860 institution as defined in s. 944.02.

1861 Section 52. Subsection (2) and (10) of section 447.203,
1862 Florida Statutes, are amended to read:

1863 447.203 Definitions.--As used in this part:

1864 (2) "Public employer" or "employer" means the state or any
1865 county, municipality, or special district or any subdivision or
1866 agency thereof which the commission determines has sufficient
1867 legal distinctiveness properly to carry out the functions of a
1868 public employer. With respect to all public employees determined
1869 by the commission as properly belonging to a statewide
1870 bargaining unit composed of State Career Service System
1871 employees or Selected Professional Service employees, the
1872 Governor shall be deemed to be the public employer; and the
1873 Board of Governors of the State University System, or the
1874 board's designee, university board of trustees shall be deemed
1875 to be the public employer with respect to all public employees
1876 of each constituent ~~the respective~~ state university. The board

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1877 of trustees of a community college shall be deemed to be the
 1878 public employer with respect to all employees of the community
 1879 college. The district school board shall be deemed to be the
 1880 public employer with respect to all employees of the school
 1881 district. The Board of Trustees of the Florida School for the
 1882 Deaf and the Blind shall be deemed to be the public employer
 1883 with respect to the academic and academic administrative
 1884 personnel of the Florida School for the Deaf and the Blind. The
 1885 Governor shall be deemed to be the public employer with respect
 1886 to all employees in the Correctional Education Program of the
 1887 Department of Corrections established pursuant to s. 944.801.

1888 (10) "Legislative body" means the State Legislature, the
 1889 board of county commissioners, the district school board, the
 1890 governing body of a municipality, or the governing body of an
 1891 instrumentality or unit of government having authority to
 1892 appropriate funds and establish policy governing the terms and
 1893 conditions of employment and which, as the case may be, is the
 1894 appropriate legislative body for the bargaining unit. For
 1895 purposes of s. 447.403, the Board of Governors of the State
 1896 University System, or the board's designee, ~~state university~~
 1897 ~~board of trustees~~ shall be deemed to be the legislative body
 1898 with respect to all employees of each constituent ~~the~~ state
 1899 university. For purposes of s. 447.403 the board of trustees of
 1900 a community college shall be deemed to be the legislative body
 1901 with respect to all employees of the community college.

1902 Section 53. Section 455.2125, Florida Statutes, is amended
 1903 to read:

1904 455.2125 Consultation with postsecondary education boards

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1905 prior to adoption of changes to training requirements.--Any
 1906 state agency or board that has jurisdiction over the regulation
 1907 of a profession or occupation shall consult with the Commission
 1908 for Independent Education, the Board of Governors of the State
 1909 University System ~~Board of Regents~~, and the State Board of
 1910 Education prior to adopting any changes to training requirements
 1911 relating to entry into the profession or occupation. This
 1912 consultation must allow the educational board to provide advice
 1913 regarding the impact of the proposed changes in terms of the
 1914 length of time necessary to complete the training program and
 1915 the fiscal impact of the changes. The educational board must be
 1916 consulted only when an institution offering the training program
 1917 falls under its jurisdiction.

1918 Section 54. Section 456.028, Florida Statutes, is amended
 1919 to read:

1920 456.028 Consultation with postsecondary education boards
 1921 prior to adoption of changes to training requirements.--Any
 1922 state agency or board that has jurisdiction over the regulation
 1923 of a profession or occupation shall consult with the Commission
 1924 for Independent Education, the Board of Governors of the State
 1925 University System ~~Board of Regents~~, and the State Board of
 1926 Education prior to adopting any changes to training requirements
 1927 relating to entry into the profession or occupation. This
 1928 consultation must allow the educational board to provide advice
 1929 regarding the impact of the proposed changes in terms of the
 1930 length of time necessary to complete the training program and
 1931 the fiscal impact of the changes. The educational board must be
 1932 consulted only when an institution offering the training program

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1933 falls under its jurisdiction.

1934 Section 55. Subsection (1) of section 464.0196, Florida
 1935 Statutes, is amended to read:

1936 464.0196 Florida Center for Nursing; board of directors.--

1937 (1) The Florida Center for Nursing shall be governed by a
 1938 policy-setting board of directors. The board shall consist of 16
 1939 members, with a simple majority of the board being nurses
 1940 representative of various practice areas. Other members shall
 1941 include representatives of other health care professions,
 1942 business and industry, health care providers, and consumers. The
 1943 members of the board shall be appointed by the Governor as
 1944 follows:

1945 (a) Four members recommended by the President of the
 1946 Senate, at least one of whom shall be a registered nurse
 1947 recommended by the Florida Organization of Nurse Executives and
 1948 at least one other representative of the hospital industry
 1949 recommended by the Florida Hospital Association;

1950 (b) Four members recommended by the Speaker of the House
 1951 of Representatives, at least one of whom shall be a registered
 1952 nurse recommended by the Florida Nurses Association and at least
 1953 one other representative of the long-term care industry;

1954 (c) Four members recommended by the Governor, two of whom
 1955 shall be registered nurses; ~~and~~

1956 (d) One ~~Four~~ nurse educator ~~educators~~ recommended by the
 1957 Board of Governors who is State Board of Education, ~~one of whom~~
 1958 ~~shall be~~ a dean of a College of Nursing at a state university;
 1959 ~~and, one other shall be a director of a nursing program in a~~
 1960 ~~state community college.~~

1961 (e) Three nurse educators recommended by the State Board
 1962 of Education, one of whom must be a director of a nursing
 1963 program at a state community college.

1964 Section 56. Subsection (3) of section 489.103, Florida
 1965 Statutes, is amended to read:

1966 489.103 Exemptions.--This part does not apply to:

1967 (3) An authorized employee of the United States, this
 1968 state, or any municipality, county, irrigation district,
 1969 reclamation district, or any other municipal or political
 1970 subdivision, except school boards, state university boards of
 1971 trustees, and community college boards of trustees ~~the Board of~~
 1972 ~~Regents, and community colleges~~, unless for the purpose of
 1973 performing routine maintenance or repair or construction not
 1974 exceeding \$200,000 to existing installations, if the employee
 1975 does not hold himself or herself out for hire or otherwise
 1976 engage in contracting except in accordance with his or her
 1977 employment. If the construction, remodeling, or improvement
 1978 exceeds \$200,000, school boards, state university boards of
 1979 trustees, and community college boards of trustees ~~the Board of~~
 1980 ~~Regents, and community colleges~~, shall not divide the project
 1981 into separate components for the purpose of evading this
 1982 section.

1983 Section 57. Subsection (2) of section 489.503, Florida
 1984 Statutes, is amended to read:

1985 489.503 Exemptions.--This part does not apply to:

1986 (2) An authorized employee of the United States, this
 1987 state, or any municipality, county, irrigation district,
 1988 reclamation district, or any other municipal or political

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1989 subdivision of this state, except school boards, state
 1990 university boards of trustees, and community college boards of
 1991 trustees ~~the Board of Regents, and community colleges,~~ unless
 1992 for the purpose of performing routine maintenance or repair or
 1993 construction not exceeding \$200,000 to existing installations,
 1994 as long as the employee does not hold himself or herself out for
 1995 hire or otherwise engage in contracting except in accordance
 1996 with his or her employment. If the construction, remodeling, or
 1997 improvement exceeds \$200,000, school boards, state university
 1998 boards of trustees, and community college boards of trustees ~~the~~
 1999 ~~Board of Regents, and community colleges,~~ shall not divide the
 2000 project into separate components for the purpose of evading this
 2001 section.

2002 Section 58. Subsection (5) of section 553.71, Florida
 2003 Statutes, is amended to read:

2004 553.71 Definitions.--As used in this part, the term:

2005 (5) "Local enforcement agency" means an agency of local
 2006 government, a local school board, a community college board of
 2007 trustees, or a university board of trustees in the State
 2008 University System with jurisdiction to make inspections of
 2009 buildings and to enforce the codes which establish standards for
 2010 design, construction, erection, alteration, repair,
 2011 modification, or demolition of public or private buildings,
 2012 structures, or facilities.

2013 Section 59. Subsection (1) of section 627.06281, Florida
 2014 Statutes, is amended to read:

2015 627.06281 Public hurricane loss projection model;
 2016 reporting of data by insurers.--

2017 (1) Within 30 days after a written request for loss data
 2018 and associated exposure data by the office or the Florida
 2019 International University a ~~type I~~ center ~~within the State~~
 2020 ~~University System~~ established to study mitigation, residential
 2021 property insurers and licensed rating and advisory organizations
 2022 that compile residential property insurance loss data shall
 2023 provide loss data and associated exposure data for residential
 2024 property insurance policies to the office or to the Florida
 2025 International University a ~~type I~~ center ~~within the State~~
 2026 ~~University System~~ established to study mitigation, as directed
 2027 by the office, for the purposes of developing, maintaining, and
 2028 updating a public model for hurricane loss projections. The loss
 2029 data and associated exposure data provided shall be in writing.

2030 Section 60. Subsection (1) of section 627.06292, Florida
 2031 Statutes, is amended to read:

2032 627.06292 Reports of hurricane loss data and associated
 2033 exposure data; public records exemption.--

2034 (1) Reports of hurricane loss data and associated exposure
 2035 data that are specific to a particular insurance company, as
 2036 reported by an insurer or a licensed rating organization to the
 2037 office or to a ~~type I~~ center at a state university pursuant to
 2038 s. 627.06281, are exempt from s. 119.07(1) and s. 24(a), Art. I
 2039 of the State Constitution.

2040 Section 61. Subsection (7) of section 633.01, Florida
 2041 Statutes, is amended to read:

2042 633.01 State Fire Marshal; powers and duties; rules.--

2043 (7) The State Fire Marshal shall adopt and administer
 2044 rules prescribing standards for the safety and health of

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2045 occupants of educational and ancillary facilities pursuant to
 2046 ss. 633.022, 1013.12, 1013.37, and 1013.371. In addition, in any
 2047 county that does not employ or appoint a local fire official,
 2048 the State Fire Marshal shall assume the duties of the local fire
 2049 official with respect to firesafety inspections of educational
 2050 property required under s. 1013.12 (3) ~~(2)~~ (b), and the State Fire
 2051 Marshal may take necessary corrective action as authorized under
 2052 s. 1013.12 (6) ~~(5)~~.

2053 Section 62. Subsection (5) of section 650.03, Florida
 2054 Statutes, is amended to read:

2055 650.03 Federal-state agreement; interstate
 2056 instrumentalities.--

2057 (5) For purposes of this chapter, employees of the
 2058 institutions of higher learning under the Board of Governors of
 2059 the State University System ~~Board of Regents~~ who are covered by
 2060 the Teachers' Retirement System shall be deemed to be covered by
 2061 a separate retirement system for each institution.

2062 Section 63. Subsection (2) of section 943.1755, Florida
 2063 Statutes, is amended to read:

2064 943.1755 Florida Criminal Justice Executive Institute.--

2065 (2) The institute is established within the Department of
 2066 Law Enforcement and affiliated with the State University System.
 2067 The Board of Governors of the State University System ~~Board of~~
 2068 ~~Regents~~ shall, in cooperation with the Department of Law
 2069 Enforcement, determine the specific placement of the institute
 2070 within the system.

2071 Section 64. Subsection (5) of section 1000.01, Florida
 2072 Statutes, is amended to read:

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2073 | 1000.01 The Florida K-20 education system; technical
 2074 | provisions.--
 2075 | (5) EDUCATION GOVERNANCE TRANSFERS.--
 2076 | (a) Effective July 1, 2001:
 2077 | 1. The Board of Regents is abolished.
 2078 | 2. All of the powers, duties, functions, records,
 2079 | personnel, and property; unexpended balances of appropriations,
 2080 | allocations, and other funds; administrative authority;
 2081 | administrative rules; pending issues; and existing contracts of
 2082 | the Board of Regents are transferred by a type two transfer,
 2083 | pursuant to s. 20.06(2), to the State Board of Education.
 2084 | 3. The State Board of Community Colleges is abolished.
 2085 | 4. All of the powers, duties, functions, records,
 2086 | personnel, and property; unexpended balances of appropriations,
 2087 | allocations, and other funds; administrative authority;
 2088 | administrative rules; pending issues; and existing contracts of
 2089 | the State Board of Community Colleges are transferred by a type
 2090 | two transfer, pursuant to s. 20.06(2), from the Department of
 2091 | Education to the State Board of Education.
 2092 | 5. The Postsecondary Education Planning Commission is
 2093 | abolished.
 2094 | 6. The Council for Education Policy Research and
 2095 | Improvement is created as an independent office under the Office
 2096 | of Legislative Services.
 2097 | 7. All personnel, unexpended balances of appropriations,
 2098 | and allocations of the Postsecondary Education Planning
 2099 | Commission are transferred to the Council for Education Policy
 2100 | Research and Improvement.

2101 8. The Articulation Coordinating Committee and the
 2102 Education Standards Commission are transferred by a type two
 2103 transfer, pursuant to s. 20.06(2), from the Department of
 2104 Education to the State Board of Education.

2105 (b) All rules of the State Board of Education, the
 2106 Commissioner of Education, and the Department of Education, and
 2107 all rules of the district school boards, the community college
 2108 boards of trustees, and the state university boards of trustees,
 2109 in effect on January 2, 2003, remain in effect until
 2110 specifically amended or repealed in the manner provided by law.

2111 (c) Effective January 7, 2003:

2112 1. The administrative rules of the Department of Education
 2113 and the Commissioner of Education shall become the rules of the
 2114 State Board of Education.

2115 2. The administrative rules of the State Board of
 2116 Education shall become the rules of the appointed State Board of
 2117 Education.

2118 (d) All administrative rules of the State Board of
 2119 Education, the Commissioner of Education, and the Department of
 2120 Education are transferred by a type two transfer, as defined in
 2121 s. 20.06(2), to the appointed State Board of Education.

2122 (e) This act creating the Florida K-20 Education Code
 2123 shall not affect the validity of any judicial or administrative
 2124 action involving the Department of Education, pending on January
 2125 7, 2003. This act shall not affect the validity of any judicial
 2126 or administrative action involving the Commissioner of Education
 2127 or the State Board of Education, pending on January 7, 2003, and
 2128 the appointed State Board of Education shall be substituted as a

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2129 party of interest in any such action.

2130 (f) Effective July 1, 2007, any powers, duties, functions,
 2131 records, property, unexpended balances of appropriations,
 2132 allocations, and other funds; administrative authority;
 2133 administrative rules; pending issues; and existing contracts of
 2134 the Board of Regents that were previously transferred to the
 2135 State Board of Education after the Board of Regents was
 2136 abolished pursuant to paragraph (a) are transferred to the Board
 2137 of Governors in accordance with s. 7(d), Art. IX of the State
 2138 Constitution.

2139 Section 65. Subsection (1) and paragraphs (b) and (c) of
 2140 subsection (2) of section 1000.03, Florida Statutes, are amended
 2141 to read:

2142 1000.03 Function, mission, and goals of the Florida K-20
 2143 education system.--

2144 (1) Florida's K-20 education system shall be a
 2145 decentralized system without excess layers of bureaucracy. ~~The~~
 2146 ~~State Board of Education may appoint on an ad hoc basis a~~
 2147 ~~committee or committees to assist it on any and all issues~~
 2148 ~~within the K-20 education system.~~ Florida's K-20 education
 2149 system shall maintain a systemwide technology plan based on a
 2150 common set of data definitions.

2151 (2)

2152 (b) With the exception of matters relating to the State
 2153 University System, the State Board of Education shall oversee
 2154 the enforcement of all laws and rules, and the timely provision
 2155 of direction, resources, assistance, intervention when needed,
 2156 and strong incentives and disincentives to force accountability

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2157 | for results.

2158 | (c) The Board of Governors shall oversee the enforcement
 2159 | of all state university laws and rules and regulations and the
 2160 | timely provision of direction, resources, assistance,
 2161 | intervention when needed, and strong incentives and
 2162 | disincentives to force accountability for results. ~~The~~
 2163 | ~~Commissioner of Education shall serve as chief executive officer~~
 2164 | ~~of the K-20 education system. The commissioner shall be~~
 2165 | ~~responsible for enforcing compliance with the mission and goals~~
 2166 | ~~of the K-20 education system. The commissioner's office shall~~
 2167 | ~~operate all statewide functions necessary to support the State~~
 2168 | ~~Board of Education and the K-20 education system.~~

2169 | Section 66. Paragraphs (d) and (e) of subsection (3) and
 2170 | subsections (4), (5), and (6) of section 1000.05, Florida
 2171 | Statutes, are amended to read:

2172 | 1000.05 Discrimination against students and employees in
 2173 | the Florida K-20 public education system prohibited; equality of
 2174 | access required.--

2175 | (3)

2176 | (d) A public K-20 educational institution which operates
 2177 | or sponsors interscholastic, intercollegiate, club, or
 2178 | intramural athletics shall provide equal athletic opportunity
 2179 | for members of both genders.

2180 | 1. The Board of Governors shall determine whether equal
 2181 | opportunities are available at state universities.

2182 | 2. The Commissioner of Education shall determine whether
 2183 | equal opportunities are available in school districts and
 2184 | community colleges. In determining whether equal opportunities

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2185 are available in school districts and community colleges, the
 2186 Commissioner of Education shall consider, among other factors:
 2187 ~~a.1.~~ Whether the selection of sports and levels of
 2188 competition effectively accommodate the interests and abilities
 2189 of members of both genders.
 2190 ~~b.2.~~ The provision of equipment and supplies.
 2191 ~~c.3.~~ Scheduling of games and practice times.
 2192 ~~d.4.~~ Travel and per diem allowances.
 2193 ~~e.5.~~ Opportunities to receive coaching and academic
 2194 tutoring.
 2195 ~~f.6.~~ Assignment and compensation of coaches and tutors.
 2196 ~~g.7.~~ Provision of locker room, practice, and competitive
 2197 facilities.
 2198 ~~h.8.~~ Provision of medical and training facilities and
 2199 services.
 2200 ~~i.9.~~ Provision of housing and dining facilities and
 2201 services.
 2202 ~~j.10.~~ Publicity.
 2203
 2204 Unequal aggregate expenditures for members of each gender or
 2205 unequal expenditures for male and female teams if a public
 2206 school or community college ~~K-20 educational institution~~
 2207 operates or sponsors separate teams do not constitute
 2208 nonimplementation of this subsection, but the Commissioner of
 2209 Education shall consider the failure to provide necessary funds
 2210 for teams for one gender in assessing equality of opportunity
 2211 for members of each gender.
 2212 (e) A public school or community college ~~K-20 educational~~

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2213 ~~institution~~ may provide separate toilet, locker room, and shower
 2214 facilities on the basis of gender, but such facilities shall be
 2215 comparable to such facilities provided for students of the other
 2216 gender.

2217 (4) Public schools and community colleges ~~Educational~~
 2218 ~~institutions within the state public K-20 education system~~ shall
 2219 develop and implement methods and strategies to increase the
 2220 participation of students of a particular race, ethnicity,
 2221 national origin, gender, disability, or marital status in
 2222 programs and courses in which students of that particular race,
 2223 ethnicity, national origin, gender, disability, or marital
 2224 status have been traditionally underrepresented, including, but
 2225 not limited to, mathematics, science, computer technology,
 2226 electronics, communications technology, engineering, and career
 2227 education.

2228 (5) (a) The State Board of Education shall adopt rules to
 2229 implement this section as it relates to school districts and
 2230 community colleges.

2231 (b) The Board of Governors shall adopt rules to implement
 2232 this section as it relates to state universities.

2233 (6) The functions of the Office of Equal Educational
 2234 Opportunity of the Department of Education shall include, but
 2235 are not limited to:

2236 (a) Requiring all district school boards and, community
 2237 college boards of trustees, ~~and state university boards of~~
 2238 ~~trustees~~ to develop and submit plans for the implementation of
 2239 this section to the Department of Education.

2240 (b) Conducting periodic reviews of school districts and

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2241 community colleges ~~public K-20 educational agencies~~ to determine
 2242 compliance with this section and, after a finding that a school
 2243 district or a community college ~~an educational agency~~ is not in
 2244 compliance with this section, notifying the entity ~~agency~~ of the
 2245 steps that it must take to attain compliance and performing
 2246 followup monitoring.

2247 (c) Providing technical assistance, including assisting
 2248 school districts or community colleges ~~public K-20 educational~~
 2249 ~~agencies~~ in identifying unlawful discrimination and instructing
 2250 them in remedies for correction and prevention of such
 2251 discrimination and performing followup monitoring.

2252 (d) Conducting studies of the effectiveness of methods and
 2253 strategies designed to increase the participation of students in
 2254 programs and courses in which students of a particular race,
 2255 ethnicity, national origin, gender, disability, or marital
 2256 status have been traditionally underrepresented and monitoring
 2257 the success of students in such programs or courses, including
 2258 performing followup monitoring.

2259 (e) Requiring all district school boards and, ~~community~~
 2260 ~~college boards of trustees, and state university boards of~~
 2261 ~~trustees~~ to submit data and information necessary to determine
 2262 compliance with this section. The Commissioner of Education
 2263 shall prescribe the format and the date for submission of such
 2264 data and any other educational equity data. If any board does
 2265 not submit the required compliance data or other required
 2266 educational equity data by the prescribed date, the commissioner
 2267 shall notify the board of this fact and, if the board does not
 2268 take appropriate action to immediately submit the required

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2269 | report, the State Board of Education shall impose monetary
 2270 | sanctions.

2271 | (f) Based upon rules of the State Board of Education,
 2272 | developing and implementing enforcement mechanisms with
 2273 | appropriate penalties to ensure that public K-12 schools and,
 2274 | community colleges, ~~and state universities~~ comply with Title IX
 2275 | of the Education Amendments of 1972 and subsection (3) of this
 2276 | section. However, the State Board of Education may not force a
 2277 | public school or community college ~~an educational agency~~ to
 2278 | conduct, nor penalize such entity ~~an educational agency~~ for not
 2279 | conducting, a program of athletic activity or athletic
 2280 | scholarship for female athletes unless it is an athletic
 2281 | activity approved for women by a recognized association whose
 2282 | purpose is to promote athletics and a conference or league
 2283 | exists to promote interscholastic or intercollegiate competition
 2284 | for women in that athletic activity.

2285 | (g) Reporting to the Commissioner of Education any
 2286 | district school board or, community college board of trustees,
 2287 | ~~or state university board of trustees~~ found to be out of
 2288 | compliance with rules of the State Board of Education adopted as
 2289 | required by paragraph (f) or paragraph (3) (d). To penalize the
 2290 | board, the State Board of Education shall:

2291 | 1. Declare the school district or community college
 2292 | ~~educational agency~~ ineligible for competitive state grants.

2293 | 2. Notwithstanding the provisions of s. 216.192, direct
 2294 | the Chief Financial Officer to withhold general revenue funds
 2295 | sufficient to obtain compliance from the school district or
 2296 | community college ~~educational agency~~.

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2297
 2298 The school district or community college ~~educational agency~~
 2299 shall remain ineligible and the funds shall not be paid until
 2300 the institution ~~agency~~ comes into compliance or the State Board
 2301 of Education approves a plan for compliance.

2302 Section 67. Subsection (8) is added to section 1000.21,
 2303 Florida Statutes, to read:

2304 1000.21 Systemwide definitions.--As used in the Florida K-
 2305 20 Education Code:

2306 (8) "Board of Governors" is the Board of Governors of the
 2307 State University System.

2308 Section 68. Section 1001.02, Florida Statutes, is amended
 2309 to read:

2310 1001.02 General powers of State Board of Education.--

2311 (1) The State Board of Education is the chief implementing
 2312 and coordinating body of public education in Florida except for
 2313 the State University System, and it shall focus on high-level
 2314 policy decisions. It has authority to adopt rules pursuant to
 2315 ss. 120.536(1) and 120.54 to implement the provisions of law
 2316 conferring duties upon it for the improvement of the state
 2317 system of K-20 public education except for the State University
 2318 System. Except as otherwise provided herein, it may, as it finds
 2319 appropriate, delegate its general powers to the Commissioner of
 2320 Education or the directors of the divisions of the department.

2321 (2) The State Board of Education has the following duties:

2322 (a) To adopt comprehensive educational objectives for
 2323 public education except for the State University System.

2324 (b) To adopt comprehensive long-range plans and short-

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2325 range programs for the development of the state system of public
 2326 education except for the State University System.

2327 (c) To exercise general supervision over the divisions of
 2328 the Department of Education as necessary to ensure coordination
 2329 of educational plans and programs and resolve controversies and
 2330 to minimize problems of articulation and student transfers, to
 2331 ensure that students moving from one level of education to the
 2332 next have acquired competencies necessary for satisfactory
 2333 performance at that level, and to ensure maximum utilization of
 2334 facilities.

2335 (d) To adopt, in consultation with the Board of Governors
 2336 ~~for state universities and community colleges,~~ and from time to
 2337 time modify, minimum and uniform standards of college-level
 2338 communication and computation skills generally associated with
 2339 successful performance and progression through the baccalaureate
 2340 level and to identify college-preparatory high school coursework
 2341 and postsecondary-level coursework that prepares students with
 2342 the academic skills necessary to succeed in postsecondary
 2343 education.

2344 (e) To adopt and submit to the Governor and Legislature,
 2345 as provided in s. 216.023 ~~on or before September 1 of each year,~~
 2346 a coordinated K-20 education budget that estimates the
 2347 expenditure requirements for the Board of Governors, as provided
 2348 in s. 1001.706, the State Board of Education, including the
 2349 Department of Education and the Commissioner of Education, and
 2350 all of the boards, institutions, agencies, and services under
 2351 the general supervision of the Board of Governors, as provided
 2352 in s. 1001.706, or the State Board of Education for the ensuing

2353 | fiscal year. The State Board of Education may not amend the
 2354 | budget request submitted by the Board of Governors. Any program
 2355 | recommended by the Board of Governors or the State Board of
 2356 | Education which will require increases in state funding for more
 2357 | than 1 year must be presented in a multiyear budget plan.

2358 | (f) To hold meetings, transact business, keep records,
 2359 | adopt a seal, and, except as otherwise provided by law, perform
 2360 | such other duties as may be necessary for the enforcement of ~~all~~
 2361 | laws and rules relating to the state system of public education.

2362 | (g) To approve plans for cooperating with the Federal
 2363 | Government.

2364 | (h) To approve plans for cooperating with other public
 2365 | agencies in the development of rules and in the enforcement of
 2366 | laws for which the state board and such agencies are jointly
 2367 | responsible.

2368 | (i) To review plans for cooperating with appropriate
 2369 | nonpublic agencies for the improvement of conditions relating to
 2370 | the welfare of schools.

2371 | (j) To create such subordinate advisory bodies as are
 2372 | required by law or as it finds necessary for the improvement of
 2373 | education.

2374 | (k) To constitute any education bodies or other structures
 2375 | as required by federal law.

2376 | (l) To assist in the economic development of the state by
 2377 | developing a state-level planning process to identify future
 2378 | training needs for industry, especially high-technology
 2379 | industry.

2380 | (m) To assist in the planning and economic development of

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2381 the state by establishing a clearinghouse for information on
 2382 educational programs of value to economic development.

2383 (n) To adopt cohesive rules pursuant to ss. 120.536(1) and
 2384 120.54, within statutory authority, ~~for education systemwide~~
 2385 ~~issues.~~

2386 (o) To authorize the allocation of resources in accordance
 2387 with law and rule.

2388 (p) To contract with independent institutions accredited
 2389 by an agency whose standards are comparable to the minimum
 2390 standards required to operate a postsecondary educational
 2391 institution at that level in the state. The purpose of the
 2392 contract is to provide those educational programs and facilities
 2393 which will meet needs unfulfilled by the state system of public
 2394 postsecondary education.

2395 (q) To recommend that a district school board take action
 2396 consistent with the state board's decision relating to an appeal
 2397 of a charter school application.

2398 (r) To enforce systemwide education goals and policies
 2399 except as otherwise provided by law.

2400 (s) To establish a detailed procedure for the
 2401 implementation and operation of a systemwide K-20 technology
 2402 plan that is based on a common set of data definitions.

2403 (t) To establish accountability standards for existing
 2404 legislative performance goals, standards, and measures, and
 2405 order the development of mechanisms to implement new legislative
 2406 goals, standards, and measures.

2407 (u) To adopt criteria and implementation plans for future
 2408 growth issues, such as new community colleges and community

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2409 ~~college universities~~ and campus mergers, and to provide for
2410 cooperative agreements between and within public and private
2411 education sectors.

2412 (v) To develop, in conjunction with the Board of
2413 Governors, and periodically review for adjustment, a coordinated
2414 5-year plan for postsecondary enrollment and annually submit the
2415 plan to the Legislature.

2416 ~~(w) To approve a new program at the professional level or~~
2417 ~~doctoral level, if:~~

2418 1. ~~The university has taken into account the need and~~
2419 ~~demand for the program, the university's mission, and similar~~
2420 ~~program offerings by public and nonpublic counterparts.~~

2421 2. ~~The addition of the program will not alter the~~
2422 ~~university's emphasis on undergraduate education.~~

2423 ~~(x) To review, and approve or disapprove, degree programs~~
2424 ~~identified as unique pursuant to s. 1007.25.~~

2425 ~~(y) To recommend to the Legislature a plan for~~
2426 ~~implementing block tuition programs and providing other~~
2427 ~~incentives to encourage students to graduate within 4 years.~~

2428 ~~(3) The State Board of Education shall adopt rules to~~
2429 ~~establish the criteria for assigning, reviewing, and removing~~
2430 ~~limited access status to an educational program. The State Board~~
2431 ~~of Education shall monitor the extent of limited access programs~~
2432 ~~within the state universities and report to the Legislature~~
2433 ~~admissions and enrollment data for limited access programs. Such~~
2434 ~~report shall be submitted annually by December 1 and shall~~
2435 ~~assist in determining the potential need for academic program~~
2436 ~~contracts with independent institutions pursuant to paragraph~~

2437 ~~(2)(p). The report must specify, for each limited access program~~
 2438 ~~within each institution, the following categories, by race and~~
 2439 ~~gender:~~

- 2440 ~~(a) The number of applicants.~~
- 2441 ~~(b) The number of applicants granted admission.~~
- 2442 ~~(c) The number of applicants who are granted admission and~~
 2443 ~~enroll.~~
- 2444 ~~(d) The number of applicants denied admission.~~
- 2445 ~~(e) The number of applicants neither granted admission nor~~
 2446 ~~denied admission.~~

2447

2448 ~~Each category must be reported for each term. Each category must~~
 2449 ~~be reported by type of student, including the following~~
 2450 ~~subcategories: native students, community college associate in~~
 2451 ~~arts degree transfer students, and other students. Each category~~
 2452 ~~and subcategory must further be reported according to the number~~
 2453 ~~of students who meet or exceed the minimum eligibility~~
 2454 ~~requirements for admission to the program and the number of~~
 2455 ~~students who do not meet or exceed the minimum eligibility~~
 2456 ~~requirements for admission to the program.~~

2457 ~~(4) The State Board of Education shall review, and approve~~
 2458 ~~or disapprove, baccalaureate degree programs that exceed 120~~
 2459 ~~semester hours, after considering accreditation requirements,~~
 2460 ~~employment and earnings of graduates, comparative program~~
 2461 ~~lengths nationally, and comparisons with similar programs~~
 2462 ~~offered by independent institutions. By December 31 of each~~
 2463 ~~year, the State Board of Education must report to the~~
 2464 ~~Legislature any degrees in the state universities that require~~

2465 ~~more than 120 hours, along with appropriate evidence of need. At~~
 2466 ~~least every 5 years, the State Board of Education must determine~~
 2467 ~~whether the programs still require more than the standard length~~
 2468 ~~of 120 hours.~~

2469 (3)-(5)(a) The State Board of Education shall adopt a
 2470 ~~systemwide~~ strategic plan that specifies goals and objectives
 2471 for the state's public schools ~~state universities~~ and community
 2472 colleges. ~~In developing this plan, the State Board of Education~~
 2473 ~~shall consider the role of individual public and independent~~
 2474 ~~institutions within the state.~~ The plan shall be formulated in
 2475 conjunction with plans of the Board of Governors in order to
 2476 provide for the roles of the universities and community colleges
 2477 to be coordinated to best meet state needs and reflect cost-
 2478 effective use of state resources. The strategic plan must
 2479 clarify mission statements and identify degree programs to be
 2480 offered at each ~~university and~~ community college in accordance
 2481 with the objectives provided in this subsection. The ~~systemwide~~
 2482 strategic plan must cover a period of 5 years, with modification
 2483 of the program lists after 2 years. Development of each 5-year
 2484 plan must be coordinated with and initiated after completion of
 2485 the master plan. The ~~systemwide and university and community~~
 2486 ~~college~~ strategic plans must specifically include programs and
 2487 procedures for responding to the educational needs of teachers
 2488 and students in the public schools of this state. The state
 2489 board shall submit a report to the President of the Senate and
 2490 the Speaker of the House of Representatives upon modification of
 2491 the ~~system~~ plan.

2492 (b) The State Board of Education and the Board of

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2493 Governors shall jointly develop long-range plans and annual
2494 reports for financial aid in this state. The long-range plans
2495 shall establish goals and objectives for a comprehensive program
2496 of financial aid for Florida students and shall be updated every
2497 5 years. The annual report shall include programs administered
2498 by the department as well as awards made from financial aid fee
2499 revenues, any other funds appropriated by the Legislature for
2500 financial assistance, and the value of tuition and fees waived
2501 for students enrolled in a dual enrollment course at a public
2502 postsecondary educational institution. The annual report shall
2503 include an assessment of progress made in achieving goals and
2504 objectives established in the long-range plans and
2505 recommendations for repealing or modifying existing financial
2506 aid programs or establishing new programs. A long-range plan
2507 shall be submitted by January 1, 2004, and every 5 years
2508 thereafter. An annual report shall be submitted on January 1,
2509 2004, and in each successive year that a long-range plan is not
2510 submitted, to the President of the Senate and the Speaker of the
2511 House of Representatives.

2512 ~~(6) The State Board of Education shall coordinate the~~
2513 ~~programs with the Council for Education Policy Research and~~
2514 ~~Improvement, including doctoral programs. The programs shall be~~
2515 ~~reviewed every 5 years or whenever the state board determines~~
2516 ~~that the effectiveness or efficiency of a program is~~
2517 ~~jeopardized. The State Board of Education shall define the~~
2518 ~~indicators of quality and the criteria for program review for~~
2519 ~~every program. Such indicators include need, student demand,~~
2520 ~~industry driven competencies for advanced technology and related~~

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2521 ~~programs, and resources available to support continuation. The~~
2522 ~~results of the program reviews must be tied to the university~~
2523 ~~and community college budget requests.~~

2524 (4) ~~(7)~~ The State Board of Education shall:

2525 (a) Provide for each community college to offer
2526 educational training and service programs designed to meet the
2527 needs of both students and the communities served.

2528 (b) Specify, by rule, procedures to be used by the
2529 community college boards of trustees in the annual evaluations
2530 of presidents and review the evaluations of presidents by the
2531 boards of trustees.

2532 (c) Establish, in conjunction with the Board of Governors,
2533 an effective information system that will provide composite data
2534 concerning the community colleges and state universities and
2535 ensure that special analyses and studies concerning the
2536 institutions are conducted, as necessary, for provision of
2537 accurate and cost-effective information concerning the
2538 institutions.

2539 (d) Establish criteria for making recommendations for
2540 modifying district boundary lines for community colleges.

2541 (e) Establish criteria for making recommendations
2542 concerning all proposals for the establishment of additional
2543 centers or campuses for community colleges ~~and state~~
2544 ~~universities.~~

2545 (f) Examine the annual administrative review of each
2546 community college ~~and state university.~~

2547 (g) Specify, by rule, the college-credit ~~degree program~~
2548 courses that may be taken by community college students

2549 concurrently enrolled in college-preparatory instruction.

2550 (h) Adopt and submit to the Legislature a 3-year list of
 2551 priorities for fixed-capital-outlay projects. The State Board of
 2552 Education may not amend the 3-year list of priorities of the
 2553 Board of Governors.

2554 (5)-(8) The State Board of Education is responsible for
 2555 reviewing and administering the state program of support for the
 2556 community colleges and, subject to existing law, shall establish
 2557 the tuition and out-of-state fees for college-preparatory
 2558 instruction and for credit instruction that may be counted
 2559 toward an associate in arts degree, an associate in applied
 2560 science degree, or an associate in science degree.

2561 (6)-(9) The State Board of Education shall prescribe
 2562 minimum standards, definitions, and guidelines for community
 2563 colleges ~~and state universities~~ that will ensure the quality of
 2564 education, coordination among the community colleges and state
 2565 universities, and efficient progress toward accomplishing the
 2566 community college ~~and state university~~ mission. At a minimum,
 2567 these rules must address:

2568 (a) Personnel.

2569 (b) Contracting.

2570 (c) Program offerings and classification, including
 2571 college-level communication and computation skills associated
 2572 with successful performance in college and with tests and other
 2573 assessment procedures that measure student achievement of those
 2574 skills. The performance measures must provide that students
 2575 moving from one level of education to the next acquire the
 2576 necessary competencies for that level.

2577 (d) Provisions for curriculum development, graduation
 2578 requirements, college calendars, and program service areas.
 2579 These provisions must include rules that:

2580 1. Provide for the award of an associate in arts degree to
 2581 a student who successfully completes 60 semester credit hours at
 2582 the community college.

2583 2. Require all of the credits accepted for the associate
 2584 in arts degree to be in the statewide course numbering system as
 2585 credits toward a baccalaureate degree offered by a state
 2586 university or a community college.

2587 3. Require no more than 36 semester credit hours in
 2588 general education courses in the subject areas of communication,
 2589 mathematics, social sciences, humanities, and natural sciences.

2590
 2591 The rules should encourage community colleges to enter into
 2592 agreements with state universities that allow community college
 2593 students to complete upper-division-level courses at a community
 2594 college. An agreement may provide for concurrent enrollment at
 2595 the community college and the state university and may authorize
 2596 the community college to offer an upper-division-level course or
 2597 distance learning.

2598 (e) Student admissions, conduct and discipline,
 2599 nonclassroom activities, and fees.

2600 (f) Budgeting.

2601 (g) Business and financial matters.

2602 (h) Student services.

2603 (i) Reports, surveys, and information systems, including
 2604 forms and dates of submission.

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2605 Section 69. Subsections (7), (8), (9), (10), and (13) of
 2606 section 1001.03, Florida Statutes, are amended to read:

2607 1001.03 Specific powers of State Board of Education.--

2608 (7) ARTICULATION ACCOUNTABILITY.--The State Board of
 2609 Education shall develop articulation accountability measures
 2610 that assess the status of systemwide articulation processes, in
 2611 conjunction with the Board of Governors regarding the State
 2612 University System, and shall establish an articulation
 2613 accountability process in accordance with the provisions of
 2614 chapter 1008, in conjunction with the Board of Governors
 2615 regarding the State University System.

2616 (8) SYSTEMWIDE ENFORCEMENT.--The State Board of Education
 2617 shall enforce compliance with law and state board rule by all
 2618 school districts and public postsecondary educational
 2619 institutions, except for the State University System, in
 2620 accordance with the provisions of s. 1008.32.

2621 (9) MANAGEMENT INFORMATION DATABASES.--The State Board of
 2622 Education, in conjunction with the Board of Governors regarding
 2623 the State University System, shall continue to collect and
 2624 maintain, at a minimum, the management information databases for
 2625 state universities, and all other components of the public K-20
 2626 education system as such databases existed on June 30, 2002.

2627 (10) COMMON PLACEMENT TESTING FOR PUBLIC POSTSECONDARY
 2628 EDUCATION.--The State Board of Education, in conjunction with
 2629 the Board of Governors, shall develop and implement a common
 2630 placement test to assess the basic computation and communication
 2631 skills of students who intend to enter a degree program at any
 2632 community college or state university.

2633 (13) CYCLIC REVIEW OF POSTSECONDARY ACADEMIC
 2634 PROGRAMS.--The State Board of Education shall provide for the
 2635 cyclic review of all academic programs in community colleges ~~and~~
 2636 ~~state universities~~ at least every 7 years. Program reviews shall
 2637 document how individual academic programs are achieving stated
 2638 student learning and program objectives within the context of
 2639 the institution's mission. The results of the program reviews
 2640 shall inform strategic planning, program development, and
 2641 budgeting decisions at the institutional level.

2642 Section 70. Section 1001.10, Florida Statutes, is amended
 2643 to read:

2644 1001.10 Commissioner of Education; general powers and
 2645 duties.--

2646 (1) The Commissioner of Education is the chief educational
 2647 officer of the state and the sole custodian of the K-20 data
 2648 warehouse, and is responsible for giving full assistance to the
 2649 State Board of Education in enforcing compliance with the
 2650 mission and goals of the ~~seamless~~ K-20 education system except
 2651 for the State University System.

2652 (2) The commissioner's office shall operate all statewide
 2653 functions necessary to support the State Board of Education,
 2654 including strategic planning and budget development, general
 2655 administration, assessment, and accountability.

2656 (3) To facilitate innovative practices and to allow local
 2657 selection of educational methods, the State Board of Education
 2658 may authorize the commissioner to waive, upon the request of a
 2659 district school board, State Board of Education rules that
 2660 relate to district school instruction and school operations,

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2661 except those rules pertaining to civil rights, and student
2662 health, safety, and welfare. The Commissioner of Education is
2663 not authorized to grant waivers for any provisions in rule
2664 pertaining to the allocation and appropriation of state and
2665 local funds for public education; the election, compensation,
2666 and organization of school board members and superintendents;
2667 graduation and state accountability standards; financial
2668 reporting requirements; reporting of out-of-field teaching
2669 assignments under s. 1012.42; public meetings; public records;
2670 or due process hearings governed by chapter 120. No later than
2671 January 1 of each year, the commissioner shall report to the
2672 Legislature and the State Board of Education all approved waiver
2673 requests in the preceding year.

2674 (4) Additionally, the commissioner has the following
2675 general powers and duties:

2676 (a)~~(1)~~ To appoint staff necessary to carry out his or her
2677 powers and duties.

2678 (b)~~(2)~~ To advise and counsel with the State Board of
2679 Education on all matters pertaining to education; to recommend
2680 to the State Board of Education actions and policies as, in the
2681 commissioner's opinion, should be acted upon or adopted; and to
2682 execute or provide for the execution of all acts and policies as
2683 are approved.

2684 (c)~~(3)~~ To keep such records as are necessary to set forth
2685 clearly all acts and proceedings of the State Board of
2686 Education.

2687 (d)~~(4)~~ To have a seal for his or her office with which, in
2688 connection with his or her own signature, the commissioner shall

2689 authenticate true copies of decisions, acts, or documents.

2690 (e)~~(5)~~ To recommend to the State Board of Education
 2691 policies and steps designed to protect and preserve the
 2692 principal of the State School Fund; to provide an assured and
 2693 stable income from the fund; to execute such policies and
 2694 actions as are approved; and to administer the State School
 2695 Fund.

2696 (f)~~(6)~~ To take action on the release of mineral rights
 2697 based upon the recommendations of the Board of Trustees of the
 2698 Internal Improvement Trust Fund.

2699 (g)~~(7)~~ To submit to the State Board of Education, on or
 2700 before October 1 ~~August 1~~ of each year, recommendations for a
 2701 coordinated K-20 education budget that estimates the
 2702 expenditures for the Board of Governors, the State Board of
 2703 Education, including the Department of Education and~~7~~ the
 2704 Commissioner of Education, and all of the boards, institutions,
 2705 agencies, and services under the general supervision of the
 2706 Board of Governors or the State Board of Education for the
 2707 ensuing fiscal year. Any program recommended to the State Board
 2708 of Education that will require increases in state funding for
 2709 more than 1 year must be presented in a multiyear budget plan.

2710 (h)~~(8)~~ To develop and implement a plan for cooperating
 2711 with the Federal Government in carrying out any or all phases of
 2712 the educational program and to recommend policies for
 2713 administering funds that are appropriated by Congress and
 2714 apportioned to the state for any or all educational purposes.
 2715 The Commissioner of Education shall submit to the Legislature
 2716 the proposed state plan for the reauthorization of the No Child

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2717 Left Behind Act before the proposed plan is submitted to federal
 2718 agencies. The President of the Senate and the Speaker of the
 2719 House of Representatives shall appoint members of the
 2720 appropriate education and appropriations committees to serve as
 2721 a select committee to review the proposed plan.

2722 (i)~~(9)~~ To develop and implement policies for cooperating
 2723 with other public agencies in carrying out those phases of the
 2724 program in which such cooperation is required by law or is
 2725 deemed by the commissioner to be desirable and to cooperate with
 2726 public and nonpublic agencies in planning and bringing about
 2727 improvements in the educational program.

2728 (j)~~(10)~~ To prepare forms and procedures as are necessary
 2729 to be used by district school boards and all other educational
 2730 agencies to assure uniformity, accuracy, and efficiency in the
 2731 keeping of records, the execution of contracts, the preparation
 2732 of budgets, or the submission of reports; and to furnish at
 2733 state expense, when deemed advisable by the commissioner, those
 2734 forms that can more economically and efficiently be provided.

2735 (k)~~(11)~~ To implement a program of school improvement and
 2736 education accountability designed to provide all students the
 2737 opportunity to make adequate learning gains in each year of
 2738 school as provided by statute and State Board of Education rule
 2739 based upon the achievement of the state education goals,
 2740 recognizing the following:

2741 ~~(a) The State Board of Education is the body corporate~~
 2742 ~~responsible for the supervision of the system of public~~
 2743 ~~education.~~

2744 1.~~(b)~~ The district school board is responsible for school

2745 and student performance.

2746 2.~~(e)~~ The individual school is the unit for education
2747 accountability.

2748 3.~~(d)~~ The community college board of trustees is
2749 responsible for community college performance and student
2750 performance.

2751 ~~(e) The university board of trustees is responsible for~~
2752 ~~university performance and student performance.~~

2753 (1)~~(12)~~ To maintain ~~establish~~ a Citizen Information Center
2754 responsible for the preparation, publication, and dissemination
2755 ~~distribution~~ of user-friendly materials relating to the state's
2756 ~~state system of seamless K-20 public education system, including~~
2757 the state's K-12 scholarship programs and the Voluntary
2758 Prekindergarten Education Program.

2759 (m)~~(13)~~ To prepare and publish annually reports giving
2760 statistics and other useful information pertaining to the
2761 state's K-12 scholarship programs and the Voluntary
2762 Prekindergarten Education Program ~~Opportunity Scholarship~~
2763 ~~Program.~~

2764 (n)~~(14)~~ To have printed or electronic copies of school
2765 laws, forms, instruments, instructions, and rules of the State
2766 Board of Education and provide for their distribution.

2767 (o)~~(15)~~ To develop criteria for use by state instructional
2768 materials committees in evaluating materials submitted for
2769 adoption consideration. The criteria shall, as appropriate, be
2770 based on instructional expectations reflected in curriculum
2771 frameworks and student performance standards. The criteria for
2772 each subject or course shall be made available to publishers of

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2773 instructional materials pursuant to the requirements of chapter
2774 1006.

2775 ~~(p) (16)~~ To prescribe procedures for evaluating
2776 instructional materials submitted by publishers and
2777 manufacturers in each adoption.

2778 ~~(q) (17)~~ To enter into agreement with Space Florida to
2779 develop innovative aerospace-related education programs that
2780 promote mathematics and science education for grades K-20.

2781
2782 ~~The commissioner's office shall operate all statewide functions~~
2783 ~~necessary to support the State Board of Education and the K-20~~
2784 ~~education system, including strategic planning and budget~~
2785 ~~development, general administration, and assessment and~~
2786 ~~accountability.~~

2787 Section 71. Paragraphs (c) and (d) of subsection (1),
2788 paragraph (a) of subsection (2), and subsection (3) of section
2789 1001.11, Florida Statutes, are amended to read:

2790 1001.11 Commissioner of Education; other duties.--

2791 (1) The Commissioner of Education must independently
2792 perform the following duties:

2793 (c) In cooperation with the Board of Governors, develop
2794 and implement a process for receiving and processing requests,
2795 in conjunction with the Legislature, for the allocation of PECO
2796 funds for qualified postsecondary education projects.

2797 (d) Integrally work with the boards of trustees of the
2798 ~~state universities and~~ community colleges.

2799 (2) (a) The Commissioner of Education shall annually report
2800 the state's educational performance on state and national

2801 measures and shall recommend to the State Board of Education
 2802 performance goals addressing the educational needs of the state
 2803 ~~for the K-20 education system. The Council for Education Policy~~
 2804 ~~Research and Improvement, as an independent entity, shall~~
 2805 ~~develop a report card assigning grades to indicate Florida's~~
 2806 ~~progress toward meeting those goals. The annual report card~~
 2807 ~~shall contain information showing Florida's performance relative~~
 2808 ~~to other states on selected measures, as well as Florida's~~
 2809 ~~ability to meet the need for postsecondary degrees and programs~~
 2810 ~~and how well the Legislature has provided resources to meet this~~
 2811 ~~need. The information shall include the results of the National~~
 2812 ~~Assessment of Educational Progress or a similar national~~
 2813 ~~assessment program administered to students in Florida. By~~
 2814 ~~January 1 of each year, the Council for Education Policy~~
 2815 ~~Research and Improvement shall submit the report card to the~~
 2816 ~~Legislature, the Governor, and the public.~~

2817 ~~(b) Prior to the regular legislative session, the~~
 2818 ~~Commissioner of Education shall present to the Legislature a~~
 2819 ~~plan for correcting any deficiencies identified in the report~~
 2820 ~~card.~~

2821 (3) Notwithstanding any other provision of law to the
 2822 contrary, the Commissioner of Education, in conjunction with the
 2823 Legislature, and the Board of Governors regarding the State
 2824 University System, must recommend funding priorities for the
 2825 distribution of capital outlay funds for public postsecondary
 2826 educational institutions, based on priorities that include, but
 2827 are not limited to, the following criteria:

2828 (a) Growth at the institutions.

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2829 (b) Need for specific skills statewide.

2830 (c) Need for maintaining and repairing existing
2831 facilities.

2832 Section 72. Paragraph (e) of subsection (4) of section
2833 1001.20, Florida Statutes, is amended to read:

2834 1001.20 Department under direction of state board.--

2835 (4) The Department of Education shall establish the
2836 following offices within the Office of the Commissioner of
2837 Education which shall coordinate their activities with all other
2838 divisions and offices:

2839 (e) Office of Inspector General.--Organized using existing
2840 resources and funds and responsible for promoting
2841 accountability, efficiency, and effectiveness and detecting
2842 fraud and abuse within school districts, the Florida School for
2843 the Deaf and the Blind, and community colleges, ~~and state~~
2844 ~~universities~~ in Florida. If the Commissioner of Education
2845 determines that a district school board, the Board of Trustees
2846 for the Florida School for the Deaf and the Blind, or a
2847 community college public postsecondary educational institution
2848 board of trustees is unwilling or unable to address
2849 substantiated allegations made by any person relating to waste,
2850 fraud, or financial mismanagement within the school district,
2851 the Florida School for the Deaf and the Blind, or the community
2852 college, the office shall conduct, coordinate, or request
2853 investigations into such substantiated allegations ~~made by any~~
2854 ~~person relating to waste, fraud, or financial mismanagement~~
2855 ~~within school districts, the Florida School for the Deaf and the~~
2856 ~~Blind, community colleges, and state universities in Florida.~~

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2857 The office shall have access to all information and personnel
 2858 necessary to perform its duties and shall have all of its
 2859 current powers, duties, and responsibilities authorized in s.
 2860 20.055.

2861 Section 73. Section 1001.28, Florida Statutes, is amended
 2862 to read:

2863 1001.28 Distance learning duties.--The duties of the
 2864 Department of Education concerning distance learning include,
 2865 but are not limited to, the duty to:

2866 (1) Facilitate the implementation of a statewide
 2867 coordinated system and resource system for cost-efficient
 2868 advanced telecommunications services and distance education
 2869 which will increase overall student access to education.

2870 (2) Coordinate the use of existing resources, including,
 2871 but not limited to, the state's satellite transponders on the
 2872 education satellites, the SUNCOM Network, the Florida
 2873 Information Resource Network (FIRN), the Department of
 2874 Management Services, the Department of Corrections, and the
 2875 Department of Children and Family Services' satellite
 2876 communication facilities to support a statewide advanced
 2877 telecommunications services and distance learning network.

2878 (3) Assist in the coordination of the utilization of the
 2879 production and uplink capabilities available through Florida's
 2880 public television stations, eligible facilities, independent
 2881 colleges and universities, private firms, and others as needed.

2882 (4) Seek the assistance and cooperation of Florida's cable
 2883 television providers in the implementation of the statewide
 2884 advanced telecommunications services and distance learning

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2885 network.

2886 (5) Seek the assistance and cooperation of Florida's
2887 telecommunications carriers to provide affordable student access
2888 to advanced telecommunications services and to distance
2889 learning.

2890 (6) Coordinate partnerships for development, acquisition,
2891 use, and distribution of distance learning.

2892 (7) Secure and administer funding for programs and
2893 activities for distance learning from federal, state, local, and
2894 private sources and from fees derived from services and
2895 materials.

2896 (8) Manage the state's satellite transponder resources and
2897 enter into lease agreements to maximize the use of available
2898 transponder time. All net revenue realized through the leasing
2899 of available transponder time, after deducting the costs of
2900 performing the management function, shall be recycled to support
2901 the public education distance learning in this state based upon
2902 an allocation formula of one-third to the Department of
2903 Education, one-third to community colleges, and one-third to
2904 state universities.

2905 (9) Hire appropriate staff which may include a position
2906 that shall be exempt from part II of chapter 110 and is included
2907 in the Senior Management Service in accordance with s. 110.205.

2908
2909 Nothing in this section shall be construed to abrogate,
2910 supersede, alter, or amend the powers and duties of any state
2911 agency, district school board, community college board of
2912 trustees, university board of trustees, the Board of Governors,

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2913 or the State Board of Education.

2914 Section 74. Subsection (17) of section 1001.64, Florida
 2915 Statutes, is amended to read:

2916 1001.64 Community college boards of trustees; powers and
 2917 duties.--

2918 (17) Each board of trustees is accountable for performance
 2919 in certificate career education and diploma programs pursuant to
 2920 s. 1008.43 ~~1008.44~~.

2921 Section 75. Section 1001.70, Florida Statutes, is amended
 2922 to read:

2923 1001.70 Board of Governors of the State University
 2924 System.--

2925 (1) Pursuant to s. 7(d), Art. IX of the State
 2926 Constitution, the Board of Governors is established as a body
 2927 corporate comprised of 17 members as follows: 14 citizen members
 2928 appointed by the Governor subject to confirmation by the Senate;
 2929 the Commissioner of Education; the chair of the advisory council
 2930 of faculty senates or the equivalent; and the president of the
 2931 Florida student association or the equivalent. The appointed
 2932 members shall serve staggered 7-year terms. In order to achieve
 2933 staggered terms, beginning July 1, 2003, of the initial
 2934 appointments, 4 members shall serve 2-year terms, 5 members
 2935 shall serve 3-year terms, and 5 members shall serve 7-year
 2936 terms.

2937 (2) Members of the Board of Governors shall receive no
 2938 compensation but may be reimbursed for travel and per diem
 2939 expenses as provided in s. 112.061.

2940 (3) The Board of Governors, in exercising its authority

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2941 under the State Constitution and statutes, shall exercise its
 2942 authority in a manner that supports, promotes, and enhances a K-
 2943 20 education system that provides affordable access to
 2944 postsecondary educational opportunities for residents of the
 2945 state to the extent authorized by the State Constitution and
 2946 state law.

2947 Section 76. Section 1001.706, Florida Statutes, is created
 2948 to read:

2949 1001.706 Powers and duties of the Board of Governors.--

2950 (1) GENERAL PROVISIONS.--

2951 (a) For each constituent university, the Board of
 2952 Governors, or the board's designee, shall be responsible for
 2953 cost-effective policy decisions appropriate to the university's
 2954 mission, the implementation and maintenance of high-quality
 2955 education programs within law, the measurement of performance,
 2956 the reporting of information, and the provision of input
 2957 regarding state policy, budgeting, and education standards.

2958 (b) The Board of Governors shall adopt rules pursuant to
 2959 chapter 120 when acting pursuant to statutory authority derived
 2960 from the Legislature. The Board of Governors may adopt rules
 2961 pursuant to chapter 120 when exercising the powers, duties, and
 2962 authority granted by s. 7, Art. IX of the State Constitution.

2963 (2) POWERS AND DUTIES RELATING TO ORGANIZATION AND
 2964 OPERATION OF STATE UNIVERSITIES.--

2965 (a) The Board of Governors, or the board's designee, shall
 2966 develop guidelines and procedures related to data and
 2967 technology, including information systems, communications
 2968 systems, computer hardware and software, and networks.

2969 (b) The Board of Governors shall develop guidelines
 2970 relating to divisions of sponsored research, pursuant to the
 2971 provisions of s. 1004.22, to serve the function of
 2972 administration and promotion of the programs of research.

2973 (c) The Board of Governors shall prescribe conditions for
 2974 direct-support organizations and university health services
 2975 support organizations to be certified and to use university
 2976 property and services. Conditions relating to certification must
 2977 provide for audit review and oversight by the Board of
 2978 Governors.

2979 (d) The Board of Governors shall develop guidelines for
 2980 supervising faculty practice plans for the academic health
 2981 science centers.

2982 (e) The Board of Governors shall ensure that students at
 2983 state universities have access to general education courses as
 2984 provided in the statewide articulation agreement, pursuant to s.
 2985 1007.23.

2986 (f) The Board of Governors shall approve baccalaureate
 2987 degree programs that require more than 120 semester credit hours
 2988 of coursework prior to such programs being offered by a state
 2989 university. At least half of the required coursework for any
 2990 baccalaureate degree must be offered at the lower-division
 2991 level, except in program areas approved by the Board of
 2992 Governors.

2993 (g) The Board of Governors, or the board's designee, shall
 2994 adopt a written antihazing policy, appropriate penalties for
 2995 violations of such policy, and a program for enforcing such
 2996 policy.

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2997 (h) The Board of Governors, or the board's designee, may
2998 establish a uniform code of conduct and appropriate penalties
2999 for violations of its rules by students and student
3000 organizations, including rules governing student academic
3001 honesty. Such penalties, unless otherwise provided by law, may
3002 include reasonable fines, the withholding of diplomas or
3003 transcripts pending compliance with rules or payment of fines,
3004 and the imposition of probation, suspension, or dismissal.

3005 (3) POWERS AND DUTIES RELATING TO FINANCE.--

3006 (a) The Board of Governors, or the board's designee, shall
3007 account for expenditures of all state, local, federal, and other
3008 funds. Such accounting systems shall have appropriate audit and
3009 internal controls in place that will enable the constituent
3010 universities to satisfactorily and timely perform all accounting
3011 and reporting functions required by state and federal law and
3012 rules.

3013 (b) The Board of Governors shall prepare the legislative
3014 budget requests for the State University System, including a
3015 request for fixed capital outlay, and submit them to the State
3016 Board of Education for inclusion in the K-20 legislative budget
3017 request. The Board of Governors shall provide the state
3018 universities with fiscal policy guidelines, formats, and
3019 instruction for the development of individual university budget
3020 requests.

3021 (c) The Board of Governors, or the board's designee, shall
3022 establish tuition and fees pursuant to ss. 1009.24 and 1009.26.

3023 (d) The Board of Governors, or the board's designee, is
3024 authorized to secure comprehensive general liability insurance

3025 pursuant to s. 1004.24.

3026 (4) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.--

3027 (a) The Board of Governors shall develop a strategic plan
 3028 specifying goals and objectives for the State University System
 3029 and each constituent university.

3030 (b) The Board of Governors shall develop an accountability
 3031 plan for the State University System and each constituent
 3032 university.

3033 (c) The Board of Governors shall maintain an effective
 3034 information system to provide accurate, timely, and cost-
 3035 effective information about each university. The board shall
 3036 continue to collect and maintain, at a minimum, the management
 3037 information databases as such databases existed on June 30,
 3038 2002.

3039 (d) If the Board of Governors of the State University
 3040 System determines that a state university board of trustees is
 3041 unwilling or unable to address substantiated allegations made by
 3042 any person relating to waste, fraud, or financial mismanagement
 3043 within the state university, the Office of the Inspector General
 3044 shall investigate the allegations.

3045 (5) POWERS AND DUTIES RELATING TO PERSONNEL.--

3046 (a) The Board of Governors, or the board's designee, shall
 3047 establish the personnel program for all employees of a state
 3048 university, including the president.

3049 (b) The Department of Management Services shall retain
 3050 authority over state university employees for programs
 3051 established in ss. 110.123, 110.161, 110.1232, 110.1234, and
 3052 110.1238 and in chapters 121, 122, and 238. Unless specifically

3053 authorized by law, neither the Board of Governors nor a state
 3054 university may offer group insurance programs for employees as a
 3055 substitute for or as an alternative to the health insurance
 3056 programs offered pursuant to chapter 110.

3057 (c) Except as otherwise provided by law, university
 3058 employees are public employees for purposes of chapter 112 and
 3059 any payment for travel and per diem expenses shall not exceed
 3060 the level specified in s. 112.061.

3061 (6) POWERS AND DUTIES RELATING TO PROPERTY.--

3062 (a) The Board of Governors shall develop guidelines for
 3063 university boards of trustees relating to the acquisition of
 3064 real and personal property and the sale and disposal thereof and
 3065 the approval and execution of contracts for the purchase, sale,
 3066 lease, license, or acquisition of commodities, goods, equipment,
 3067 contractual services, leases of real and personal property, and
 3068 construction. The acquisition may include purchase by
 3069 installment or lease-purchase. Such contracts may provide for
 3070 payment of interest on the unpaid portion of the purchase price.
 3071 Title to all real property acquired prior to January 7, 2003,
 3072 and to all real property acquired with funds appropriated by the
 3073 Legislature shall be vested in the Board of Trustees of the
 3074 Internal Improvement Trust Fund and shall be transferred and
 3075 conveyed by it. Notwithstanding any other provisions of this
 3076 subsection, each board of trustees shall comply with the
 3077 provisions of s. 287.055 for the procurement of professional
 3078 services as defined therein. Any acquisition pursuant to this
 3079 paragraph is subject to the provisions of s. 1010.62.

3080 (b) The Board of Governors shall develop guidelines for

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3081 university boards of trustees relating to the use, maintenance,
3082 protection, and control of university-owned or university-
3083 controlled buildings and grounds, property and equipment, name,
3084 trademarks and other proprietary marks, and the financial and
3085 other resources of the university. Such authority may include
3086 placing restrictions on activities and on access to facilities,
3087 firearms, food, tobacco, alcoholic beverages, distribution of
3088 printed materials, commercial solicitation, animals, and sound.
3089 The authority provided the board of trustees in this subsection
3090 includes the prioritization of the use of space, property,
3091 equipment, and resources and the imposition of charges for those
3092 items.

3093 (c) The Board of Governors, or the board's designee, shall
3094 administer a program for the maintenance and construction of
3095 facilities pursuant to chapter 1013.

3096 (d) The Board of Governors, or the board's designee, shall
3097 ensure compliance with the provisions of s. 287.09451 for all
3098 procurement and ss. 255.101 and 255.102 for construction
3099 contracts, and rules adopted pursuant thereto, relating to the
3100 utilization of minority business enterprises, except that
3101 procurements costing less than the amount provided for in
3102 CATEGORY FIVE as provided in s. 287.017 shall not be subject to
3103 s. 287.09451.

3104 (e) Notwithstanding the provisions of s. 253.025 but
3105 subject to the provisions of s. 1010.62, the Board of Governors,
3106 or the board's designee, may, with the consent of the Board of
3107 Trustees of the Internal Improvement Trust Fund, sell, convey,
3108 transfer, exchange, trade, or purchase real property and related

3109 improvements necessary and desirable to serve the needs and
 3110 purposes of the university.

3111 1. The Board of Governors, or the board's designee, may
 3112 secure appraisals and surveys. The Board of Governors, or the
 3113 board's designee, shall comply with the rules of the Board of
 3114 Trustees of the Internal Improvement Trust Fund in securing
 3115 appraisals. Whenever the Board of Governors, or the board's
 3116 designee, finds it necessary for timely property acquisition, it
 3117 may contract, without the need for competitive selection, with
 3118 one or more appraisers whose names are contained on the list of
 3119 approved appraisers maintained by the Division of State Lands in
 3120 the Department of Environmental Protection.

3121 2. The Board of Governors, or the board's designee, may
 3122 negotiate and enter into an option contract before an appraisal
 3123 is obtained. The option contract must state that the final
 3124 purchase price may not exceed the maximum value allowed by law.
 3125 The consideration for such an option contract may not exceed 10
 3126 percent of the estimate obtained by the Board of Governors, or
 3127 the board's designee, or 10 percent of the value of the parcel,
 3128 whichever is greater, unless otherwise authorized by the Board
 3129 of Governors or the board's designee.

3130 3. This paragraph is not intended to abrogate in any
 3131 manner the authority delegated to the Board of Trustees of the
 3132 Internal Improvement Trust Fund or the Division of State Lands
 3133 to approve a contract for purchase of state lands or to require
 3134 policies and procedures to obtain clear legal title to parcels
 3135 purchased for state purposes. Title to property acquired by a
 3136 university board of trustees prior to January 7, 2003, and to

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3137 property acquired with funds appropriated by the Legislature
 3138 shall vest in the Board of Trustees of the Internal Improvement
 3139 Trust Fund.

3140 (f) The Board of Governors, or the board's designee, shall
 3141 prepare and adopt a campus master plan pursuant to s. 1013.30.

3142 (g) The Board of Governors, or the board's designee, shall
 3143 prepare, adopt, and execute a campus development agreement
 3144 pursuant to s. 1013.30.

3145 (h) Notwithstanding the provisions of s. 216.351, the
 3146 Board of Governors, or the board's designee, may authorize the
 3147 rent or lease of parking facilities provided that such
 3148 facilities are funded through parking fees or parking fines
 3149 imposed by a university. The Board of Governors, or the board's
 3150 designee, may authorize a university board of trustees to charge
 3151 fees for parking at such rented or leased parking facilities.

3152 (7) COMPLIANCE WITH LAWS, RULES, REGULATIONS, AND
 3153 REQUIREMENTS.--The Board of Governors has responsibility for
 3154 compliance with state and federal laws, rules, regulations, and
 3155 requirements.

3156 (8) COOPERATION WITH OTHER BOARDS.--The Board of Governors
 3157 shall implement a plan for working on a regular basis with the
 3158 State Board of Education, the Commission for Independent
 3159 Education, the university boards of trustees, representatives of
 3160 the community college boards of trustees, representatives of the
 3161 private colleges and universities, and representatives of the
 3162 district school boards to achieve a seamless education system.

3163 (9) The Board of Governors is prohibited from assessing
 3164 any fee on state universities, unless specifically authorized by

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3165 law.

3166 Section 77. Subsections (3) and (4) of section 1001.71,
3167 Florida Statutes, are amended to read:

3168 1001.71 University boards of trustees; membership.--

3169 (3) University boards of trustees are a part of the
3170 executive branch of state government. ~~Each board of trustees~~
3171 ~~shall select its chair and vice chair from the appointed members~~
3172 ~~at its first regular meeting after July 1. The chair shall serve~~
3173 ~~for 2 years and may be reelected for one additional consecutive~~
3174 ~~term. The duties of the chair shall include presiding at all~~
3175 ~~meetings of the board of trustees, calling special meetings of~~
3176 ~~the board of trustees, and attesting to actions of the board of~~
3177 ~~trustees. The duty of the vice chair is to act as chair during~~
3178 ~~the absence or disability of the chair.~~

3179 ~~(4) The university president shall serve as executive~~
3180 ~~officer and corporate secretary of the board of trustees and~~
3181 ~~shall be responsible to the board of trustees for all operations~~
3182 ~~of the university and for setting the agenda for meetings of the~~
3183 ~~board of trustees in consultation with the chair.~~

3184 Section 78. Section 1001.72, Florida Statutes, is amended
3185 to read:

3186 1001.72 University boards of trustees; boards to
3187 constitute a corporation.--

3188 (1) Each board of trustees shall be a public body
3189 corporate by the name of "The (name of university) Board of
3190 Trustees," with all the powers of a body corporate, including
3191 the power to adopt a corporate seal, to contract and be
3192 contracted with, to sue and be sued, to plead and be impleaded

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3193 in all courts of law or equity, and to give and receive
 3194 donations. In all suits against a board of trustees, service of
 3195 process shall be made on the chair of the board of trustees or,
 3196 in the absence of the chair, on the corporate secretary or
 3197 designee.

3198 ~~(2) It is the intent of the Legislature that the~~
 3199 ~~university boards of trustees are not departments of the~~
 3200 ~~executive branch of state government within the scope and~~
 3201 ~~meaning of s. 6, Art. IV of the State Constitution.~~

3202 (2)(3) The corporation is constituted as a public
 3203 instrumentality, and the exercise by the corporation of the
 3204 power conferred by this section is considered to be the
 3205 performance of an essential public function. ~~The corporation~~
 3206 ~~shall constitute an agency for the purposes of s. 120.52. The~~
 3207 corporation is subject to chapter 119 and s. 24, Art. I of the
 3208 State Constitution, subject to exceptions applicable to the
 3209 corporation, and to the provisions of chapter 286; however, the
 3210 corporation shall be entitled to provide notice of internal
 3211 review committee meetings for competitive proposals or
 3212 procurement to applicants by mail or facsimile rather than by
 3213 means of publication. The corporation is not governed by chapter
 3214 607, but by the provisions of this part. The corporation shall
 3215 maintain coverage under the State Risk Management Trust Fund as
 3216 provided in chapter 284.

3217 ~~(4) No bureau, department, division, agency, or~~
 3218 ~~subdivision of the state shall exercise any responsibility and~~
 3219 ~~authority to operate any state university except as specifically~~
 3220 ~~provided by law or rules of the State Board of Education. This~~

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3221 ~~section shall not prohibit any department, bureau, division,~~
 3222 ~~agency, or subdivision of the state from providing access to~~
 3223 ~~programs or systems or providing other assistance to a state~~
 3224 ~~university pursuant to an agreement between the board of~~
 3225 ~~trustees and such department, bureau, division, agency, or~~
 3226 ~~subdivision of the state.~~

3227 ~~(5) University boards of trustees shall be corporations~~
 3228 ~~primarily acting as instrumentalities or agencies of the state,~~
 3229 ~~pursuant to s. 768.28(2), for purposes of sovereign immunity.~~

3230 Section 79. Subsections (2) and (4) of section 1001.73,
 3231 Florida Statutes, are amended to read:

3232 1001.73 University board empowered to act as trustee.--

3233 (2) Deeds, mortgages, leases, and other contracts of the
 3234 university board of trustees relating to real property of any
 3235 such trust or any interest therein may be executed by the
 3236 university board of trustees, as trustee, in the same manner as
 3237 is provided by the laws of the state for the execution of
 3238 similar documents by other corporations or may be executed by
 3239 the signatures of a majority of the members of the board of
 3240 trustees; however, to be effective, any such deed, mortgage, or
 3241 lease contract for more than 10 years of any trust property,
 3242 executed hereafter by the university board of trustees, shall be
 3243 approved by a resolution of the Board of Governors ~~State Board~~
 3244 ~~of Education~~; and such approving resolution may be evidenced by
 3245 the signature of either the chair or the secretary of the Board
 3246 of Governors ~~State Board of Education~~ to an endorsement on the
 3247 instrument approved, reciting the date of such approval, and
 3248 bearing the seal of the Board of Governors ~~State Board of~~

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3249 ~~Education~~. Such signed and sealed endorsement shall be a part of
 3250 the instrument and entitled to record without further proof.

3251 (4) Nothing herein shall be construed to authorize a
 3252 university board of trustees to contract a debt on behalf of, or
 3253 in any way to obligate, the state; and the satisfaction of any
 3254 debt or obligation incurred by the university board as trustee
 3255 under the provisions of this section shall be exclusively from
 3256 the trust property, mortgaged or encumbered; and nothing herein
 3257 shall in any manner affect or relate to the provisions of ~~ss.~~
 3258 ~~1010.61-1010.619~~ or s. 1013.78; and any mortgage, lease, or
 3259 other agreement entered into pursuant to this section is subject
 3260 to the provisions of s. 1010.62.

3261 Section 80. Section 1001.74, Florida Statutes, is amended
 3262 to read:

3263 (Substantial rewording of section. See
 3264 s. 1001.74, F.S., for present text.)

3265 1001.74 Powers and duties of university boards of
 3266 trustees.--

3267 (1) GENERAL PROVISIONS.--

3268 (a) Pursuant to s. 7(c), Art. IX of the State Constitution
 3269 and except as otherwise provided by law, the Board of Governors
 3270 shall establish the powers and duties of the university boards
 3271 of trustees.

3272 (b) To the extent delegated by the Board of Governors
 3273 pursuant to s. 1001.706, the boards of trustees shall be
 3274 responsible for cost-effective policy decisions appropriate to
 3275 the university's mission, the implementation and maintenance of
 3276 high-quality education programs within law and guidelines of the

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3277 Board of Governors, the measurement of performance, the
3278 reporting of information, and the provision of input regarding
3279 state policy, budgeting, and education standards.

3280 (c) Each board of trustees is vested with the authority to
3281 govern its university as necessary to provide proper governance
3282 and improvement of the university in accordance with law and
3283 with guidelines of the Board of Governors.

3284 (d) Each board of trustees shall perform all duties
3285 assigned by law or by the Board of Governors.

3286 (e) Each board of trustees shall adopt rules pursuant to
3287 chapter 120 when acting pursuant to statutory authority derived
3288 from the Legislature. Each board of trustees may adopt rules
3289 pursuant to chapter 120 when exercising the powers, duties, and
3290 authority granted by s. 7, Art. IX of the State Constitution.

3291 (2) POWERS AND DUTIES RELATING TO ORGANIZATION AND
3292 OPERATION OF STATE UNIVERSITIES.--

3293 (a) Each board of trustees constitutes the contracting
3294 agent of the university. Each university shall comply with the
3295 provisions of s. 287.055 for the procurement of professional
3296 services and may approve and execute all contracts for planning,
3297 construction, and equipment. For the purpose of a university's
3298 contracting authority, a "continuing contract" for professional
3299 services under the provisions of s. 287.055 is one in which
3300 construction costs do not exceed \$1 million or the fee for study
3301 activity does not exceed \$100,000. Contracts executed pursuant
3302 to this paragraph are subject to the requirements of s. 1010.62.

3303 (b) Each board of trustees shall submit to the Board of
3304 Governors, for approval, all new campuses and instructional

3305 centers.

3306 (c) Each board of trustees has responsibility for
 3307 requiring no more than 120 semester hours of coursework for
 3308 baccalaureate degree programs unless approved by the Board of
 3309 Governors. At least half of the required coursework for any
 3310 baccalaureate degree must be offered at the lower-division
 3311 level, except in program areas approved by the Board of
 3312 Governors.

3313 (d) Each board of trustees has responsibility for ensuring
 3314 that students have access to general education courses as
 3315 provided in the statewide articulation agreement, pursuant to s.
 3316 1007.23.

3317 (e) To the extent delegated by the Board of Governors
 3318 pursuant to s. 1001.706, each board of trustees shall adopt a
 3319 written antihazing policy, appropriate penalties for violations
 3320 of such policy, and a program for enforcing such policy.

3321 (f) To the extent delegated by the Board of Governors
 3322 pursuant to s. 1001.706, each board of trustees shall establish
 3323 a uniform code of conduct and appropriate penalties for
 3324 violations of its rules by students and student organizations,
 3325 including rules governing student academic honesty. Such
 3326 penalties, unless otherwise provided by law, may include
 3327 reasonable fines, the withholding of diplomas or transcripts
 3328 pending compliance with rules or payment of fines, and the
 3329 imposition of probation, suspension, or dismissal.

3330 (g) Each board of trustees is authorized to create
 3331 divisions of sponsored research pursuant to the provisions of s.
 3332 1004.22 and guidelines of the Board of Governors to serve the

3333 function of administration and promotion of the programs of
 3334 research.

3335 (h) Each board of trustees may develop and produce work
 3336 products relating to educational endeavors that are subject to
 3337 trademark, copyright, or patent statutes pursuant to s. 1004.23.

3338 (i) To the extent delegated by the Board of Governors
 3339 pursuant to s. 1001.706, each board of trustees shall develop
 3340 guidelines and procedures related to data and technology,
 3341 including information systems, communications systems, computer
 3342 hardware and software, and networks.

3343 (j) Each board of trustees shall govern traffic on its
 3344 campus pursuant to s. 1006.66.

3345 (k) A board of trustees has responsibility for supervising
 3346 faculty practice plans for the academic health science centers
 3347 pursuant to guidelines of the Board of Governors.

3348 (l) Each board of trustees may certify direct-support
 3349 organizations and university health services support
 3350 organizations to use university property and services in
 3351 accordance with guidelines of the Board of Governors.

3352 (m) Each board of trustees may establish educational
 3353 research centers for child development pursuant to s. 1011.48.

3354 (3) POWERS AND DUTIES RELATING TO FINANCE.--

3355 (a) To the extent delegated by the Board of Governors
 3356 pursuant to s. 1001.706, each board of trustees shall account
 3357 for expenditures of all state, local, federal, and other funds.
 3358 Such accounting systems shall have appropriate audit and
 3359 internal controls in place that will enable the university to
 3360 satisfactorily and timely perform all accounting and reporting

3361 functions required by state and federal law and rules.

3362 (b) Each board of trustees shall submit an institutional
 3363 budget request, including a request for fixed capital outlay,
 3364 and an operating budget to the Board of Governors for approval
 3365 in accordance with guidelines established by the Board of
 3366 Governors.

3367 (c) To the extent delegated by the Board of Governors
 3368 pursuant to s. 1001.706, each board of trustees shall establish
 3369 tuition and fees pursuant to ss. 1009.24 and 1009.26.

3370 (d) To the extent delegated by the Board of Governors
 3371 pursuant to s. 1001.706, each board of trustees is authorized to
 3372 secure comprehensive general liability insurance pursuant to s.
 3373 1004.24.

3374 (e) Each board of trustees may provide for payment of the
 3375 costs of civil actions against officers, employees, or agents of
 3376 the board pursuant to s. 1012.965.

3377 (f) Each board of trustees may enter into agreements for,
 3378 and accept, credit card payments as compensation for goods,
 3379 services, tuition, and fees.

3380 (4) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.--

3381 (a) Each board of trustees shall develop a strategic plan
 3382 specifying institutional goals and objectives for the university
 3383 for recommendation to and approval by the Board of Governors.

3384 (b) Each board of trustees shall develop an accountability
 3385 plan pursuant to guidelines established by the Board of
 3386 Governors.

3387 (c) Each board of trustees shall maintain an effective
 3388 information system to provide accurate, timely, and cost-

3389 effective information about the university pursuant to
 3390 guidelines of the Board of Governors.

3391 (5) POWERS AND DUTIES RELATING TO PERSONNEL.--

3392 (a) To the extent delegated by the Board of Governors
 3393 pursuant to s. 1001.706, each board of trustees shall establish
 3394 the personnel program for all employees of the university,
 3395 including the president.

3396 (b) The Department of Management Services shall retain
 3397 authority over state university employees for programs
 3398 established in ss. 110.123, 110.161, 110.1232, 110.1234, and
 3399 110.1238 and in chapters 121, 122, and 238. Unless specifically
 3400 authorized by law, neither the Board of Governors nor a state
 3401 university may offer group insurance programs for employees as a
 3402 substitute for or as an alternative to the health insurance
 3403 programs offered pursuant to chapter 110.

3404 (c) Except as otherwise provided by law, university
 3405 employees are public employees for purposes of chapter 112 and
 3406 the payment for travel and per diem shall not exceed the level
 3407 specified in s. 112.061.

3408 (6) POWERS AND DUTIES RELATING TO PROPERTY.--

3409 (a) Each board of trustees shall have the authority to
 3410 acquire real and personal property and contract for its sale and
 3411 disposal and approve and execute contracts for the purchase,
 3412 sale, lease, license, or acquisition of commodities, goods,
 3413 equipment, contractual services, leases of real and personal
 3414 property, and construction in accordance with law and guidelines
 3415 of the Board of Governors. The acquisition may include purchase
 3416 by installment or lease-purchase. Such contracts may provide for

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3417 payment of interest on the unpaid portion of the purchase price.
3418 Title to all real property acquired prior to January 7, 2003,
3419 and to all real property acquired with funds appropriated by the
3420 Legislature shall be vested in the Board of Trustees of the
3421 Internal Improvement Trust Fund and shall be transferred and
3422 conveyed by it. Notwithstanding any other provisions of this
3423 subsection, each board of trustees shall comply with the
3424 provisions of s. 287.055 for the procurement of professional
3425 services as defined therein. Any acquisition pursuant to this
3426 paragraph is subject to the provisions of s. 1010.62.

3427 (b) Each board of trustees shall have responsibility for
3428 the use, maintenance, protection, and control of university-
3429 owned or university-controlled buildings and grounds, property
3430 and equipment, name, trademarks and other proprietary marks, and
3431 the financial and other resources of the university pursuant to
3432 guidelines of the Board of Governors. Such authority may include
3433 placing restrictions on activities and on access to facilities,
3434 firearms, food, tobacco, alcoholic beverages, distribution of
3435 printed materials, commercial solicitation, animals, and sound.
3436 The authority vested in the board of trustees in this subsection
3437 includes the prioritization of the use of space, property,
3438 equipment, and resources and the imposition of charges for those
3439 items.

3440 (c) To the extent delegated by the Board of Governors
3441 pursuant to s. 1001.706, each board of trustees shall administer
3442 a program for the maintenance and construction of facilities
3443 pursuant to chapter 1013.

3444 (d) To the extent delegated by the Board of Governors

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3445 pursuant to s. 1001.706, each board of trustees shall ensure
3446 compliance with the provisions of s. 287.09451 for all
3447 procurement and ss. 255.101 and 255.102 for construction
3448 contracts, and rules adopted pursuant thereto, relating to the
3449 utilization of minority business enterprises, except that
3450 procurements costing less than the amount provided for in
3451 CATEGORY FIVE as provided in s. 287.017 shall not be subject to
3452 s. 287.09451.

3453 (e) Each board of trustees may exercise the right of
3454 eminent domain pursuant to the provisions of chapter 1013. Any
3455 suits or actions brought by the board of trustees shall be
3456 brought in the name of the board of trustees, and the Department
3457 of Legal Affairs shall conduct the proceedings for, and act as
3458 the counsel of, the board of trustees.

3459 (f) Notwithstanding the provisions of s. 253.025 but
3460 subject to the provisions of s. 1010.62, each board of trustees
3461 may, to the extent delegated by the Board of Governors pursuant
3462 to s. 1001.706 and with the consent of the Board of Trustees of
3463 the Internal Improvement Trust Fund, sell, convey, transfer,
3464 exchange, trade, or purchase real property and related
3465 improvements necessary and desirable to serve the needs and
3466 purposes of the university.

3467 1. To the extent delegated by the Board of Governors
3468 pursuant to s. 1001.706, each board of trustees may secure
3469 appraisals and surveys. The board of trustees shall comply with
3470 the rules of the Board of Trustees of the Internal Improvement
3471 Trust Fund in securing appraisals. Whenever the board of
3472 trustees finds it necessary for timely property acquisition, it

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3473 may contract, without the need for competitive selection, with
3474 one or more appraisers whose names are contained on the list of
3475 approved appraisers maintained by the Division of State Lands in
3476 the Department of Environmental Protection.

3477 2. To the extent delegated by the Board of Governors
3478 pursuant to s. 1001.706, each board of trustees may negotiate
3479 and enter into an option contract before an appraisal is
3480 obtained. The option contract must state that the final purchase
3481 price may not exceed the maximum value allowed by law. The
3482 consideration for such an option contract may not exceed 10
3483 percent of the estimate obtained by the board of trustees or 10
3484 percent of the value of the parcel, whichever is greater, unless
3485 otherwise authorized by the board of trustees.

3486 3. This paragraph is not intended to abrogate in any
3487 manner the authority delegated to the Board of Trustees of the
3488 Internal Improvement Trust Fund or the Division of State Lands
3489 to approve a contract for purchase of state lands or to require
3490 policies and procedures to obtain clear legal title to parcels
3491 purchased for state purposes. Title to property acquired by a
3492 university board of trustees prior to January 7, 2003, and to
3493 property acquired with funds appropriated by the Legislature
3494 shall vest in the Board of Trustees of the Internal Improvement
3495 Trust Fund.

3496 (g) To the extent delegated by the Board of Governors
3497 pursuant to s. 1001.706, each board of trustees shall prepare
3498 and adopt a campus master plan pursuant to s. 1013.30.

3499 (h) To the extent delegated by the Board of Governors
3500 pursuant to s. 1001.706, each board of trustees shall prepare,

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3501 adopt, and execute a campus development agreement pursuant to s.
 3502 1013.30.

3503 (i) Notwithstanding the provisions of s. 216.351 and to
 3504 the extent delegated by the Board of Governors pursuant to s.
 3505 1001.706, a board of trustees may authorize the rent or lease of
 3506 parking facilities, provided that such facilities are funded
 3507 through parking fees or parking fines imposed by a university.
 3508 With authorization from the Board of Governors, a board of
 3509 trustees may charge fees for parking at such rented or leased
 3510 parking facilities.

3511 (j) Each board of trustees shall adjust property records
 3512 and dispose of state-owned tangible property in the university's
 3513 custody in accordance with procedures established by the board
 3514 of trustees in accordance with the provisions of chapter 273.
 3515 Notwithstanding the provisions of s. 273.055(5), all moneys
 3516 received from the disposition of state-owned tangible personal
 3517 property shall be retained by the university and disbursed for
 3518 the acquisition of tangible personal property and for all
 3519 necessary operating expenditures. The university shall maintain
 3520 records of the accounts into which such moneys are deposited.

3521 (7) COMPLIANCE WITH LAWS, RULES, REGULATIONS, AND
 3522 REQUIREMENTS.--Each board of trustees has responsibility for
 3523 compliance with state and federal laws, rules, regulations, and
 3524 requirements.

3525 (8) OTHER POWERS AND DUTIES.--A board of trustees shall
 3526 perform such other duties as are provided by law or at the
 3527 direction of the Board of Governors.

3528 Section 81. Paragraph (a) of subsection (2) and subsection

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3529 (4) of section 1002.35, Florida Statutes, are amended to read:

3530 1002.35 New World School of the Arts.--

3531 (2) (a) For purposes of governance, the New World School of
 3532 the Arts is assigned to Miami-Dade ~~Community~~ College, the Dade
 3533 County School District, and one or more universities designated
 3534 by the State Board of Education. The State Board of Education,
 3535 in conjunction with the Board of Governors, shall assign to the
 3536 New World School of the Arts a university partner or partners.
 3537 In this selection, the State Board of Education and the Board of
 3538 Governors shall consider the accreditation status of the core
 3539 programs. Florida International University, in its capacity as
 3540 the provider of university services to Dade County, shall be a
 3541 partner to serve the New World School of the Arts, upon meeting
 3542 the accreditation criteria. The respective boards shall appoint
 3543 members to an executive board for administration of the school.
 3544 The executive board may include community members and shall
 3545 reflect proportionately the participating institutions. Miami-
 3546 Dade ~~Community~~ College shall serve as fiscal agent for the
 3547 school.

3548 (4) The State Board of Education and the Board of
 3549 Governors shall utilize resources, programs, and faculty from
 3550 the various state universities in planning and providing the
 3551 curriculum and courses at the New World School of the Arts,
 3552 drawing on program strengths at each state university.

3553 Section 82. Subsection (8) of section 1002.41, Florida
 3554 Statutes, is amended to read:

3555 1002.41 Home education programs.--

3556 (8) Home education students are eligible for admission to

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3557 state universities in accordance with the policies and
3558 guidelines of the Board of Governors ~~provisions of s. 1007.261.~~

3559 Section 83. Subsections (1) and (3) of section 1004.03,
3560 Florida Statutes, are amended to read:

3561 1004.03 Program approval.--

3562 (1) The Board of Governors ~~State Board of Education~~ shall
3563 establish criteria for the approval of new programs at state
3564 universities that will receive any support from tuition and fees
3565 assessed pursuant to s. 1009.24 or from funds appropriated by
3566 the Legislature through the General Appropriations Act or other
3567 law. These, which criteria include, but are not limited to, the
3568 following:

3569 (a) New programs may not be approved unless the same
3570 objectives cannot be met through use of educational technology.

3571 (b) Unnecessary duplication of programs offered by public
3572 and independent institutions shall be avoided.

3573 (c) Cooperative programs, particularly within regions,
3574 should be encouraged.

3575 (d) New programs shall be approved only if they are
3576 consistent with the strategic plan ~~state master plans~~ adopted by
3577 the Board of Governors ~~State Board of Education~~.

3578 (e) A new graduate-level program or professional-level
3579 program may be approved if:

3580 1. The university has taken into account the offerings of
3581 its counterparts, including institutions in other sectors,
3582 particularly at the regional level.

3583 2. The addition of the program will not alter the emphasis
3584 on undergraduate education.

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3585 3. The regional need and demand for the ~~graduate~~ program
3586 was addressed and the community needs are obvious.

3587 (3) New colleges, schools, or functional equivalents of
3588 any program that leads ~~leading~~ to a degree that is offered as a
3589 credential for a specific license granted under the Florida
3590 Statutes or the State Constitution and that will receive any
3591 support from tuition and fees or from funds appropriated by the
3592 Legislature through the General Appropriations Act or other law
3593 shall not be established without the specific approval of the
3594 Legislature.

3595 Section 84. Paragraph (b) of subsection (5) of section
3596 1004.04, Florida Statutes, is amended to read:

3597 1004.04 Public accountability and state approval for
3598 teacher preparation programs.--

3599 (5) CONTINUED PROGRAM APPROVAL.--Notwithstanding
3600 subsection (4), failure by a public or nonpublic teacher
3601 preparation program to meet the criteria for continued program
3602 approval shall result in loss of program approval. The
3603 Department of Education, in collaboration with the departments
3604 and colleges of education, shall develop procedures for
3605 continued program approval that document the continuous
3606 improvement of program processes and graduates' performance.

3607 (b) Additional criteria for continued program approval for
3608 public institutions may be approved by the State Board of
3609 Education. Such criteria must emphasize instruction in classroom
3610 management and must provide for the evaluation of the teacher
3611 candidates' performance in this area. The criteria shall also
3612 require instruction in working with underachieving students.

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3613 Program evaluation procedures must include, but are not limited
 3614 to, program graduates' satisfaction with instruction and the
 3615 program's responsiveness to local school districts. Additional
 3616 criteria for continued program approval for nonpublic
 3617 institutions shall be developed in the same manner as for public
 3618 institutions; however, such criteria must be based upon
 3619 significant, objective, and quantifiable graduate performance
 3620 measures. Responsibility for collecting data on outcome measures
 3621 through survey instruments and other appropriate means shall be
 3622 shared by the postsecondary educational institutions and the
 3623 Department of Education. By January 1 of each year, the
 3624 Department of Education shall report this information for each
 3625 postsecondary educational institution that has state-approved
 3626 programs of teacher education to the Governor, the State Board
 3627 of Education, the Board of Governors, the Commissioner of
 3628 Education, the President of the Senate, the Speaker of the House
 3629 of Representatives, all Florida postsecondary teacher
 3630 preparation programs, and interested members of the public. This
 3631 report must analyze the data and make recommendations for
 3632 improving teacher preparation programs in the state.

3633 Section 85. Section 1004.07, Florida Statutes, is amended
 3634 to read:

3635 1004.07 Student withdrawal from courses due to military
 3636 service; effect.--

3637 (1) Each district school board, community college ~~district~~
 3638 board of trustees, and state university board of trustees shall
 3639 establish, ~~by rule and pursuant to guidelines of the State Board~~
 3640 ~~of Education~~, policies regarding currently enrolled students who

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3641 are called to, or enlist in, active military service.

3642 (2) Such policies shall provide that any student enrolled
 3643 in a postsecondary course or courses at a career center, a
 3644 public community college, a public college, or a state
 3645 university shall not incur academic or financial penalties by
 3646 virtue of performing military service on behalf of our country.
 3647 Such student shall be permitted the option of either completing
 3648 the course or courses at a later date without penalty or
 3649 withdrawing from the course or courses with a full refund of
 3650 fees paid. If the student chooses to withdraw, the student's
 3651 record shall reflect that the withdrawal is due to active
 3652 military service.

3653 (3) Policies of district school boards and community
 3654 college boards of trustees shall be established by rule and
 3655 pursuant to guidelines of the State Board of Education.

3656 (4) Policies of state university boards of trustees shall
 3657 be established by rule and pursuant to guidelines of the Board
 3658 of Governors.

3659 Section 86. Section 1004.21, Florida Statutes, is amended
 3660 to read:

3661 (Substantial rewording of section. See
 3662 s. 1004.21, F.S., for present text.)

3663 1004.21 State universities; general provisions.--State
 3664 universities are part of the executive branch of state
 3665 government and are administered by a board of trustees as
 3666 provided in s. 1001.74.

3667 Section 87. Subsections (1), (2), (6), and (7) of section
 3668 1004.22, Florida Statutes, are amended to read:

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3669 1004.22 Divisions of sponsored research at state
 3670 universities.--

3671 (1) Each university is authorized to create, in accordance
 3672 with guidelines of the Board of Governors ~~as it deems advisable,~~
 3673 divisions of sponsored research which will serve the function of
 3674 administration and promotion of the programs of research,
 3675 including sponsored training programs, of the university at
 3676 which they are located. ~~A division of sponsored research created~~
 3677 ~~under the provisions of this section shall be under the~~
 3678 ~~supervision of the president of that university.~~

3679 (2) The university shall set such policies to regulate the
 3680 activities of the divisions of sponsored research as it may
 3681 consider necessary ~~to effectuate the purposes of this act and to~~
 3682 administer the research programs in a manner which assures
 3683 efficiency and effectiveness, producing the maximum benefit for
 3684 the educational programs and maximum service to the state. To
 3685 this end, materials that relate to methods of manufacture or
 3686 production, potential trade secrets, potentially patentable
 3687 material, actual trade secrets, business transactions, or
 3688 proprietary information received, generated, ascertained, or
 3689 discovered during the course of research conducted within the
 3690 state universities shall be confidential and exempt from the
 3691 provisions of s. 119.07(1), except that a division of sponsored
 3692 research shall make available upon request the title and
 3693 description of a research project, the name of the researcher,
 3694 and the amount and source of funding provided for such project.

3695 (6) (a) Each university shall submit to the Board of
 3696 Governors ~~State Board of Education~~ a report of the activities of

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3697 each division of sponsored research together with an estimated
 3698 budget for the next fiscal year.

3699 (b) Not less than 90 days prior to the convening of each
 3700 regular session of the Legislature in which an appropriation
 3701 shall be made, the Board of Governors ~~State Board of Education~~
 3702 shall submit to the chair of the appropriations committee of
 3703 each house of the Legislature a compiled report, together with a
 3704 compiled estimated budget for the next fiscal year. A copy of
 3705 such report and estimated budget shall be furnished to the
 3706 Governor, as the chief budget officer of the state.

3707 (7) All purchases of a division of sponsored research
 3708 shall be made in accordance with the policies and procedures of
 3709 the university pursuant to guidelines of the Board of Governors;
 3710 however, upon certification addressed to the university
 3711 president that it is necessary for the efficient or expeditious
 3712 prosecution of a research project, the president may exempt the
 3713 purchase of material, supplies, equipment, or services for
 3714 research purposes from the general purchasing requirement of the
 3715 Florida Statutes.

3716 Section 88. Section 1004.24, Florida Statutes, is amended
 3717 to read:

3718 1004.24 Board of Governors, or the board's designee, State
 3719 ~~Board of Education~~ authorized to secure liability insurance.--

3720 (1) The Board of Governors, or the board's designee, State
 3721 ~~Board of Education~~ is authorized to secure, or otherwise provide
 3722 as a self-insurer, or by a combination thereof, comprehensive
 3723 general liability insurance, including professional liability
 3724 for health care and veterinary sciences, for:

3725 (a) The Board of Governors ~~State Board of Education~~ and
 3726 its officers and members.

3727 (b) A university board of trustees and its officers and
 3728 members.

3729 (c) The faculty and other employees and agents of a
 3730 university board of trustees.

3731 (d) The students of a state university.

3732 (e) A state university or any college, school, institute,
 3733 center, or program thereof.

3734 (f) Any not-for-profit corporation organized pursuant to
 3735 chapter 617, and the directors, officers, employees, and agents
 3736 thereof, which is affiliated with a state university, if the
 3737 corporation is operated for the benefit of the state university
 3738 in a manner consistent with the best interests of the state, and
 3739 if such participation is approved by a self-insurance program
 3740 council, the university president, and the board of trustees.

3741 (2) In the event the Board of Governors, or the board's
 3742 designee, State Board of Education adopts a self-insurance
 3743 program, a governing council chaired by the vice president for
 3744 health affairs or his or her academic equivalent shall be
 3745 established to administer the program and its duties and
 3746 responsibilities, including the administration of self-insurance
 3747 program assets and expenditure policies, which shall be defined
 3748 in rules as authorized by this section. The council shall have
 3749 an annual actuary review performed to establish funding
 3750 requirements to maintain the fiscal integrity of the self-
 3751 insurance program. The assets of a self-insurance program shall
 3752 be deposited outside the State Treasury and shall be

3753 administered in accordance with rules as authorized by this
 3754 section.

3755 (3) Any self-insurance program created under this section
 3756 shall be funded by the entities and individuals protected by
 3757 such program. There shall be no funds appropriated to any self-
 3758 insurance program. The assets of the self-insurance program
 3759 shall be the property of the board that adopts the self-
 3760 insurance program ~~State Board of Education~~ and shall be used
 3761 only to pay the administrative expenses of the self-insurance
 3762 program and to pay any claim, judgment, or claims bill arising
 3763 out of activities for which the self-insurance program was
 3764 created. Investment income that is in excess of that income
 3765 necessary to ensure the solvency of a self-insurance program as
 3766 established by a casualty actuary may be used to defray the
 3767 annual contribution paid into the program by the entities and
 3768 individuals protected by the program.

3769 (4) No self-insurance program adopted by the Board of
 3770 Governors, or the board's designee, ~~State Board of Education~~ may
 3771 sue or be sued. The claims files of any such program are
 3772 privileged and confidential, exempt from the provisions of s.
 3773 119.07(1), and are only for the use of the program in fulfilling
 3774 its duties. Any self-insurance trust fund and revenues generated
 3775 by that fund shall only be used to pay claims and administration
 3776 expenses.

3777 (5) Each self-insurance program council shall make
 3778 provision for an annual financial audit pursuant to s. 11.45 of
 3779 its accounts to be conducted by an independent certified public
 3780 accountant. The annual audit report must include a management

3781 letter and shall be submitted to the Board of Governors and the
 3782 university board of trustees ~~State Board of Education~~ for
 3783 review. The Board of Governors ~~State Board of Education~~ shall
 3784 have the authority to require and receive from the self-
 3785 insurance program council or from its independent auditor any
 3786 detail or supplemental data relative to the operation of the
 3787 self-insurance program.

3788 ~~(6) The State Board of Education may make such rules as~~
 3789 ~~are necessary to carry out the provisions of this section.~~

3790 Section 89. Paragraph (c) is added to subsection (1) of
 3791 section 1004.28, Florida Statutes, and paragraph (b) of
 3792 subsection (2) and subsections (5), (6), and (7) of that section
 3793 are amended, to read:

3794 1004.28 Direct-support organizations; use of property;
 3795 board of directors; activities; audit; facilities.--

3796 (1) DEFINITIONS.--For the purposes of this section:

3797 (c) "Property" does not include student fee revenues
 3798 collected pursuant to s. 1009.24.

3799 (2) USE OF PROPERTY.--

3800 (b) The board of trustees, in accordance with rules and
 3801 guidelines of the Board of Governors, shall prescribe by rule
 3802 conditions with which a university direct-support organization
 3803 must comply in order to use property, facilities, or personal
 3804 services at any state university. Such rules shall provide for
 3805 budget and audit review and oversight by the board of trustees.

3806 (5) ANNUAL AUDIT.--Each direct-support organization shall
 3807 provide for an annual financial audit of its accounts and
 3808 records to be conducted by an independent certified public

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3809 accountant in accordance with rules adopted by the Auditor
 3810 General pursuant to s. 11.45(8) and by the university board of
 3811 trustees. The annual audit report shall be submitted, within 9
 3812 months after the end of the fiscal year, to the Auditor General
 3813 and the Board of Governors ~~State Board of Education~~ for review.
 3814 The Board of Governors ~~State Board of Education~~, the university
 3815 board of trustees, the Auditor General, and the Office of
 3816 Program Policy Analysis and Government Accountability shall have
 3817 the authority to require and receive from the organization or
 3818 from its independent auditor any records relative to the
 3819 operation of the organization. The identity of donors who desire
 3820 to remain anonymous shall be protected, and that anonymity shall
 3821 be maintained in the auditor's report. All records of the
 3822 organization other than the auditor's report, management letter,
 3823 and any supplemental data requested by the Board of Governors
 3824 ~~State Board of Education~~, the university board of trustees, the
 3825 Auditor General, and the Office of Program Policy Analysis and
 3826 Government Accountability shall be confidential and exempt from
 3827 the provisions of s. 119.07(1).

3828 (6) FACILITIES.--~~In addition to issuance of indebtedness~~
 3829 ~~pursuant to s. 1010.60(2)~~, Each direct-support organization is
 3830 authorized to enter into agreements to finance, design and
 3831 construct, lease, lease-purchase, purchase, or operate
 3832 facilities necessary and desirable to serve the needs and
 3833 purposes of the university, as determined by the systemwide
 3834 strategic plan adopted by the Board of Governors ~~State Board of~~
 3835 ~~Education~~. Such agreements are subject to the provisions of ss.
 3836 ~~s.~~ 1013.171 and 1010.62.

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3837 (7) ANNUAL BUDGETS AND REPORTS.--Each direct-support
 3838 organization shall submit to the university president and the
 3839 Board of Governors ~~State Board of Education~~ its federal Internal
 3840 Revenue Service Application for Recognition of Exemption form
 3841 (Form 1023) and its federal Internal Revenue Service Return of
 3842 Organization Exempt from Income Tax form (Form 990).

3843 Section 90. Subsections (3) and (5) of section 1004.29,
 3844 Florida Statutes, are amended to read:

3845 1004.29 University health services support
 3846 organizations.--

3847 (3) A state university board of trustees, in accordance
 3848 with rules and guidelines of the Board of Governors, may
 3849 prescribe, by rule, conditions with which a university health
 3850 services support organization must comply in order to be
 3851 certified and to use property, facilities, or personal services
 3852 at any state university. The rules must provide for budget,
 3853 audit review, and oversight by the board of trustees. Such rules
 3854 shall provide that the university health services support
 3855 organization may provide salary supplements and other
 3856 compensation or benefits for university faculty and staff
 3857 employees only as set forth in the organization's budget, which
 3858 shall be subject to approval by the university president.

3859 (5) Each university health services support organization
 3860 shall provide for an annual financial audit in accordance with
 3861 s. 1004.28(5). The auditor's report, management letter, and any
 3862 supplemental data requested by the Board of Governors ~~State~~
 3863 ~~Board of Education~~, the university board of trustees, and the
 3864 Auditor General shall be considered public records, pursuant to

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3865 s. 119.07.

3866 Section 91. Section 1004.35, Florida Statutes, is amended
3867 to read:

3868 1004.35 Broward County campuses of Florida Atlantic
3869 University; coordination with other institutions.--The State
3870 Board of Education, the Board of Governors, and Florida Atlantic
3871 University shall consult with Broward Community College and
3872 Florida International University in coordinating course
3873 offerings at the postsecondary level in Broward County. Florida
3874 Atlantic University may contract with the Board of Trustees of
3875 Broward Community College and with Florida International
3876 University to provide instruction in courses offered at the
3877 Southeast Campus. Florida Atlantic University shall increase
3878 course offerings at the Southeast Campus as facilities become
3879 available.

3880 Section 92. Subsection (4) of section 1004.36, Florida
3881 Statutes, is amended to read:

3882 1004.36 Florida Atlantic University campuses.--

3883 (4) The Board of Governors ~~State Board of Education~~, as a
3884 function of its comprehensive master planning process, pursuant
3885 to s. 1001.706, shall continue to evaluate the need for
3886 undergraduate programs in Broward County and shall assess the
3887 extent to which existing postsecondary programs are addressing
3888 those needs.

3889 Section 93. Subsection (5) of section 1004.39, Florida
3890 Statutes, is amended to read:

3891 1004.39 College of law at Florida International
3892 University.--

3893 (5) ~~The Florida International University Board of Trustees~~
 3894 ~~shall commence the planning of a college of law at Florida~~
 3895 ~~International University. In planning the college of law, The~~
 3896 Florida International University Board of Trustees and the Board
 3897 of Governors State Board of Education may accept grants,
 3898 donations, gifts, and moneys available for this purpose,
 3899 including moneys for planning and constructing the college. The
 3900 Florida International University Board of Trustees may procure
 3901 and accept any federal funds that are available for the
 3902 planning, creation, and establishment of the college of law.
 3903 ~~Classes must commence by the fall semester 2003.~~ If the American
 3904 Bar Association or any other nationally recognized association
 3905 for the accreditation of colleges of law issues a third
 3906 disapproval of an application for provisional approval or for
 3907 full approval or fails to grant, within 5 years following the
 3908 graduation of the first class, a provisional approval, to the
 3909 college of law at Florida International University, the Board of
 3910 Governors State Board of Education shall make recommendations to
 3911 the Governor and the Legislature as to whether the college of
 3912 law will cease operations at the end of the full academic year
 3913 subsequent to the receipt by the college of law of any such
 3914 third disapproval, or whether the college of law will continue
 3915 operations and any conditions for continued operations. If the
 3916 college of law ceases operations pursuant to this section, the
 3917 following conditions apply:
 3918 (a) The authority for the college of law at Florida
 3919 International University and the authority of the Florida
 3920 International University Board of Trustees and the Board of

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3921 Governors State Board of Education provided in this section
3922 shall terminate upon the cessation of operations of the college
3923 of law at Florida International University. The college of law
3924 at Florida International University shall receive no moneys
3925 allocated for the planning, construction, or operation of the
3926 college of law after its cessation of operations other than
3927 moneys to be expended for the cessation of operations of the
3928 college of law. Any moneys allocated to the college of law at
3929 Florida International University not expended prior to or
3930 scheduled to be expended after the date of the cessation of the
3931 college of law shall be appropriated for other use by the
3932 Legislature of the State of Florida.

3933 (b) Any buildings of the college of law at Florida
3934 International University constructed from the expenditure of
3935 capital outlay funds appropriated by the Legislature shall be
3936 owned by the Board of Trustees of the Internal Improvement Trust
3937 Fund and managed by the Florida International University Board
3938 of Trustees upon the cessation of the college of law.

3939
3940 Nothing in this section shall undermine commitments to current
3941 students receiving support as of the date of the enactment of
3942 this section from the law school scholarship program of the
3943 Florida Education Fund as provided in s. 1009.70(8). Students
3944 attending the college of law at Florida International University
3945 shall be eligible for financial, academic, or other support from
3946 the Florida Education Fund as provided in s. 1009.70(8) without
3947 the college's obtaining accreditation by the American Bar
3948 Association.

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3949 Section 94. Subsection (5) of section 1004.40, Florida
 3950 Statutes, is amended to read:

3951 1004.40 College of law at Florida Agricultural and
 3952 Mechanical University.--

3953 (5) ~~The Florida Agricultural and Mechanical University~~
 3954 ~~Board of Trustees shall commence the planning of a college of~~
 3955 ~~law under the auspices of Florida Agricultural and Mechanical~~
 3956 ~~University to be located in the I-4 corridor area. In planning~~
 3957 ~~the college of law,~~ The Florida Agricultural and Mechanical
 3958 University Board of Trustees and the Board of Governors State
 3959 ~~Board of Education~~ may accept grants, donations, gifts, and
 3960 moneys available for this purpose, including moneys for planning
 3961 and constructing the college. The Florida Agricultural and
 3962 Mechanical University Board of Trustees may procure and accept
 3963 any federal funds that are available for the planning, creation,
 3964 and establishment of the college of law. ~~Classes must commence~~
 3965 ~~by the fall semester 2003.~~ If the American Bar Association or
 3966 any other nationally recognized association for the
 3967 accreditation of colleges of law issues a third disapproval of
 3968 an application for provisional approval or for full approval or
 3969 fails to grant, within 5 years following the graduation of the
 3970 first class, a provisional approval, to the college of law at
 3971 Florida Agricultural and Mechanical University, the Board of
 3972 Governors State Board of Education shall make recommendations to
 3973 the Governor and Legislature as to whether the college of law
 3974 will cease operations at the end of the full academic year
 3975 subsequent to the receipt by the college of law of any such
 3976 third disapproval, or whether the college of law will continue

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3977 | operations and any conditions for continued operations. If the
 3978 | college of law ceases operations of the college of law pursuant
 3979 | to this section, the following conditions apply:

3980 | (a) The authority for the college of law at Florida
 3981 | Agricultural and Mechanical University and the authority of the
 3982 | Florida Agricultural and Mechanical University Board of Trustees
 3983 | and the Board of Governors ~~State Board of Education~~ provided in
 3984 | this section shall terminate upon the cessation of operations of
 3985 | the college of law at Florida Agricultural and Mechanical
 3986 | University. The college of law at Florida Agricultural and
 3987 | Mechanical University shall receive no moneys allocated for the
 3988 | planning, construction, or operation of the college of law after
 3989 | its cessation of operations other than moneys to be expended for
 3990 | the cessation of operations of the college of law. Any moneys
 3991 | allocated to the college of law at Florida Agricultural and
 3992 | Mechanical University not expended prior to or scheduled to be
 3993 | expended after the date of the cessation of the college of law
 3994 | shall be appropriated for other use by the Legislature of the
 3995 | State of Florida.

3996 | (b) Any buildings of the college of law at Florida
 3997 | Agricultural and Mechanical University constructed from the
 3998 | expenditure of capital outlay funds appropriated by the
 3999 | Legislature shall be owned by the Board of Trustees of the
 4000 | Internal Improvement Trust Fund and managed by the Florida
 4001 | Agricultural and Mechanical University Board of Trustees upon
 4002 | the cessation of the college of law.

4003 |
 4004 | Nothing in this section shall undermine commitments to current

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4005 students receiving support as of the date of the enactment of
 4006 this section from the law school scholarship program of the
 4007 Florida Education Fund as provided in s. 1009.70(8). Students
 4008 attending the college of law at Florida Agricultural and
 4009 Mechanical University shall be eligible for financial, academic,
 4010 or other support from the Florida Education Fund as provided in
 4011 s. 1009.70(8) without the college's obtaining accreditation by
 4012 the American Bar Association.

4013 Section 95. Paragraph (e) of subsection (4) of section
 4014 1004.41, Florida Statutes, is amended to read:

4015 1004.41 University of Florida; J. Hillis Miller Health
 4016 Center.--

4017 (4)

4018 (e) In the event that the lease of the hospital facilities
 4019 to the not-for-profit corporation is terminated for any reason,
 4020 the University of Florida Board of Trustees shall resume
 4021 management and operation of the hospital facilities. In such
 4022 event, the University of Florida Board of Trustees
 4023 ~~Administration Commission~~ is authorized to utilize ~~appropriate~~
 4024 revenues generated from the operation of the hospital facilities
 4025 ~~to the University of Florida Board of Trustees~~ to pay the costs
 4026 and expenses of operating the hospital facility for the
 4027 remainder of the fiscal year in which such termination occurs.

4028 Section 96. Subsections (1) through (4), paragraphs (a),
 4029 (f), and (g) of subsection (5), and paragraph (b) of subsection
 4030 (8) of section 1004.43, Florida Statutes, are amended to read:

4031 1004.43 H. Lee Moffitt Cancer Center and Research
 4032 Institute.--There is established the H. Lee Moffitt Cancer

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4033 Center and Research Institute at the University of South
 4034 Florida.

4035 (1) The State Board of Education shall enter into an
 4036 agreement for the utilization of the facilities on the campus of
 4037 the University of South Florida to be known as the H. Lee
 4038 Moffitt Cancer Center and Research Institute, including all
 4039 furnishings, equipment, and other chattels used in the operation
 4040 of said facilities, with a Florida not-for-profit corporation
 4041 organized solely for the purpose of governing and operating the
 4042 H. Lee Moffitt Cancer Center and Research Institute. This not-
 4043 for-profit corporation, acting as an instrumentality of the
 4044 State of Florida, shall govern and operate the H. Lee Moffitt
 4045 Cancer Center and Research Institute in accordance with the
 4046 terms of the agreement between the Board of Governors ~~State~~
 4047 ~~Board of Education~~ and the not-for-profit corporation. The not-
 4048 for-profit corporation may, with the prior approval of the Board
 4049 of Governors ~~State Board of Education~~, create either for-profit
 4050 or not-for-profit corporate subsidiaries, or both, to fulfill
 4051 its mission. For-profit subsidiaries of the not-for-profit
 4052 corporation may not compete with for-profit health care
 4053 providers in the delivery of radiation therapy services to
 4054 patients. The not-for-profit corporation and its subsidiaries
 4055 are authorized to receive, hold, invest, and administer property
 4056 and any moneys received from private, local, state, and federal
 4057 sources, as well as technical and professional income generated
 4058 or derived from practice activities of the institute, for the
 4059 benefit of the institute and the fulfillment of its mission. The
 4060 affairs of the corporation shall be managed by a board of

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4061 directors who shall serve without compensation. The President of
 4062 the University of South Florida and the chair of the Board of
 4063 Governors ~~State Board of Education~~, or his or her designee,
 4064 shall be directors of the not-for-profit corporation, together
 4065 with 5 representatives of the state universities and no more
 4066 than 14 nor fewer than 10 directors who are not medical doctors
 4067 or state employees. Each director shall have only one vote,
 4068 shall serve a term of 3 years, and may be reelected to the
 4069 board. Other than the President of the University of South
 4070 Florida and the chair of the Board of Governors ~~State Board of~~
 4071 ~~Education~~, directors shall be elected by a majority vote of the
 4072 board. The chair of the board of directors shall be selected by
 4073 majority vote of the directors.

4074 (2) The Board of Governors ~~State Board of Education~~ shall
 4075 provide in the agreement with the not-for-profit corporation for
 4076 the following:

4077 (a) Approval of the articles of incorporation of the not-
 4078 for-profit corporation by the Board of Governors ~~State Board of~~
 4079 ~~Education~~.

4080 (b) Approval of the articles of incorporation of any not-
 4081 for-profit corporate subsidiary created by the not-for-profit
 4082 corporation.

4083 (c) Utilization of lands, facilities, and personnel by the
 4084 not-for-profit corporation and its subsidiaries for research,
 4085 education, treatment, prevention, and the early detection of
 4086 cancer and for mutually approved teaching and research programs
 4087 conducted by the University of South Florida or other accredited
 4088 medical schools or research institutes.

4089 (d) Preparation of an annual financial audit of the not-
 4090 for-profit corporation's accounts and records and the accounts
 4091 and records of any subsidiaries to be conducted by an
 4092 independent certified public accountant. The annual audit report
 4093 shall include a management letter, as defined in s. 11.45, and
 4094 shall be submitted to the Auditor General and the Board of
 4095 Governors State Board of Education. The Board of Governors State
 4096 ~~Board of Education~~, the Auditor General, and the Office of
 4097 Program Policy Analysis and Government Accountability shall have
 4098 the authority to require and receive from the not-for-profit
 4099 corporation and any subsidiaries or from their independent
 4100 auditor any detail or supplemental data relative to the
 4101 operation of the not-for-profit corporation or subsidiary.

4102 (e) Provision by the not-for-profit corporation and its
 4103 subsidiaries of equal employment opportunities to all persons
 4104 regardless of race, color, religion, sex, age, or national
 4105 origin.

4106 (3) The Board of Governors State Board of Education is
 4107 authorized to secure comprehensive general liability protection,
 4108 including professional liability protection, for the not-for-
 4109 profit corporation and its subsidiaries pursuant to s. 1004.24.
 4110 The not-for-profit corporation and its subsidiaries shall be
 4111 exempt from any participation in any property insurance trust
 4112 fund established by law, including any property insurance trust
 4113 fund established pursuant to chapter 284, so long as the not-
 4114 for-profit corporation and its subsidiaries maintain property
 4115 insurance protection with comparable or greater coverage limits.

4116 (4) In the event that the agreement between the not-for-

4117 | profit corporation and the Board of Governors ~~State Board of~~
 4118 | ~~Education~~ is terminated for any reason, the Board of Governors
 4119 | ~~State Board of Education~~ shall resume governance and operation
 4120 | of such ~~said~~ facilities.

4121 | (5) The institute shall be administered by a chief
 4122 | executive officer who shall serve at the pleasure of the board
 4123 | of directors of the not-for-profit corporation and who shall
 4124 | have the following powers and duties subject to the approval of
 4125 | the board of directors:

4126 | (a) The chief executive officer shall establish programs
 4127 | which fulfill the mission of the institute in research,
 4128 | education, treatment, prevention, and the early detection of
 4129 | cancer; however, the chief executive officer shall not establish
 4130 | academic programs for which academic credit is awarded and which
 4131 | terminate in the conference of a degree without prior approval
 4132 | of the Board of Governors ~~State Board of Education~~.

4133 | (f) The chief executive officer shall have a reporting
 4134 | relationship to the Board of Governors or its designee
 4135 | ~~Commissioner of Education~~.

4136 | (g) The chief executive officer shall provide a copy of
 4137 | the institute's annual report to the Governor and Cabinet, the
 4138 | President of the Senate, the Speaker of the House of
 4139 | Representatives, and the chair of the Board of Governors ~~State~~
 4140 | ~~Board of Education~~.

4141 | (8)

4142 | (b) Proprietary confidential business information is
 4143 | confidential and exempt from the provisions of s. 119.07(1) and
 4144 | s. 24(a), Art. I of the State Constitution. However, the Auditor

4145 General, the Office of Program Policy Analysis and Government
 4146 Accountability, and the Board of Governors ~~State Board of~~
 4147 ~~Education~~, pursuant to their oversight and auditing functions,
 4148 must be given access to all proprietary confidential business
 4149 information upon request and without subpoena and must maintain
 4150 the confidentiality of information so received. As used in this
 4151 paragraph, the term "proprietary confidential business
 4152 information" means information, regardless of its form or
 4153 characteristics, which is owned or controlled by the not-for-
 4154 profit corporation or its subsidiaries; is intended to be and is
 4155 treated by the not-for-profit corporation or its subsidiaries as
 4156 private and the disclosure of which would harm the business
 4157 operations of the not-for-profit corporation or its
 4158 subsidiaries; has not been intentionally disclosed by the
 4159 corporation or its subsidiaries unless pursuant to law, an order
 4160 of a court or administrative body, a legislative proceeding
 4161 pursuant to s. 5, Art. III of the State Constitution, or a
 4162 private agreement that provides that the information may be
 4163 released to the public; and which is information concerning:

- 4164 1. Internal auditing controls and reports of internal
 4165 auditors;
- 4166 2. Matters reasonably encompassed in privileged attorney-
 4167 client communications;
- 4168 3. Contracts for managed-care arrangements, including
 4169 preferred provider organization contracts, health maintenance
 4170 organization contracts, and exclusive provider organization
 4171 contracts, and any documents directly relating to the
 4172 negotiation, performance, and implementation of any such

4173 | contracts for managed-care arrangements;

4174 | 4. Bids or other contractual data, banking records, and

4175 | credit agreements the disclosure of which would impair the

4176 | efforts of the not-for-profit corporation or its subsidiaries to

4177 | contract for goods or services on favorable terms;

4178 | 5. Information relating to private contractual data, the

4179 | disclosure of which would impair the competitive interest of the

4180 | provider of the information;

4181 | 6. Corporate officer and employee personnel information;

4182 | 7. Information relating to the proceedings and records of

4183 | credentialing panels and committees and of the governing board

4184 | of the not-for-profit corporation or its subsidiaries relating

4185 | to credentialing;

4186 | 8. Minutes of meetings of the governing board of the not-

4187 | for-profit corporation and its subsidiaries, except minutes of

4188 | meetings open to the public pursuant to subsection (9);

4189 | 9. Information that reveals plans for marketing services

4190 | that the corporation or its subsidiaries reasonably expect to be

4191 | provided by competitors;

4192 | 10. Trade secrets as defined in s. 688.002, including:

4193 | a. Information relating to methods of manufacture or

4194 | production, potential trade secrets, potentially patentable

4195 | materials, or proprietary information received, generated,

4196 | ascertained, or discovered during the course of research

4197 | conducted by the not-for-profit corporation or its subsidiaries;

4198 | and

4199 | b. Reimbursement methodologies or rates;

4200 | 11. The identity of donors or prospective donors of

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4201 property who wish to remain anonymous or any information
4202 identifying such donors or prospective donors. The anonymity of
4203 these donors or prospective donors must be maintained in the
4204 auditor's report; or

4205 12. Any information received by the not-for-profit
4206 corporation or its subsidiaries from an agency in this or
4207 another state or nation or the Federal Government which is
4208 otherwise exempt or confidential pursuant to the laws of this or
4209 another state or nation or pursuant to federal law.

4210

4211 As used in this paragraph, the term "managed care" means systems
4212 or techniques generally used by third-party payors or their
4213 agents to affect access to and control payment for health care
4214 services. Managed-care techniques most often include one or more
4215 of the following: prior, concurrent, and retrospective review of
4216 the medical necessity and appropriateness of services or site of
4217 services; contracts with selected health care providers;
4218 financial incentives or disincentives related to the use of
4219 specific providers, services, or service sites; controlled
4220 access to and coordination of services by a case manager; and
4221 payor efforts to identify treatment alternatives and modify
4222 benefit restrictions for high-cost patient care.

4223 (c) Subparagraphs 10. and 12. of paragraph (b) are subject
4224 to the Open Government Sunset Review Act of 1995 in accordance
4225 with s. 119.15 and shall stand repealed on October 2, 2010,
4226 unless reviewed and saved from repeal through reenactment by the
4227 Legislature.

4228 Section 97. Paragraph (b) of subsection (3) and

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4229 subsections (4) and (5) of section 1004.435, Florida Statutes,
 4230 are amended to read:

4231 1004.435 Cancer control and research.--

4232 (3) DEFINITIONS.--The following words and phrases when
 4233 used in this section have, unless the context clearly indicates
 4234 otherwise, the meanings given to them in this subsection:

4235 (b) "Council" means the Florida Cancer Control and
 4236 Research Advisory Council, which is an advisory body appointed
 4237 to function on a continuing basis for the study of cancer and
 4238 which recommends solutions and policy alternatives to the Board
 4239 of Governors ~~State Board of Education~~ and the secretary and
 4240 which is established by this section.

4241 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL;
 4242 CREATION; COMPOSITION.--

4243 (a) There is created within the H. Lee Moffitt Cancer
 4244 Center and Research Institute, Inc., the Florida Cancer Control
 4245 and Research Advisory Council. The council shall consist of 34
 4246 ~~35~~ members, which includes the chairperson, all of whom must be
 4247 residents of this state. All members, except those appointed by
 4248 the Speaker of the House of Representatives and the President of
 4249 the Senate, must be appointed by the Governor. At least one of
 4250 the members appointed by the Governor must be 60 years of age or
 4251 older. One member must be a representative of the American
 4252 Cancer Society; one member must be a representative of the
 4253 Florida Tumor Registrars Association; one member must be a
 4254 representative of the Sylvester Comprehensive Cancer Center of
 4255 the University of Miami; one member must be a representative of
 4256 the Department of Health; one member must be a representative of

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4257 | the University of Florida Shands Cancer Center; one member must
 4258 | be a representative of the Agency for Health Care
 4259 | Administration; one member must be a representative of the
 4260 | Florida Nurses Association; one member must be a representative
 4261 | of the Florida Osteopathic Medical Association; one member must
 4262 | be a representative of the American College of Surgeons; one
 4263 | member must be a representative of the School of Medicine of the
 4264 | University of Miami; one member must be a representative of the
 4265 | College of Medicine of the University of Florida; one member
 4266 | must be a representative of NOVA Southeastern College of
 4267 | Osteopathic Medicine; one member must be a representative of the
 4268 | College of Medicine of the University of South Florida; one
 4269 | member must be a representative of the College of Public Health
 4270 | of the University of South Florida; one member must be a
 4271 | representative of the Florida Society of Clinical Oncology; one
 4272 | member must be a representative of the Florida Obstetric and
 4273 | Gynecologic Society who has had training in the specialty of
 4274 | gynecologic oncology; one member must be a representative of the
 4275 | Florida Medical Association; one member must be a member of the
 4276 | Florida Pediatric Society; one member must be a representative
 4277 | of the Florida Radiological Society; one member must be a
 4278 | representative of the Florida Society of Pathologists; one
 4279 | member must be a representative of the H. Lee Moffitt Cancer
 4280 | Center and Research Institute, Inc.; three members must be
 4281 | representatives of the general public acting as consumer
 4282 | advocates; one member must be a member of the House of
 4283 | Representatives appointed by the Speaker of the House of
 4284 | Representatives; one member must be a member of the Senate

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4285 appointed by the President of the Senate; ~~one member must be a~~
 4286 ~~representative of the Department of Education;~~ one member must
 4287 be a representative of the Florida Dental Association; one
 4288 member must be a representative of the Florida Hospital
 4289 Association; one member must be a representative of the
 4290 Association of Community Cancer Centers; one member shall be a
 4291 representative from a statutory teaching hospital affiliated
 4292 with a community-based cancer center; one member must be a
 4293 representative of the Florida Association of Pediatric Tumor
 4294 Programs, Inc.; one member must be a representative of the
 4295 Cancer Information Service; one member must be a representative
 4296 of the Florida Agricultural and Mechanical University Institute
 4297 of Public Health; and one member must be a representative of the
 4298 Florida Society of Oncology Social Workers. Of the members of
 4299 the council appointed by the Governor, at least 10 must be
 4300 individuals who are minority persons as defined by s.
 4301 288.703(3).

4302 (b) The terms of the members shall be 4 years from their
 4303 respective dates of appointment.

4304 (c) A chairperson shall be appointed by the Governor for a
 4305 term of 2 years. The chairperson shall appoint an executive
 4306 committee of no fewer than three persons to serve at the
 4307 pleasure of the chairperson. This committee will prepare
 4308 material for the council but make no final decisions.

4309 (d) The council shall meet no less than semiannually at
 4310 the call of the chairperson or, in his or her absence or
 4311 incapacity, at the call of the secretary. Sixteen members
 4312 constitute a quorum for the purpose of exercising all of the

4313 powers of the council. A vote of the majority of the members
 4314 present is sufficient for all actions of the council.

4315 (e) The council members shall serve without pay. Pursuant
 4316 to the provisions of s. 112.061, the council members may be
 4317 entitled to be reimbursed for per diem and travel expenses.

4318 (f) No member of the council shall participate in any
 4319 discussion or decision to recommend grants or contracts to any
 4320 qualified nonprofit association or to any agency of this state
 4321 or its political subdivisions with which the member is
 4322 associated as a member of the governing body or as an employee
 4323 or with which the member has entered into a contractual
 4324 arrangement.

4325 (g) The council may prescribe, amend, and repeal bylaws
 4326 governing the manner in which the business of the council is
 4327 conducted.

4328 (h) The council shall advise the Board of Governors ~~State~~
 4329 ~~Board of Education~~, the secretary, and the Legislature with
 4330 respect to cancer control and research in this state.

4331 (i) The council shall approve each year a program for
 4332 cancer control and research to be known as the "Florida Cancer
 4333 Plan" which shall be consistent with the State Health Plan and
 4334 integrated and coordinated with existing programs in this state.

4335 (j) The council shall formulate and recommend to the
 4336 secretary a plan for the care and treatment of persons suffering
 4337 from cancer and recommend the establishment of standard
 4338 requirements for the organization, equipment, and conduct of
 4339 cancer units or departments in hospitals and clinics in this
 4340 state. The council may recommend to the secretary the

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4341 designation of cancer units following a survey of the needs and
4342 facilities for treatment of cancer in the various localities
4343 throughout the state. The secretary shall consider the plan in
4344 developing departmental priorities and funding priorities and
4345 standards under chapter 395.

4346 (k) The council is responsible for including in the
4347 Florida Cancer Plan recommendations for the coordination and
4348 integration of medical, nursing, paramedical, lay, and other
4349 plans concerned with cancer control and research. Committees
4350 shall be formed by the council so that the following areas will
4351 be established as entities for actions:

4352 1. Cancer plan evaluation: tumor registry, data retrieval
4353 systems, and epidemiology of cancer in the state and its
4354 relation to other areas.

4355 2. Cancer prevention.

4356 3. Cancer detection.

4357 4. Cancer patient management: treatment, rehabilitation,
4358 terminal care, and other patient-oriented activities.

4359 5. Cancer education: lay and professional.

4360 6. Unproven methods of cancer therapy: quackery and
4361 unorthodox therapies.

4362 7. Investigator-initiated project research.

4363 (l) In order to implement in whole or in part the Florida
4364 Cancer Plan, the council shall recommend to the Board of
4365 Governors ~~State Board of Education~~ or the secretary the awarding
4366 of grants and contracts to qualified profit or nonprofit
4367 associations or governmental agencies in order to plan,
4368 establish, or conduct programs in cancer control or prevention,

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4369 cancer education and training, and cancer research.

4370 (m) If funds are specifically appropriated by the
4371 Legislature, the council shall develop or purchase standardized
4372 written summaries, written in layperson's terms and in language
4373 easily understood by the average adult patient, informing actual
4374 and high-risk breast cancer patients, prostate cancer patients,
4375 and men who are considering prostate cancer screening of the
4376 medically viable treatment alternatives available to them in the
4377 effective management of breast cancer and prostate cancer;
4378 describing such treatment alternatives; and explaining the
4379 relative advantages, disadvantages, and risks associated
4380 therewith. The breast cancer summary, upon its completion,
4381 shall be printed in the form of a pamphlet or booklet and made
4382 continuously available to physicians and surgeons in this state
4383 for their use in accordance with s. 458.324 and to osteopathic
4384 physicians in this state for their use in accordance with s.
4385 459.0125. The council shall periodically update both summaries
4386 to reflect current standards of medical practice in the
4387 treatment of breast cancer and prostate cancer. The council
4388 shall develop and implement educational programs, including
4389 distribution of the summaries developed or purchased under this
4390 paragraph, to inform citizen groups, associations, and voluntary
4391 organizations about early detection and treatment of breast
4392 cancer and prostate cancer.

4393 (n) The council shall have the responsibility to advise
4394 the Board of Governors ~~State Board of Education~~ and the
4395 secretary on methods of enforcing and implementing laws already
4396 enacted and concerned with cancer control, research, and

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4397 education.

4398 (o) The council may recommend to the Board of Governors
 4399 ~~State Board of Education~~ or the secretary rules not inconsistent
 4400 with law as it may deem necessary for the performance of its
 4401 duties and the proper administration of this section.

4402 (p) The council shall formulate and put into effect a
 4403 continuing educational program for the prevention of cancer and
 4404 its early diagnosis and disseminate to hospitals, cancer
 4405 patients, and the public information concerning the proper
 4406 treatment of cancer.

4407 (q) The council shall be physically located at the H. Lee
 4408 Moffitt Cancer Center and Research Institute, Inc., at the
 4409 University of South Florida.

4410 (r) On February 15 of each year, the council shall report
 4411 to the Governor and to the Legislature.

4412 (5) RESPONSIBILITIES OF THE BOARD OF GOVERNORS ~~STATE BOARD~~
 4413 ~~OF EDUCATION~~, THE H. LEE MOFFITT CANCER CENTER AND RESEARCH
 4414 INSTITUTE, INC., AND THE SECRETARY.--

4415 (a) The Board of Governors ~~State Board of Education~~ or the
 4416 secretary, after consultation with the council, shall award
 4417 grants and contracts to qualified nonprofit associations and
 4418 governmental agencies in order to plan, establish, or conduct
 4419 programs in cancer control and prevention, cancer education and
 4420 training, and cancer research.

4421 (b) The H. Lee Moffitt Cancer Center and Research
 4422 Institute, Inc., shall provide such staff, information, and
 4423 other assistance as reasonably necessary for the completion of
 4424 the responsibilities of the council.

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4425 (c) The Board of Governors ~~State Board of Education~~ or the
 4426 secretary, after consultation with the council, may adopt rules
 4427 necessary for the implementation of this section.

4428 (d) The secretary, after consultation with the council,
 4429 shall make rules specifying to what extent and on what terms and
 4430 conditions cancer patients of the state may receive financial
 4431 aid for the diagnosis and treatment of cancer in any hospital or
 4432 clinic selected. The department may furnish to citizens of this
 4433 state who are afflicted with cancer financial aid to the extent
 4434 of the appropriation provided for that purpose in a manner which
 4435 in its opinion will afford the greatest benefit to those
 4436 afflicted and may make arrangements with hospitals,
 4437 laboratories, or clinics to afford proper care and treatment for
 4438 cancer patients in this state.

4439 Section 98. Subsections (2) through (5), paragraphs (a),
 4440 (f), (g), and (h) of subsection (6), and subsection (10) of
 4441 section 1004.445, Florida Statutes, are amended to read:

4442 1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and
 4443 Research Institute.--

4444 (2) (a) The State Board of Education shall enter into an
 4445 agreement for the utilization of the facilities on the campus of
 4446 the University of South Florida to be known as the Johnnie B.
 4447 Byrd, Sr., Alzheimer's Center and Research Institute, including
 4448 all furnishings, equipment, and other chattels used in the
 4449 operation of those facilities, with a Florida not-for-profit
 4450 corporation organized solely for the purpose of governing and
 4451 operating the Johnnie B. Byrd, Sr., Alzheimer's Center and
 4452 Research Institute. This not-for-profit corporation, acting as

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4453 an instrumentality of the state, shall govern and operate the
4454 Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute
4455 in accordance with the terms of the agreement between the State
4456 Board of Education and the not-for-profit corporation. The not-
4457 for-profit corporation may, with the prior approval of the Board
4458 of Governors ~~State Board of Education~~, create either for-profit
4459 or not-for-profit corporate subsidiaries, or both, to fulfill
4460 its mission. The not-for-profit corporation and its subsidiaries
4461 are authorized to receive, hold, invest, and administer property
4462 and any moneys acquired from private, local, state, and federal
4463 sources, as well as technical and professional income generated
4464 or derived from practice activities of the institute, for the
4465 benefit of the institute and the fulfillment of its mission.
4466 Effective July 1, 2007, the agreement authority provided to the
4467 State Board of Education is transferred to the Board of
4468 Governors.

4469 (b) The affairs of the not-for-profit corporation shall be
4470 managed by a board of directors who shall serve without
4471 compensation. The board of directors shall consist of the
4472 President of the University of South Florida and the chair of
4473 the Board of Governors ~~State Board of Education~~, or their
4474 designees, five representatives of the state universities, and
4475 nine representatives of the public who are neither medical
4476 doctors nor state employees. Each director who is a
4477 representative of a state university or of the public shall be
4478 appointed to serve a term of 3 years. The chair of the board of
4479 directors shall be selected by a majority vote of the directors.
4480 Each director shall have only one vote. Of the five university

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4481 representatives, one shall be appointed by the Governor, two by
 4482 the President of the Senate, and two by the Speaker of the House
 4483 of Representatives; and of the nine public representatives,
 4484 three shall be appointed by the Governor, three by the President
 4485 of the Senate, and three by the Speaker of the House of
 4486 Representatives. Any vacancy in office shall be filled in the
 4487 same manner as the original appointment. Any director may be
 4488 reappointed.

4489 (3) The Board of Governors ~~State Board of Education~~ shall
 4490 provide in the agreement with the not-for-profit corporation for
 4491 the following:

4492 (a) Approval by the Board of Governors ~~State Board of~~
 4493 ~~Education~~ of the articles of incorporation of the not-for-profit
 4494 corporation.

4495 (b) Approval by the Board of Governors ~~State Board of~~
 4496 ~~Education~~ of the articles of incorporation of any not-for-profit
 4497 corporate subsidiary created by the not-for-profit corporation.

4498 (c) Utilization of lands, facilities, and personnel by the
 4499 not-for-profit corporation and its subsidiaries for research,
 4500 education, treatment, prevention, and the early detection of
 4501 Alzheimer's disease and for mutually approved teaching and
 4502 research programs conducted by the University of South Florida
 4503 or other accredited medical schools or research institutes.

4504 (d) Preparation of an annual financial audit pursuant to
 4505 s. 11.45 of the not-for-profit corporation's accounts and the
 4506 accounts of any subsidiaries to be conducted by an independent
 4507 certified public accountant. The annual audit report shall
 4508 include management letters and shall be submitted to the Auditor

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4509 General and the Board of Governors ~~State Board of Education~~ for
 4510 review. The Board of Governors ~~State Board of Education~~, the
 4511 Auditor General, and the Office of Program Policy Analysis and
 4512 Government Accountability shall have the authority to require
 4513 and receive from the not-for-profit corporation and any
 4514 subsidiaries, or from their independent auditor, any detail or
 4515 supplemental data relative to the operation of the not-for-
 4516 profit corporation or subsidiary.

4517 (e) Provision by the not-for-profit corporation and its
 4518 subsidiaries of equal employment opportunities for all persons
 4519 regardless of race, color, religion, gender, age, or national
 4520 origin.

4521 (4) The Board of Governors ~~State Board of Education~~ is
 4522 authorized to secure comprehensive general liability protection,
 4523 including professional liability protection, for the not-for-
 4524 profit corporation and its subsidiaries, pursuant to s. 1004.24.
 4525 The not-for-profit corporation and its subsidiaries shall be
 4526 exempt from any participation in any property insurance trust
 4527 fund established by law, including any property insurance trust
 4528 fund established pursuant to chapter 284, so long as the not-
 4529 for-profit corporation and its subsidiaries maintain property
 4530 insurance protection with comparable or greater coverage limits.

4531 (5) In the event that the agreement between the not-for-
 4532 profit corporation and the Board of Governors ~~State Board of~~
 4533 ~~Education~~ is terminated for any reason, the Board of Governors
 4534 ~~State Board of Education~~ shall assume governance and operation
 4535 of the facilities.

4536 (6) The institute shall be administered by a chief

4537 executive officer, who shall be appointed by and serve at the
 4538 pleasure of the board of directors of the not-for-profit
 4539 corporation, and who shall exercise the following powers and
 4540 duties, subject to the approval of the board of directors:

4541 (a) The chief executive officer shall establish programs
 4542 that fulfill the mission of the institute in research,
 4543 education, treatment, prevention, and early detection of
 4544 Alzheimer's disease; however, the chief executive officer may
 4545 not establish academic programs for which academic credit is
 4546 awarded and which culminate in the conferring of a degree,
 4547 without prior approval of the Board of Governors ~~State Board of~~
 4548 ~~Education~~.

4549 (f) The chief executive officer shall have a reporting
 4550 relationship to the Board of Governors or its designee
 4551 ~~Commissioner of Education~~.

4552 (g) The chief executive officer shall provide a copy of
 4553 the institute's annual report to the Governor and Cabinet, the
 4554 President of the Senate, the Speaker of the House of
 4555 Representatives, and the chair of the Board of Governors ~~State~~
 4556 ~~Board of Education~~. The annual report shall describe the
 4557 expenditure of all funds and shall provide information regarding
 4558 research that has been conducted or funded by the center, as
 4559 well as the expected and actual results of such research.

4560 (h) By August 1 of each year, the chief executive officer
 4561 shall develop and submit to the Governor and Cabinet, the
 4562 President of the Senate, the Speaker of the House of
 4563 Representatives, and the chair of the Board of Governors ~~State~~
 4564 ~~Board of Education~~ an annual operating budget detailing the

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4565 | planned use of state, federal, and private funds for the fiscal
 4566 | year.

4567 | (10) The following information is confidential and exempt
 4568 | from s. 119.07(1) and s. 24, Art. I of the State Constitution:

4569 | (a) Personal identifying information relating to clients
 4570 | of programs created or funded through the Johnnie B. Byrd, Sr.,
 4571 | Alzheimer's Center and Research Institute that is held by the
 4572 | institute, the University of South Florida, the Board of
 4573 | Governors, or the State Board of Education;

4574 | (b) Medical or health records relating to patients held by
 4575 | the institute;

4576 | (c) Materials that relate to methods of manufacture or
 4577 | production, potential trade secrets, potentially patentable
 4578 | material, actual trade secrets as defined in s. 688.002, or
 4579 | proprietary information received, generated, ascertained, or
 4580 | discovered during the course of research conducted by or through
 4581 | the institute and business transactions resulting from such
 4582 | research;

4583 | (d) The personal identifying information of a donor or
 4584 | prospective donor to the institute who wishes to remain
 4585 | anonymous; and

4586 | (e) Any information received by the institute from a
 4587 | person from another state or nation or the Federal Government
 4588 | that is otherwise confidential or exempt pursuant to the laws of
 4589 | that state or nation or pursuant to federal law.

4590 |
 4591 | Any governmental entity that demonstrates a need to access such
 4592 | confidential and exempt information in order to perform its

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4593 | duties and responsibilities shall have access to such
 4594 | information.

4595 | Section 99. Paragraph (f) of subsection (7) of section
 4596 | 1004.447, Florida Statutes, is amended to read:

4597 | 1004.447 Florida Institute for Human and Machine
 4598 | Cognition, Inc.--

4599 | (7) The corporation shall employ a chief executive officer
 4600 | to administer the affairs of the Florida Institute for Human and
 4601 | Machine Cognition, Inc. The chief executive officer shall be
 4602 | appointed by and serve at the pleasure of the board of
 4603 | directors. The chief executive officer shall exercise the
 4604 | following powers and duties, subject to the approval of the
 4605 | board of directors:

4606 | (f) Annually report in writing to the Board of Governors
 4607 | ~~Commissioner of Education~~ on the activities of the institute and
 4608 | state budget allocation expenditures.

4609 | Section 100. Section 1004.47, Florida Statutes, is amended
 4610 | to read:

4611 | 1004.47 Research activities relating to solid and
 4612 | hazardous waste management.--Research, training, and service
 4613 | activities related to solid and hazardous waste management
 4614 | conducted by state universities shall be coordinated by the
 4615 | Board of Governors ~~State Board of Education~~. Proposals for
 4616 | research contracts and grants; public service assignments; and
 4617 | responses to requests for information and technical assistance
 4618 | by state and local government, business, and industry shall be
 4619 | addressed by a formal ~~Type I Center~~ process involving an
 4620 | advisory board of university personnel appointed by the

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4621 Chancellor of the State University System ~~Commissioner of~~
 4622 ~~Education~~ and chaired and directed by an individual appointed by
 4623 the Chancellor of the State University System ~~Commissioner of~~
 4624 ~~Education~~. The Board of Governors ~~State Board of Education~~ shall
 4625 consult with the Department of Environmental Protection in
 4626 developing the research programs and provide the department with
 4627 a copy of the proposed research program for review and comment
 4628 before the research is undertaken. Research contracts shall be
 4629 awarded to independent nonprofit colleges and universities
 4630 within the state which are accredited by the Southern
 4631 Association of Colleges and Schools on the same basis as those
 4632 research contracts awarded to the state universities. Research
 4633 activities shall include, but are not limited to, the following
 4634 areas:

- 4635 (1) Methods and processes for recycling solid and
 4636 hazardous waste.
- 4637 (2) Methods of treatment for detoxifying hazardous waste.
- 4638 (3) Technologies for disposing of solid and hazardous
 4639 waste.

4640 Section 101. Paragraph (b) of subsection (1), paragraphs
 4641 (a) and (i) of subsection (2), and subsection (3) of section
 4642 1004.58, Florida Statutes, are amended to read:

4643 1004.58 Leadership Board for Applied Research and Public
 4644 Service.--

- 4645 (1) There is created the Leadership Board for Applied
 4646 Research and Public Service to be staffed by the Institute of
 4647 Science and Public Affairs at Florida State University. The
 4648 purpose of the board is to focus, coordinate, and maximize

4649 university resources on current issues and events affecting
 4650 Florida's residents and elected officials. Emphasis shall be
 4651 placed on being responsive to and providing accurate, timely,
 4652 useful, and relevant information to decisionmakers in state and
 4653 local governments. The board shall set forth a process to
 4654 provide comprehensive guidance and advice for improving the
 4655 types and quality of services to be delivered by the state
 4656 universities. Specifically, the board shall better identify and
 4657 define the missions and roles of existing institutes and centers
 4658 at each state university, work to eliminate duplication and
 4659 confusion over conflicting roles and missions, involve more
 4660 students in learning with applied research and public service
 4661 activities, and be organizationally separate from academic
 4662 departments. The board shall meet at least quarterly. The board
 4663 may create internal management councils that may include working
 4664 institute and center directors. The board is responsible for,
 4665 but is not limited to:

4666 (b) Addressing state university policy matters and making
 4667 recommendations to the Board of Governors ~~State Board of~~
 4668 ~~Education~~ as they relate to applied public service and research.

4669 (2) Membership of the board shall be:

4670 (a) The Chancellor of the State University System
 4671 ~~Commissioner of Education~~, or the chancellor's commissioner's
 4672 designee, who shall serve as chair.

4673 (i) Five additional university president members,
 4674 designated by the chancellor ~~commissioner~~, to rotate annually.

4675 (3) The board shall prepare a report for the Board of
 4676 Governors ~~State Board of Education~~ to be submitted to the

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4677 Governor and the Legislature by January 1 of each year which
 4678 summarizes the work and recommendations of the board in meeting
 4679 its purpose and mission.

4680 Section 102. Paragraph (d) of subsection (1) of section
 4681 1005.03, Florida Statutes, is amended to read:

4682 1005.03 Designation "college" or "university".--

4683 (1) The use of the designation "college" or "university"
 4684 in combination with any series of letters, numbers, or words is
 4685 restricted in this state to colleges or universities as defined
 4686 in s. 1005.02 that offer degrees as defined in s. 1005.02 and
 4687 fall into at least one of the following categories:

4688 (d) A college that is ~~under the jurisdiction of the~~
 4689 ~~Division of Colleges and Universities of the Department of~~
 4690 ~~Education, whose students are eligible to participate in for the~~
 4691 William L. Boyd, IV, Florida Resident Access Grant Program, and
 4692 that is a nonprofit independent college or university located
 4693 and chartered in this state and accredited by the Commission on
 4694 Colleges of the Southern Association of Colleges and Schools to
 4695 grant baccalaureate degrees.

4696 Section 103. Paragraph (c) of subsection (1) of section
 4697 1005.06, Florida Statutes, is amended to read:

4698 1005.06 Institutions not under the jurisdiction or purview
 4699 of the commission.--

4700 (1) Except as otherwise provided in law, the following
 4701 institutions are not under the jurisdiction or purview of the
 4702 commission and are not required to obtain licensure:

4703 (c) Any institution that is ~~under the jurisdiction of the~~
 4704 ~~Division of Colleges and Universities of the Department of~~

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4705 ~~Education, whose students are eligible to participate in for the~~
 4706 William L. Boyd, IV, Florida Resident Access Grant Program, and
 4707 that is a nonprofit independent college or university located
 4708 and chartered in this state and accredited by the Commission on
 4709 Colleges of the Southern Association of Colleges and Schools to
 4710 grant baccalaureate degrees.

4711 Section 104. Paragraph (e) of subsection (2) of section
 4712 1005.22, Florida Statutes, is amended to read:

4713 1005.22 Powers and duties of commission.--

4714 (2) The commission may:

4715 (e) Advise the Governor, the Legislature, the State Board
 4716 of Education, ~~the Council for Education Policy Research and~~
 4717 ~~Improvement~~, and the Commissioner of Education on issues
 4718 relating to private postsecondary education.

4719 Section 105. Section 1006.53, Florida Statutes, is amended
 4720 to read:

4721 1006.53 Religious observances.--Each public postsecondary
 4722 educational institution shall adopt a policy ~~in accordance with~~
 4723 ~~rules of the State Board of Education~~ which reasonably
 4724 accommodates the religious observance, practice, and belief of
 4725 individual students in regard to admissions, class attendance,
 4726 and the scheduling of examinations and work assignments. Each
 4727 policy shall include a grievance procedure by which a student
 4728 who believes that he or she has been unreasonably denied an
 4729 educational benefit due to his or her religious belief or
 4730 practices may seek redress. Such policy shall be made known to
 4731 faculty and students annually in inclusion in the institution's
 4732 handbook, manual, or other similar document regularly provided

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4733 to faculty and students.

4734 Section 106. Subsection (3) of section 1006.60, Florida
4735 Statutes, is amended to read:

4736 1006.60 Codes of conduct; disciplinary measures;
4737 rulemaking authority.--

4738 (3) Sanctions authorized by such codes of conduct may be
4739 imposed only for acts or omissions in violation of rules adopted
4740 by the institution, including rules adopted under this section,
4741 rules of the State Board of Education or the Board of Governors
4742 regarding the State University System, county and municipal
4743 ordinances, and the laws of this state, the United States, or
4744 any other state.

4745 Section 107. Subsection (1) of section 1006.61, Florida
4746 Statutes, is amended to read:

4747 1006.61 Participation by students in disruptive activities
4748 at public postsecondary educational institution; penalties.--

4749 (1) Any person who accepts the privilege extended by the
4750 laws of this state of attendance at any public postsecondary
4751 educational institution shall, by attending such institution, be
4752 deemed to have given his or her consent to the policies of that
4753 institution, the State Board of Education, and the Board of
4754 Governors regarding the State University System, and the laws of
4755 this state. Such policies shall include prohibition against
4756 disruptive activities at public postsecondary educational
4757 institutions.

4758 Section 108. Subsections (1) and (3) of section 1006.62,
4759 Florida Statutes, are amended to read:

4760 1006.62 Expulsion and discipline of students of community

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4761 colleges and state universities.--

4762 (1) Each student in a community college or state
 4763 university is subject to federal and state law, respective
 4764 county and municipal ordinances, and all rules and regulations
 4765 of the State Board of Education, the Board of Governors
 4766 regarding the State University System, or the board of trustees
 4767 of the institution.

4768 (3) Each president of a community college or state
 4769 university may, after notice to the student of the charges and
 4770 after a hearing thereon, ~~to~~ expel, suspend, or otherwise
 4771 discipline any student who is found to have violated any law,
 4772 ordinance, or rule or regulation of the State Board of
 4773 Education, the Board of Governors regarding the State University
 4774 System, or of the board of trustees of the institution. A
 4775 student may be entitled to waiver of expulsion:

4776 (a) If the student provides substantial assistance in the
 4777 identification, arrest, or conviction of any of his or her
 4778 accomplices, accessories, coconspirators, or principals or of
 4779 any other person engaged in violations of chapter 893 within a
 4780 state university or community college;

4781 (b) If the student voluntarily discloses his or her
 4782 violations of chapter 893 prior to his or her arrest; or

4783 (c) If the student commits himself or herself, or is
 4784 referred by the court in lieu of sentence, to a state-licensed
 4785 drug abuse program and successfully completes the program.

4786 Section 109. Section 1006.65, Florida Statutes, is amended
 4787 to read:

4788 1006.65 Safety issues in courses offered by public

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4789 postsecondary educational institutions.--

4790 (1) The State Board of Education shall adopt rules to
 4791 ensure that policies and procedures are in place to protect the
 4792 health and safety of students, instructional personnel, and
 4793 visitors who participate in courses offered by a community
 4794 college ~~public postsecondary educational institution~~.

4795 (2) The Board of Governors shall adopt rules to ensure
 4796 that policies and procedures are in place to protect the health
 4797 and safety of students, instructional personnel, and visitors
 4798 who participate in courses offered by a state university.

4799 (3) ~~(2)~~ Such policies and procedures shall be guided by
 4800 industry standards for practices in the course content area and
 4801 shall conform with all related and relevant state and federal
 4802 health and safety requirements.

4803 Section 110. Section 1006.71, Florida Statutes, is amended
 4804 to read:

4805 1006.71 Gender equity in intercollegiate athletics.--

4806 (1) GENDER EQUITY PLAN.--

4807 (a) Each community college and state university shall
 4808 develop a gender equity plan pursuant to s. 1000.05.

4809 (b) The plan shall include consideration of equity in
 4810 sports offerings, participation, availability of facilities,
 4811 scholarship offerings, and funds allocated for administration,
 4812 recruitment, comparable coaching, publicity and promotion, and
 4813 other support costs.

4814 (c) The Commissioner of Education shall annually assess
 4815 the progress of each community college's ~~institution's~~ plan and
 4816 advise the State Board of Education and the Legislature

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4817 regarding compliance.

4818 (d) The Chancellor of the State University System shall
 4819 annually assess the progress of each state university's plan and
 4820 advise the Board of Governors and the Legislature regarding
 4821 compliance.

4822 (e)~~(d)~~ Each board of trustees of a public community
 4823 college or state university shall annually evaluate the
 4824 presidents on the extent to which the gender equity goals have
 4825 been achieved.

4826 (f)~~(e)~~ To determine the proper level of support for
 4827 women's athletic scholarships, an equity plan may determine,
 4828 where appropriate, that support for women's scholarships may be
 4829 disproportionate to the support of scholarships for men.

4830 (g)1.~~(f)~~ If a community college ~~or state university~~ is not
 4831 in compliance with Title IX of the Education Amendments of 1972
 4832 and the Florida Educational Equity Act, the State Board of
 4833 Education shall:

4834 a.1.~~1.~~ Declare the community college ~~institution~~ ineligible
 4835 for competitive state grants.

4836 b.2.~~2.~~ Withhold funds sufficient to obtain compliance.

4837
 4838 The community college ~~institution~~ shall remain ineligible and
 4839 the funds shall not be paid until the community college
 4840 ~~institution~~ comes into compliance or the Commissioner of
 4841 Education approves a plan for compliance.

4842 2. If a state university is not in compliance with Title
 4843 IX of the Education Amendments of 1972 and the Florida
 4844 Educational Equity Act, the Board of Governors shall:

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4845 a. Declare the state university ineligible for competitive
 4846 state grants.

4847 b. Withhold funds sufficient to obtain compliance.

4848
 4849 The state university shall remain ineligible and the funds shall
 4850 not be paid until the state university comes into compliance or
 4851 the Board of Governors approves a plan for compliance.

4852 (2) FUNDING.--

4853 (a) An equitable portion of all separate athletic fees
 4854 shall be designated for women's intercollegiate athletics.

4855 (b) The level of funding and percentage share of support
 4856 for women's intercollegiate athletics for community colleges
 4857 shall be determined by the State Board of Education. The level
 4858 of funding and percentage share of support for women's
 4859 intercollegiate athletics for state universities shall be
 4860 determined by the Board of Governors. The level of funding and
 4861 percentage share attained in the 1980-1981 fiscal year shall be
 4862 the minimum level and percentage maintained by each institution,
 4863 except as the State Board of Education or the Board of Governors
 4864 otherwise directs its respective institutions for the purpose of
 4865 assuring equity. Consideration shall be given by the State Board
 4866 of Education or the Board of Governors to emerging athletic
 4867 programs at institutions which may not have the resources to
 4868 secure external funds to provide athletic opportunities for
 4869 women. It is the intent that the effect of any redistribution of
 4870 funds among institutions shall not negate the requirements as
 4871 set forth in this section.

4872 (c) In addition to the above amount, an amount equal to

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4873 the sales taxes collected from admission to athletic events
 4874 sponsored by a state university shall be retained and utilized
 4875 by each university to support women's athletics.

4876 (3) STATE BOARD OF EDUCATION.--The State Board of
 4877 Education shall assure equal opportunity for female athletes at
 4878 community colleges and establish:

4879 (a) Guidelines for reporting of intercollegiate athletics
 4880 data concerning financial, program, and facilities information
 4881 for review by the State Board of Education annually.

4882 (b) Systematic audits for the evaluation of such data.

4883 (c) Criteria for determining and assuring equity.

4884 (4) BOARD OF GOVERNORS.--The Board of Governors shall
 4885 ensure equal opportunity for female athletes at state
 4886 universities and establish:

4887 (a) Guidelines for reporting of intercollegiate athletics
 4888 data concerning financial, program, and facilities information
 4889 for review by the Board of Governors annually.

4890 (b) Systematic audits for the evaluation of such data.

4891 (c) Criteria for determining and ensuring equity.

4892 Section 111. Section 1007.01, Florida Statutes, is amended
 4893 to read:

4894 1007.01 Articulation; legislative intent; purpose; role of
 4895 the State Board of Education and the Board of Governors.--

4896 (1) It is the intent of the Legislature to facilitate
 4897 articulation and seamless integration of the K-20 education
 4898 system by building and sustaining relationships among K-20
 4899 public organizations, between public and private organizations,
 4900 and between the education system as a whole and Florida's

4901 communities. The purpose of building and sustaining these
 4902 relationships is to provide for the efficient and effective
 4903 progression and transfer of students within the education system
 4904 and to allow students to proceed toward their educational
 4905 objectives as rapidly as their circumstances permit.

4906 (2) To improve and facilitate articulation systemwide, the
 4907 State Board of Education and the Board of Governors shall
 4908 recommend ~~develop~~ policies and guidelines to the Legislature
 4909 with input from statewide K-20 advisory groups established by
 4910 the Commissioner of Education relating to:

4911 (a) The alignment between the exit requirements of one
 4912 system and the admissions requirements of another system into
 4913 which students typically transfer.

4914 (b) The identification of common courses, the level of
 4915 courses, institutional participation in a statewide course
 4916 numbering system, and the transferability of credits among such
 4917 institutions.

4918 (c) Identification of courses that meet general education
 4919 or common degree program prerequisite requirements at public
 4920 postsecondary educational institutions.

4921 (d) Dual enrollment course equivalencies.

4922 (e) Articulation agreements.

4923 Section 112. Subsection (1) of section 1007.22, Florida
 4924 Statutes, is amended to read:

4925 1007.22 Articulation; postsecondary institution
 4926 coordination and collaboration.--

4927 (1) The university boards of trustees, community college
 4928 boards of trustees, and district school boards are encouraged to

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4929 ~~may~~ establish intrainstitutional and interinstitutional programs
 4930 to maximize articulation. Programs may include upper-division-
 4931 level courses offered at the community college, distance
 4932 learning, transfer agreements that facilitate the transfer of
 4933 credits between public and nonpublic postsecondary institutions,
 4934 and the concurrent enrollment of students at a community college
 4935 and a state university to enable students to take any level of
 4936 baccalaureate degree coursework.

4937 Section 113. Subsections (1), (2), and (5) of section
 4938 1007.23, Florida Statutes, are amended to read:

4939 1007.23 Statewide articulation agreement.--

4940 (1) The State Board of Education, in consultation with the
 4941 Board of Governors, shall establish in rule a statewide
 4942 articulation agreement that governs:

4943 (a) Articulation between secondary and postsecondary
 4944 education;

4945 (b) Admission of associate in arts degree graduates from
 4946 community colleges and state universities;

4947 (c) Admission of applied technology diploma program
 4948 graduates from community colleges or career centers;

4949 (d) Admission of associate in science degree and associate
 4950 in applied science degree graduates from community colleges;

4951 (e) The use of acceleration mechanisms, including
 4952 nationally standardized examinations through which students may
 4953 earn credit;

4954 (f) General education requirements and statewide course
 4955 numbers as provided for in ss. 1007.24 and 1007.25; and

4956 (g) Articulation among programs in nursing.

4957 (2) The articulation agreement must specifically provide
 4958 that every associate in arts graduate of a community college
 4959 shall have met all general education requirements and must be
 4960 granted admission to the upper division of a state university
 4961 except to a limited access or teacher certification program or a
 4962 major program requiring an audition. ~~After admission has been~~
 4963 ~~granted to students under provisions of this section and to~~
 4964 ~~university students who have successfully completed 60 credit~~
 4965 ~~hours of coursework, including 36 hours of general education,~~
 4966 ~~and met the requirements of s. 1008.29, admission shall be~~
 4967 ~~granted to state university and community college students who~~
 4968 ~~have successfully completed 60 credit hours of work, including~~
 4969 ~~36 hours of general education.~~ Community college associate in
 4970 arts graduates shall receive priority for admission to a state
 4971 university over out-of-state students. Orientation programs and
 4972 student handbooks provided to freshman enrollees and transfer
 4973 students at state universities must include an explanation of
 4974 this provision of the articulation agreement.

4975 (5) The articulation agreement must guarantee the
 4976 articulation of 9 credit hours toward a postsecondary degree in
 4977 early childhood education for programs approved by the State
 4978 Board of Education and the Board of Governors which:

4979 (a) Award a child development associate credential issued
 4980 by the National Credentialing Program of the Council for
 4981 Professional Recognition or award a credential approved under s.
 4982 1002.55(3)(c)1.b. or s. 402.305(3)(c) as being equivalent to the
 4983 child development associate credential; and

4984 (b) Include training in emergent literacy which meets or

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4985 exceeds the minimum standards for training courses for
 4986 prekindergarten instructors of the Voluntary Prekindergarten
 4987 Education Program in s. 1002.59.

4988 Section 114. Subsections (1), (2), (3), and (4) of section
 4989 1007.24, Florida Statutes, are amended to read:

4990 1007.24 Statewide course numbering system.--

4991 (1) The Department of Education, in conjunction with the
 4992 Board of Governors, shall develop, coordinate, and maintain a
 4993 statewide course numbering system for postsecondary and dual
 4994 enrollment education in school districts, public postsecondary
 4995 educational institutions, and participating nonpublic
 4996 postsecondary educational institutions that will improve program
 4997 planning, increase communication among all delivery systems, and
 4998 facilitate student acceleration and the transfer of students and
 4999 credits between public school districts, public postsecondary
 5000 educational institutions, and participating nonpublic
 5001 educational institutions. The continuing maintenance of the
 5002 system shall be accomplished with the assistance of appropriate
 5003 faculty committees representing public and participating
 5004 nonpublic educational institutions.

5005 (2) The Commissioner of Education, in conjunction with the
 5006 Chancellor of the State University System, shall appoint faculty
 5007 committees representing faculties of participating institutions
 5008 to recommend a single level for each course, including
 5009 postsecondary career education courses, included in the
 5010 statewide course numbering system.

5011 (a) Any course designated as an upper-division-level
 5012 course must be characterized by a need for advanced academic

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5013 preparation and skills that a student would be unlikely to
 5014 achieve without significant prior coursework.

5015 (b) A course that is offered as part of an associate in
 5016 science degree program and as an upper-division course for a
 5017 baccalaureate degree shall be designated for both the lower and
 5018 upper division.

5019 (c) A course designated as lower-division may be offered
 5020 by any community college.

5021 (3) The Commissioner of Education shall recommend to the
 5022 State Board of Education the levels for the courses. The State
 5023 Board of Education, with input from the Board of Governors,
 5024 shall approve the levels for the courses.

5025 (4) The statewide course numbering system shall include
 5026 the courses at the recommended levels.

5027 Section 115. Subsections (5), (6), (8), (9), and (11) of
 5028 section 1007.25, Florida Statutes, are amended to read:

5029 1007.25 General education courses; common prerequisites;
 5030 and other degree requirements.--

5031 (5) The department shall identify common prerequisite
 5032 courses and course substitutions for degree programs across all
 5033 institutions. Common degree program prerequisites shall be
 5034 offered and accepted by all state universities and community
 5035 colleges, except in cases approved by the State Board of
 5036 Education for community colleges and the Board of Governors for
 5037 state universities pursuant to s. 1001.02(2)(x). The department
 5038 shall develop a centralized database containing the list of
 5039 courses and course substitutions that meet the prerequisite
 5040 requirements for each baccalaureate degree program.

5041 (6) The boards of trustees of the community colleges ~~and~~
 5042 ~~state universities~~ shall identify their core curricula, which
 5043 shall include courses required by the State Board of Education.
 5044 The boards of trustees of the state universities shall identify
 5045 their core curricula, which shall include courses required by
 5046 the Board of Governors. The universities and community colleges
 5047 shall work with their school districts to assure that high
 5048 school curricula coordinate with the core curricula and to
 5049 prepare students for college-level work. Core curricula for
 5050 associate in arts programs shall be adopted in rule by the State
 5051 Board of Education and shall include 36 semester hours of
 5052 general education courses in the subject areas of communication,
 5053 mathematics, social sciences, humanities, and natural sciences.

5054 (8) A baccalaureate degree program shall require no more
 5055 than 120 semester hours of college credit, including 36 semester
 5056 hours of general education coursework, unless prior approval has
 5057 been granted by the Board of Governors for baccalaureate degree
 5058 programs offered by state universities and by the State Board of
 5059 Education for baccalaureate degree programs offered by community
 5060 colleges.

5061 (9) A student who received an associate in arts degree for
 5062 successfully completing 60 semester credit hours may continue to
 5063 earn additional credits at a community college. The university
 5064 must provide credit toward the student's baccalaureate degree
 5065 for an additional community college course if, according to the
 5066 statewide course numbering, the community college course is a
 5067 course listed in the university catalog as required for the
 5068 degree or as prerequisite to a course required for the degree.

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5069 Of the courses required for the degree, at least half of the
 5070 credit hours required for the degree shall be achievable through
 5071 courses designated as lower division, except in degree programs
 5072 approved by the State Board of Education for programs offered by
 5073 community colleges and by the Board of Governors for programs
 5074 offered by state universities.

5075 (11) The Commissioner of Education shall appoint faculty
 5076 committees representing both community college and public school
 5077 faculties to recommend to the commissioner for approval by the
 5078 State Board of Education a standard program length and
 5079 appropriate occupational completion points for each
 5080 postsecondary career certificate program, diploma, and degree
 5081 offered by a school district or a community college.

5082 Section 116. Paragraph (b) of subsection (2) and paragraph
 5083 (d) of subsection (3) of section 1007.2615, Florida Statutes,
 5084 are amended to read:

5085 1007.2615 American Sign Language; findings; foreign-
 5086 language credits authorized; teacher licensing.--

5087 (2) AMERICAN SIGN LANGUAGE; FOREIGN-LANGUAGE CREDIT.--

5088 (b) Any public or independent school may offer American
 5089 Sign Language for foreign-language credit. Students taking
 5090 American Sign Language for foreign-language credit must be
 5091 advised by the school board prior to enrollment in such course
 5092 that state universities and postsecondary institutions outside
 5093 of Florida may not accept such credits as satisfying foreign-
 5094 language requirements.

5095 (3) DUTIES OF COMMISSIONER OF EDUCATION AND STATE BOARD OF
 5096 EDUCATION; LICENSING OF AMERICAN SIGN LANGUAGE TEACHERS; PLAN

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5097 FOR POSTSECONDARY EDUCATION PROVIDERS.--

5098 (d) The Commissioner of Education shall work with
 5099 providers of postsecondary education, except for state
 5100 universities, to develop and implement a plan to ensure that
 5101 these postsecondary institutions in this state will accept
 5102 secondary school credits in ASL as credits in a foreign language
 5103 and to encourage postsecondary institutions to offer ASL courses
 5104 to students as a fulfillment of the requirement for studying a
 5105 foreign language.

5106 Section 117. Section 1007.262, Florida Statutes, is
 5107 amended to read:

5108 1007.262 Foreign language competence; equivalence
 5109 determinations.--The Department of Education shall identify the
 5110 competencies demonstrated by students upon the successful
 5111 completion of 2 credits of sequential high school foreign
 5112 language instruction. For the purpose of determining
 5113 postsecondary equivalence ~~pursuant to s. 1007.261(1)(b)~~, the
 5114 department shall develop rules through which community colleges
 5115 correlate such competencies to the competencies required of
 5116 students in the colleges' respective courses. Based on this
 5117 correlation, each community college shall identify the minimum
 5118 number of postsecondary credits that students must earn in order
 5119 to demonstrate a level of competence in a foreign language at
 5120 least equivalent to that of students who have completed 2
 5121 credits of such instruction in high school. The department may
 5122 also specify alternative means by which students can demonstrate
 5123 equivalent foreign language competence, including means by which
 5124 a student whose native language is not English may demonstrate

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5125 proficiency in the native language. A student who demonstrates
 5126 proficiency in a native language other than English is exempt
 5127 from a ~~the~~ requirement of completing foreign language courses at
 5128 the secondary or community college ~~postsecondary~~ level.

5129 Section 118. Section 1007.264, Florida Statutes, is
 5130 amended to read:

5131 1007.264 Impaired and learning disabled persons; admission
 5132 to postsecondary educational institutions; substitute
 5133 requirements; rules.--

5134 (1) Any student with a disability, as defined in s.
 5135 1007.02(2), except those students who have been documented as
 5136 having mental retardation, shall be eligible for reasonable
 5137 substitution for any requirement for admission into a public
 5138 postsecondary educational institution where documentation can be
 5139 provided that the person's failure to meet the admission
 5140 requirement is related to the disability.

5141 (2) The State Board of Education, in consultation with the
 5142 Board of Governors, shall adopt rules to implement this section
 5143 for community colleges and shall develop substitute admission
 5144 requirements where appropriate.

5145 (3) The Board of Governors, in consultation with the State
 5146 Board of Education, shall adopt rules to implement this section
 5147 for state universities and shall develop substitute admission
 5148 requirements where appropriate.

5149 Section 119. Section 1007.265, Florida Statutes, is
 5150 amended to read:

5151 1007.265 Impaired and learning disabled persons;
 5152 graduation, study program admission, and upper-division entry;

5153 substitute requirements; rules.--

5154 (1) Any student with a disability, as defined in s.
 5155 1007.02(2), in a public postsecondary educational institution,
 5156 except those students who have been documented as having mental
 5157 retardation, shall be eligible for reasonable substitution for
 5158 any requirement for graduation, for admission into a program of
 5159 study, or for entry into the upper division where documentation
 5160 can be provided that the person's failure to meet the
 5161 requirement is related to the disability and where failure to
 5162 meet the graduation requirement or program admission requirement
 5163 does not constitute a fundamental alteration in the nature of
 5164 the program.

5165 (2) The State Board of Education, in consultation with the
 5166 Board of Governors, shall adopt rules to implement this section
 5167 for community colleges and shall develop substitute requirements
 5168 where appropriate.

5169 (3) The Board of Governors, in consultation with the State
 5170 Board of Education, shall adopt rules to implement this section
 5171 for state universities and shall develop substitute requirements
 5172 where appropriate.

5173 Section 120. Subsections (6), (7), (8), (9), and (11) of
 5174 section 1007.27, Florida Statutes, are amended to read:

5175 1007.27 Articulated acceleration mechanisms.--

5176 (6) Advanced placement shall be the enrollment of an
 5177 eligible secondary student in a course offered through the
 5178 Advanced Placement Program administered by the College Board.
 5179 Postsecondary credit for an advanced placement course shall be
 5180 limited to students who score a minimum of 3, on a 5-point

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5181 scale, on the corresponding Advanced Placement Examination. The
5182 specific courses for which students receive such credit shall be
5183 identified in the statewide articulation agreement required by
5184 s. 1007.23(1) ~~determined by the department~~. Students of Florida
5185 public secondary schools enrolled pursuant to this subsection
5186 shall be exempt from the payment of any fees for administration
5187 of the examination regardless of whether or not the student
5188 achieves a passing score on the examination.

5189 (7) Credit by examination shall be the program through
5190 which secondary and postsecondary students generate
5191 postsecondary credit based on the receipt of a specified minimum
5192 score on nationally standardized general or subject-area
5193 examinations. For the purpose of statewide application, such
5194 examinations and the corresponding minimum scores required for
5195 an award of credit shall be delineated by the State Board of
5196 Education and the Board of Governors in the statewide
5197 articulation agreement required by s. 1007.23(1). The maximum
5198 credit generated by a student pursuant to this subsection shall
5199 be mitigated by any related postsecondary credit earned by the
5200 student prior to the administration of the examination. This
5201 subsection shall not preclude community colleges and
5202 universities from awarding credit by examination based on
5203 student performance on examinations developed within and
5204 recognized by the individual postsecondary institutions.

5205 (8) The International Baccalaureate Program shall be the
5206 curriculum in which eligible secondary students are enrolled in
5207 a program of studies offered through the International
5208 Baccalaureate Program administered by the International

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5209 | Baccalaureate Office. The State Board of Education and the Board
 5210 | of Governors shall ~~establish rules which~~ specify in the
 5211 | statewide articulation agreement required by s. 1007.23(1) the
 5212 | cutoff scores and International Baccalaureate Examinations which
 5213 | will be used to grant postsecondary credit at community colleges
 5214 | and universities. Any changes to the articulation agreement ~~such~~
 5215 | ~~rules~~, which have the effect of raising the required cutoff
 5216 | score or of changing the International Baccalaureate
 5217 | Examinations which will be used to grant postsecondary credit,
 5218 | shall only apply to students taking International Baccalaureate
 5219 | Examinations after such changes ~~rules~~ are adopted by the State
 5220 | Board of Education and the Board of Governors. Students shall be
 5221 | awarded a maximum of 30 semester credit hours pursuant to this
 5222 | subsection. The specific course for which a student may receive
 5223 | ~~receives~~ such credit shall be specified in the statewide
 5224 | articulation agreement required by s. 1007.23(1) ~~determined by~~
 5225 | ~~the department~~. Students enrolled pursuant to this subsection
 5226 | shall be exempt from the payment of any fees for administration
 5227 | of the examinations regardless of whether or not the student
 5228 | achieves a passing score on the examination.

5229 | (9) The Advanced International Certificate of Education
 5230 | Program and the International General Certificate of Secondary
 5231 | Education (pre-AICE) Program shall be the curricula in which
 5232 | eligible secondary students are enrolled in programs of study
 5233 | offered through the Advanced International Certificate of
 5234 | Education Program or the International General Certificate of
 5235 | Secondary Education (pre-AICE) Program administered by the
 5236 | University of Cambridge Local Examinations Syndicate. The State

5237 Board of Education and the Board of Governors shall ~~establish~~
 5238 ~~rules which~~ specify in the statewide articulation agreement
 5239 required by s. 1007.23(1) the cutoff scores and Advanced
 5240 International Certificate of Education examinations which will
 5241 be used to grant postsecondary credit at community colleges and
 5242 universities. Any changes to the cutoff scores ~~such rules~~, which
 5243 changes have the effect of raising the required cutoff score or
 5244 of changing the Advanced International Certification of
 5245 Education examinations which will be used to grant postsecondary
 5246 credit, shall apply to students taking Advanced International
 5247 Certificate of Education examinations after such changes ~~rules~~
 5248 are adopted by the State Board of Education and the Board of
 5249 Governors. Students shall be awarded a maximum of 30 semester
 5250 credit hours pursuant to this subsection. The specific course
 5251 for which a student may receive ~~receives~~ such credit shall be
 5252 determined by the community college or university that accepts
 5253 the student for admission. Students enrolled in either program
 5254 of study pursuant to this subsection shall be exempt from the
 5255 payment of any fees for administration of the examinations
 5256 regardless of whether the student achieves a passing score on
 5257 the examination.

5258 ~~(11)(a) The State Board of Education shall conduct a~~
 5259 ~~review of the extent to which the acceleration mechanisms~~
 5260 ~~authorized by this section are currently utilized by school~~
 5261 ~~districts and public postsecondary educational institutions and~~
 5262 ~~shall submit a report to the Governor and the Legislature by~~
 5263 ~~December 31, 2003.~~

5264 ~~(b) The report must include a summary of ongoing~~

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5265 ~~activities and a plan to increase and enhance the use of~~
5266 ~~acceleration mechanisms as a way to shorten the length of time~~
5267 ~~as well as the funding required for a student, including a~~
5268 ~~student with a documented disability, to obtain a postsecondary~~
5269 ~~degree.~~

5270 ~~(c) The review and plan shall address, but are not limited~~
5271 ~~to, the following issues:~~

5272 ~~1. The manner in which students, including students with~~
5273 ~~documented disabilities, are advised regarding the availability~~
5274 ~~of acceleration mechanism options.~~

5275 ~~2. The availability of acceleration mechanism options to~~
5276 ~~eligible students, including students with documented~~
5277 ~~disabilities, who wish to participate.~~

5278 ~~3. The grading practices, including weighting of courses,~~
5279 ~~of school districts and public postsecondary educational~~
5280 ~~institutions with regard to credit earned through acceleration~~
5281 ~~mechanisms.~~

5282 ~~4. The extent to which credit earned through an~~
5283 ~~acceleration mechanism is used to meet the general education~~
5284 ~~requirements of a public postsecondary educational institution.~~

5285 ~~5. The extent to which the secondary instruction~~
5286 ~~associated with acceleration mechanism options could be offered~~
5287 ~~at sites other than public K through 12 school sites to assist~~
5288 ~~in meeting class size reduction needs.~~

5289 ~~6. The manner in which funding for instruction associated~~
5290 ~~with acceleration mechanism options is provided.~~

5291 ~~7. The feasibility of providing students, including~~
5292 ~~students with documented disabilities, the option of choosing~~

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5293 ~~Advanced Placement credit or College Level Examination Program~~
5294 ~~(CLEP) credit as an alternative to dual enrollment credit upon~~
5295 ~~completion of a dual enrollment course.~~

5296 Section 121. Section 1007.28, Florida Statutes, is amended
5297 to read:

5298 1007.28 Computer-assisted student advising system.--The
5299 Department State Board of Education, in conjunction with the
5300 Board of Governors, shall establish and maintain ~~within the~~
5301 ~~Department of Education~~ a single, statewide computer-assisted
5302 student advising system, which must be an integral part of the
5303 process of advising, registering, and certifying students for
5304 graduation. ~~It is intended that an advising system be the~~
5305 ~~primary advising and tracking tool for students enrolled in~~
5306 ~~public postsecondary educational institutions~~ and must be
5307 accessible to all Florida students. The state universities and
5308 community colleges shall interface institutional systems with
5309 the computer-assisted advising system required by this section.
5310 The State Board of Education and the Board of Governors shall
5311 specify in the statewide articulation agreement required by s.
5312 1007.23(1) ~~prescribe by rule~~ the roles and responsibilities of
5313 the department, the state universities, and the community
5314 colleges in the design, implementation, promotion, development,
5315 and analysis of the system. The system shall consist of a degree
5316 audit and an articulation component that includes the following
5317 characteristics:

5318 (1) The system shall constitute an integral part of the
5319 process of advising students and assisting them in course
5320 selection. The system shall be accessible to students in the

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5321 following ways:

5322 (a) A student must be able to access the system, at any
 5323 time, to identify course options that will meet the requirements
 5324 of a selected path toward a degree.

5325 (b) A status report from the system shall be generated and
 5326 sent with each grade report to each student enrolled in public
 5327 postsecondary educational institutions with a declared major.

5328 (2) The system shall be an integral part of the
 5329 registration process at public postsecondary educational
 5330 institutions. As part of the process, the system shall:

5331 (a) Provide reports that document each student's status
 5332 toward completion of a degree.

5333 (b) Verify that a student has completed requirements for
 5334 graduation.

5335 (3) The system must provide students information related
 5336 to career descriptions and corresponding educational
 5337 requirements, admissions requirements, and available sources of
 5338 student financial assistance. Such advising must enable students
 5339 to examine their interests and aptitudes for the purpose of
 5340 curricular and career planning.

5341 (4) The system must provide management information to
 5342 decisionmakers, including information relating student
 5343 enrollment patterns and course demands to plans for
 5344 corresponding course offerings and information useful in
 5345 planning the student registration process.

5346 Section 122. Subsection (3) of section 1007.33, Florida
 5347 Statutes, is amended to read:

5348 1007.33 Site-determined baccalaureate degree access.--

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5349 (3) A community college may develop a proposal to deliver
 5350 specified baccalaureate degree programs in its district to meet
 5351 local workforce needs. The proposal must be submitted to the
 5352 State Board of Education for approval. The community college's
 5353 proposal must include the following information:

5354 (a) Demand for the baccalaureate degree program is
 5355 identified by the workforce development board, local businesses
 5356 and industry, local chambers of commerce, and potential
 5357 students.

5358 (b) Unmet need for graduates of the proposed degree
 5359 program is substantiated.

5360 (c) The community college has the facilities and academic
 5361 resources to deliver the program.

5362
 5363 ~~The proposal must be submitted to the Council for Education~~
 5364 ~~Policy Research and Improvement for review and comment.~~ Upon
 5365 approval of the State Board of Education for the specific degree
 5366 program or programs, the community college shall pursue regional
 5367 accreditation by the Commission on Colleges of the Southern
 5368 Association of Colleges and Schools. Any additional
 5369 baccalaureate degree programs the community college wishes to
 5370 offer must be approved by the State Board of Education.

5371 Section 123. Subsections (4), (8), and (9) of section
 5372 1008.29, Florida Statutes, are amended to read:

5373 1008.29 College-level communication and mathematics skills
 5374 examination (CLAST).--

5375 (4) The State Board of Education, in conjunction with the
 5376 Board of Governors ~~by rule~~, shall set the minimum scores that

5377 constitute successful completion of the examination. In
 5378 establishing the minimum scores that constitute successful
 5379 completion of the examination, the boards ~~State Board of~~
 5380 ~~Education~~ shall consider any possible negative impact of the
 5381 tests on minority students. Determinations regarding a student's
 5382 successful completion of the examination shall be based on the
 5383 minimum standards ~~prescribed by rule~~ for the date the student
 5384 initially takes the examination.

5385 (8) (a) The State Board of Education, by rule, shall
 5386 establish fees for the administration of the examination by
 5387 community colleges at times other than regularly scheduled dates
 5388 to accommodate examinees who are unable to be tested on those
 5389 dates. The state board shall establish the conditions under
 5390 which examinees may be admitted to the special administrations.

5391 (b) The Board of Governors may establish fees for the
 5392 administration of the examination by state universities at times
 5393 other than regularly scheduled dates to accommodate examinees
 5394 who are unable to be tested on those dates. The Board of
 5395 Governors may establish the conditions under which examinees may
 5396 be admitted to the special administrations.

5397 (9) Any student fulfilling one or both of the following
 5398 requirements before completion of associate in arts degree
 5399 requirements or baccalaureate degree requirements is exempt from
 5400 the testing requirements of this section:

5401 (a) Achieves a score that meets or exceeds a minimum score
 5402 on a nationally standardized examination, as established by the
 5403 State Board of Education in conjunction with the Board of
 5404 Governors; or

5405 (b) Demonstrates successful remediation of any academic
 5406 deficiencies identified by the college placement test and
 5407 achieves a cumulative grade point average of 2.5 or above, on a
 5408 4.0 scale, in postsecondary-level coursework identified by the
 5409 State Board of Education in conjunction with the Board of
 5410 Governors. The Department of Education shall specify the means
 5411 by which a student may demonstrate successful remediation.

5412
 5413 Any student denied a degree prior to January 1, 1996, based on
 5414 the failure of at least one subtest of the CLAST may use either
 5415 of the alternatives specified in this subsection for receipt of
 5416 a degree if such student meets all degree program requirements
 5417 at the time of application for the degree under the exemption
 5418 provisions of this subsection. This section does not require a
 5419 student to take the CLAST before being given the opportunity to
 5420 use any of the alternatives specified in this subsection. The
 5421 exemptions provided herein do not apply to requirements for
 5422 certification as provided in s. 1012.56.

5423 Section 124. Subsections (1) and (4) of section 1008.30,
 5424 Florida Statutes, are amended to read:

5425 1008.30 Common placement testing for public postsecondary
 5426 education.--

5427 (1) The State Board of Education, in conjunction with the
 5428 Board of Governors, shall develop and implement a common
 5429 placement test for the purpose of assessing the basic
 5430 computation and communication skills of students who intend to
 5431 enter a degree program at any public postsecondary educational
 5432 institution. ~~The State Board of Education shall adopt rules~~

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5433 ~~which enable~~ Public postsecondary educational institutions shall
5434 provide to implement appropriate modifications of the test
5435 instruments or test procedures for students with disabilities.

5436 (4) (a) Public postsecondary educational institution
5437 students who have been identified as requiring additional
5438 preparation pursuant to subsection (1) shall enroll in college-
5439 preparatory or other adult education pursuant to s. 1004.93 in
5440 community colleges to develop needed college-entry skills. These
5441 students shall be permitted to take courses within their degree
5442 program concurrently in other curriculum areas for which they
5443 are qualified while enrolled in college-preparatory instruction
5444 courses. A student enrolled in a college-preparatory course may
5445 concurrently enroll only in college credit courses that do not
5446 require the skills addressed in the college-preparatory course.
5447 The State Board of Education, in conjunction with the Board of
5448 Governors, shall specify the college credit courses that are
5449 acceptable for students enrolled in each college-preparatory
5450 skill area, ~~pursuant to s. 1001.02(7)(g)~~. A student who wishes
5451 to earn an associate in arts or a baccalaureate degree, but who
5452 is required to complete a college-preparatory course, must
5453 successfully complete the required college-preparatory studies
5454 by the time the student has accumulated 12 hours of lower-
5455 division college credit degree coursework; however, a student
5456 may continue enrollment in degree-earning coursework provided
5457 the student maintains enrollment in college-preparatory
5458 coursework for each subsequent semester until college-
5459 preparatory coursework requirements are completed, and the
5460 student demonstrates satisfactory performance in degree-earning

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5461 coursework. A passing score on a standardized, institutionally
 5462 developed test must be achieved before a student is considered
 5463 to have met basic computation and communication skills
 5464 requirements; however, no student shall be required to retake
 5465 any test or subtest that was previously passed by said student.
 5466 Credit awarded for college-preparatory instruction may not be
 5467 counted toward fulfilling the number of credits required for a
 5468 degree.

5469 (b) A The university board of trustees may contract with a
 5470 community college board of trustees for the community college to
 5471 provide such instruction on the state university campus. Any
 5472 state university in which the percentage of incoming students
 5473 requiring college-preparatory instruction equals or exceeds the
 5474 average percentage of such students for the community college
 5475 system may offer college-preparatory instruction without
 5476 contracting with a community college; however, any state
 5477 university offering college-preparatory instruction as of
 5478 January 1, 1996, may continue to provide such services.

5479 Section 125. Section 1008.32, Florida Statutes, is amended
 5480 to read:

5481 1008.32 State Board of Education oversight enforcement
 5482 authority.--The State Board of Education shall oversee the
 5483 performance of district school boards and community college
 5484 boards of trustees ~~public postsecondary educational institution~~
 5485 ~~boards~~ in enforcement of all laws and rules. District school
 5486 boards and community college boards of trustees ~~public~~
 5487 ~~postsecondary educational institution boards~~ shall be primarily
 5488 responsible for compliance with law and state board rule.

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5489 (1) In order to ensure compliance with law or state board
 5490 rule, the State Board of Education shall have the authority to
 5491 request and receive information, data, and reports from school
 5492 districts and community colleges ~~public postsecondary~~
 5493 ~~educational institutions~~. District school superintendents and
 5494 community college ~~public postsecondary educational institution~~
 5495 presidents are responsible for the accuracy of the information
 5496 and data reported to the state board.

5497 (2) The Commissioner of Education may investigate
 5498 allegations of noncompliance with law or state board rule and
 5499 determine probable cause. The commissioner shall report
 5500 determinations of probable cause to the State Board of Education
 5501 which shall require the district school board or community
 5502 college board of trustees ~~public postsecondary educational~~
 5503 ~~institution board~~ to document compliance with law or state board
 5504 rule.

5505 (3) If the district school board or community college
 5506 board of trustees ~~public postsecondary educational institution~~
 5507 ~~board~~ cannot satisfactorily document compliance, the State Board
 5508 of Education may order compliance within a specified timeframe.

5509 (4) If the State Board of Education determines that a
 5510 district school board or community college board of trustees
 5511 ~~public postsecondary educational institution board~~ is unwilling
 5512 or unable to comply with law or state board rule within the
 5513 specified time, the state board shall have the authority to
 5514 initiate any of the following actions:

5515 (a) Report to the Legislature that the school district or
 5516 community college ~~public postsecondary educational institution~~

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5517 has been unwilling or unable to comply with law or state board
 5518 rule and recommend action to be taken by the Legislature.

5519 (b) Reduce the discretionary lottery appropriation until
 5520 the school district or community college ~~public postsecondary~~
 5521 ~~education institution~~ complies with the law or state board rule.

5522 (c) Withhold the transfer of state funds, discretionary
 5523 grant funds, or any other funds specified as eligible for this
 5524 purpose by the Legislature until the school district or
 5525 community college ~~public postsecondary educational institution~~
 5526 complies with the law or state board rule.

5527 (d) Declare the school district or community college
 5528 ~~public postsecondary educational institution~~ ineligible for
 5529 competitive grants.

5530 (e) Require monthly or periodic reporting on the situation
 5531 related to noncompliance until it is remedied.

5532 (5) Nothing in this section shall be construed to create a
 5533 private cause of action or create any rights for individuals or
 5534 entities in addition to those provided elsewhere in law or rule.

5535 Section 126. Paragraphs (e) through (i) of subsection (8)
 5536 of section 1008.345, Florida Statutes, are amended to read:

5537 1008.345 Implementation of state system of school
 5538 improvement and education accountability.--

5539 (8) As a part of the system of educational accountability,
 5540 the Department of Education shall:

5541 (e) Maintain a listing of college-level communication and
 5542 mathematics skills defined pursuant to s. 1008.29 ~~by the State~~
 5543 ~~Board of Education~~ as being associated with successful student
 5544 performance through the baccalaureate level and submit it ~~the~~

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5545 ~~same~~ to the State Board of Education and the Board of Governors
 5546 for approval.

5547 (f) Maintain a listing of tests and other assessment
 5548 procedures which measure and diagnose student achievement of
 5549 college-level communication and computation skills and submit it
 5550 ~~the same~~ to the State Board of Education and the Board of
 5551 Governors for approval.

5552 (g) Maintain for the information of the State Board of
 5553 Education, the Board of Governors, and the Legislature a file of
 5554 data to reflect achievement of college-level communication and
 5555 mathematics competencies by students in state universities and
 5556 community colleges.

5557 (h) Develop or contract for, and submit to the State Board
 5558 of Education and the Board of Governors for approval, tests
 5559 which measure and diagnose student achievement of college-level
 5560 communication and mathematics skills. Any tests and related
 5561 documents developed are exempt from the provisions of s.
 5562 119.07(1). The commissioner shall maintain statewide
 5563 responsibility for the administration of such tests and may
 5564 assign administrative responsibilities for the tests to any
 5565 state university or community college. The state board, upon
 5566 recommendation of the commissioner, may enter into contracts for
 5567 such services beginning in one fiscal year and continuing into
 5568 the next year which are paid from the appropriation for either
 5569 or both fiscal years.

5570 (i) Perform any other functions that may be involved in
 5571 educational planning, research, and evaluation or that may be
 5572 required by the commissioner, the State Board of Education, the

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5573 Board of Governors, or law.

5574 Section 127. Subsections (1) and (2) of section 1008.37,
5575 Florida Statutes, are amended to read:

5576 1008.37 Postsecondary feedback of information to high
5577 schools.--

5578 (1) ~~The State Board of Education shall adopt rules that~~
5579 ~~require the~~ Commissioner of Education shall ~~to~~ report to the
5580 State Board of Education, the Board of Governors, the
5581 Legislature, and the district school boards on the performance
5582 of each first-time-in-postsecondary education student from each
5583 public high school in this state who is enrolled in a public
5584 postsecondary institution or public career center. Such reports
5585 must be based on information databases maintained by the
5586 Department of Education. In addition, the public postsecondary
5587 educational institutions and career centers shall provide
5588 district school boards access to information on student
5589 performance in regular and preparatory courses and shall
5590 indicate students referred for remediation pursuant to s.
5591 1004.91 or s. 1008.30.

5592 (2) The Commissioner of Education shall report, by high
5593 school, to the State Board of Education, the Board of Governors,
5594 and the Legislature, no later than November 30 of each year, on
5595 the number of prior year Florida high school graduates who
5596 enrolled for the first time in public postsecondary education in
5597 this state during the previous summer, fall, or spring term,
5598 indicating the number of students whose scores on the common
5599 placement test indicated the need for remediation through
5600 college-preparatory or vocational-preparatory instruction

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5601 pursuant to s. 1004.91 or s. 1008.30.

5602 Section 128. Section 1008.38, Florida Statutes, is amended
5603 to read:

5604 1008.38 Articulation accountability process.--The State
5605 Board of Education, in conjunction with the Board of Governors,
5606 shall develop articulation accountability measures which assess
5607 the status of systemwide articulation processes authorized under
5608 s. 1007.23 and. ~~The State Board of Education shall~~ establish an
5609 articulation accountability process which at a minimum shall
5610 address:

5611 (1) The impact of articulation processes on ensuring
5612 educational continuity and the orderly and unobstructed
5613 transition of students between public secondary and
5614 postsecondary education systems and facilitating the transition
5615 of students between the public and private sectors.

5616 (2) The adequacy of preparation of public secondary
5617 students to smoothly articulate to a public postsecondary
5618 institution.

5619 (3) The effectiveness of articulated acceleration
5620 mechanisms available to secondary students.

5621 (4) The smooth transfer of community college associate in
5622 arts degree graduates to a state university.

5623 (5) An examination of degree requirements that exceed the
5624 parameters of 60 credit hours for an associate degree and 120
5625 hours for a baccalaureate degree in public postsecondary
5626 programs.

5627 (6) The relationship between the College Level Academic
5628 Skills Test Program and articulation to the upper division in

5629 public postsecondary institutions.

5630 Section 129. Paragraph (h) of subsection (1) of section
5631 1008.45, Florida Statutes, is amended to read:

5632 1008.45 Community college accountability process.--

5633 (1) It is the intent of the Legislature that a management
5634 and accountability process be implemented which provides for the
5635 systematic, ongoing improvement and assessment of the
5636 improvement of the quality and efficiency of the Florida
5637 community colleges. Accordingly, the State Board of Education
5638 and the community college boards of trustees shall develop and
5639 implement an accountability plan to improve and evaluate the
5640 instructional and administrative efficiency and effectiveness of
5641 the Florida Community College System. This plan shall be
5642 designed in consultation with staff of the Governor and the
5643 Legislature and must address the following issues:

5644 (h) Other measures ~~as identified by the Council for~~
5645 ~~Education Policy Research and Improvement~~ and approved by the
5646 State Board of Education.

5647 Section 130. Section 1008.46, Florida Statutes, is amended
5648 to read:

5649 1008.46 State university accountability process.--It is
5650 the intent of the Legislature that an accountability process be
5651 implemented that provides for the systematic, ongoing evaluation
5652 of quality and effectiveness of state universities. It is
5653 further the intent of the Legislature that this accountability
5654 process monitor performance at the system level in each of the
5655 major areas of instruction, research, and public service, while
5656 recognizing the differing missions of each of the state

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5657 universities. The accountability process shall provide for the
5658 adoption of systemwide performance standards and performance
5659 goals for each standard identified through a collaborative
5660 effort involving state universities, the Board of Governors, the
5661 Legislature, and the Governor's Office. These standards and
5662 goals shall be consistent with s. 216.011(1) to maintain
5663 congruity with the performance-based budgeting process. This
5664 process requires that university accountability reports reflect
5665 measures defined through performance-based budgeting. The
5666 performance-based budgeting measures must also reflect the
5667 elements of teaching, research, and service inherent in the
5668 missions of the state universities.

5669 (1) By December 31 of each year, the Board of Governors
5670 ~~State Board of Education~~ shall submit an annual accountability
5671 report providing information on the implementation of
5672 performance standards, actions taken to improve university
5673 achievement of performance goals, the achievement of performance
5674 goals during the prior year, and initiatives to be undertaken
5675 during the next year. The accountability reports shall be
5676 designed in consultation with the Governor's Office, the Office
5677 of Program Policy Analysis and Government Accountability, and
5678 the Legislature.

5679 (2) The Board of Governors ~~State Board of Education~~ shall
5680 recommend in the annual accountability report any appropriate
5681 modifications to this section.

5682 Section 131. Subsection (2) of section 1009.01, Florida
5683 Statutes, is amended to read:

5684 1009.01 Definitions.--The term:

5685 (2) "Out-of-state fee" means the additional fee for
 5686 instruction provided by a public postsecondary educational
 5687 institution in this state, which fee is charged to a student who
 5688 does not qualify for the in-state tuition rate pursuant to s.
 5689 1009.21 non-Florida student as defined in rules of the State
 5690 Board of Education. A charge for any other purpose shall not be
 5691 included within this fee.

5692 Section 132. Subsection (11) of section 1009.21, Florida
 5693 Statutes, is amended to read:

5694 1009.21 Determination of resident status for tuition
 5695 purposes.--Students shall be classified as residents or
 5696 nonresidents for the purpose of assessing tuition in community
 5697 colleges and state universities.

5698 (11) The State Board of Education and the Board of
 5699 Governors shall adopt rules to implement this section by rule
 5700 designate classifications of students as residents or
 5701 nonresidents for tuition purposes at community colleges and
 5702 state universities.

5703 Section 133. Present subsections (3) through (14) of
 5704 section 1009.24, Florida Statutes, are renumbered subsections
 5705 (4) through (15), respectively, new subsections (3) and (16) are
 5706 added to that section, and present subsections (6), (9), (10),
 5707 and (11) of that section are amended to read:

5708 1009.24 State university student fees.--

5709 (3) All moneys from tuition and fees shall be deposited
 5710 pursuant to s. 1011.42.

5711 (7)~~(6)~~ A university board of trustees is authorized to
 5712 collect for financial aid purposes an amount not to exceed 5

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5713 percent of the tuition and out-of-state fee. The revenues from
5714 fees are to remain at each campus and replace existing financial
5715 aid fees. Such funds shall be disbursed to students as quickly
5716 as possible. A minimum of 75 percent of funds from the student
5717 financial aid fee for new financial aid awards shall be used to
5718 provide financial aid based on absolute need. A student who has
5719 received an award prior to July 1, 1984, shall have his or her
5720 eligibility assessed on the same criteria that were used at the
5721 time of his or her original award. The Board of Governors ~~State~~
5722 ~~Board of Education~~ shall develop criteria for making financial
5723 aid awards. Each university shall report annually to the Board
5724 of Governors and the Department of Education on the revenue
5725 collected pursuant to this subsection, the amount carried
5726 forward, the criteria used to make awards, the amount and number
5727 of awards for each criterion, and a delineation of the
5728 distribution of such awards. The report shall include an
5729 assessment by category of the financial need of every student
5730 who receives an award, regardless of the purpose for which the
5731 award is received. Awards which are based on financial need
5732 shall be distributed in accordance with a nationally recognized
5733 system of need analysis approved by the Board of Governors ~~State~~
5734 ~~Board of Education~~. An award for academic merit shall require a
5735 minimum overall grade point average of 3.0 on a 4.0 scale or the
5736 equivalent for both initial receipt of the award and renewal of
5737 the award.

5738 (10) ~~(9)~~ (a) Each university board of trustees shall
5739 establish a student activity and service fee on the main campus
5740 of the university. The university board may also establish a

5741 student activity and service fee on any branch campus or center.
 5742 Any subsequent increase in the activity and service fee must be
 5743 recommended by an activity and service fee committee, at least
 5744 one-half of whom are students appointed by the student body
 5745 president. The remainder of the committee shall be appointed by
 5746 the university president. A chairperson, appointed jointly by
 5747 the university president and the student body president, shall
 5748 vote only in the case of a tie. The recommendations of the
 5749 committee shall take effect only after approval by the
 5750 university president, after consultation with the student body
 5751 president, with final approval by the university board of
 5752 trustees. An increase in the activity and service fee may occur
 5753 only once each fiscal year and must be implemented beginning
 5754 with the fall term. The Board of Governors ~~State Board of~~
 5755 ~~Education~~ is responsible for adopting ~~promulgating~~ the rules and
 5756 timetables necessary to implement this fee.

5757 (b) The student activity and service fees shall be
 5758 expended for lawful purposes to benefit the student body in
 5759 general. This shall include, but shall not be limited to,
 5760 student publications and grants to duly recognized student
 5761 organizations, the membership of which is open to all students
 5762 at the university without regard to race, sex, or religion. The
 5763 fund may not benefit activities for which an admission fee is
 5764 charged to students, except for student-government-association-
 5765 sponsored concerts. The allocation and expenditure of the fund
 5766 shall be determined by the student government association of the
 5767 university, except that the president of the university may veto
 5768 any line item or portion thereof within the budget when

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5769 submitted by the student government association legislative
5770 body. The university president shall have 15 school days from
5771 the date of presentation of the budget to act on the allocation
5772 and expenditure recommendations, which shall be deemed approved
5773 if no action is taken within the 15 school days. If any line
5774 item or portion thereof within the budget is vetoed, the student
5775 government association legislative body shall within 15 school
5776 days make new budget recommendations for expenditure of the
5777 vetoed portion of the fund. If the university president vetoes
5778 any line item or portion thereof within the new budget
5779 revisions, the university president may reallocate by line item
5780 that vetoed portion to bond obligations guaranteed by activity
5781 and service fees. Unexpended funds and undisbursed funds
5782 remaining at the end of a fiscal year shall be carried over and
5783 remain in the student activity and service fund and be available
5784 for allocation and expenditure during the next fiscal year.

5785 (11)~~(10)~~ Each university board of trustees shall establish
5786 a student health fee on the main campus of the university. The
5787 university board of trustees may also establish a student health
5788 fee on any branch campus or center. Any subsequent increase in
5789 the health fee must be recommended by a health committee, at
5790 least one-half of whom are students appointed by the student
5791 body president. The remainder of the committee shall be
5792 appointed by the university president. A chairperson, appointed
5793 jointly by the university president and the student body
5794 president, shall vote only in the case of a tie. The
5795 recommendations of the committee shall take effect only after
5796 approval by the university president, after consultation with

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5797 the student body president, with final approval by the
5798 university board of trustees. An increase in the health fee may
5799 occur only once each fiscal year and must be implemented
5800 beginning with the fall term. The Board of Governors ~~State Board~~
5801 ~~of Education~~ is responsible for adopting ~~promulgating~~ the rules
5802 and timetables necessary to implement this fee.

5803 (12) ~~(11)~~ Each university board of trustees shall establish
5804 a separate athletic fee on the main campus of the university.
5805 The university board may also establish a separate athletic fee
5806 on any branch campus or center. Any subsequent increase in the
5807 athletic fee must be recommended by an athletic fee committee,
5808 at least one-half of whom are students appointed by the student
5809 body president. The remainder of the committee shall be
5810 appointed by the university president. A chairperson, appointed
5811 jointly by the university president and the student body
5812 president, shall vote only in the case of a tie. The
5813 recommendations of the committee shall take effect only after
5814 approval by the university president, after consultation with
5815 the student body president, with final approval by the
5816 university board of trustees. An increase in the athletic fee
5817 may occur only once each fiscal year and must be implemented
5818 beginning with the fall term. The Board of Governors ~~State Board~~
5819 ~~of Education~~ is responsible for adopting ~~promulgating~~ the rules
5820 and timetables necessary to implement this fee.

5821 (16) A state university may not charge any fee except as
5822 specifically authorized by law.

5823 Section 134. Subsections (4) and (6) of section 1009.26,
5824 Florida Statutes, are amended, and subsection (10) is added to

5825 that section, to read:

5826 1009.26 Fee waivers.--

5827 (4) A state university may waive any or all application,
 5828 tuition, and related fees for persons 60 years of age or older
 5829 who are residents of this state and who attend classes for
 5830 credit. No academic credit shall be awarded for attendance in
 5831 classes for which fees are waived under this subsection. This
 5832 privilege may be granted only on a space-available basis, if
 5833 such classes are not filled as of the close of registration. A
 5834 university may limit or deny the privilege for courses which are
 5835 in programs for which the Board of Governors ~~State Board of~~
 5836 ~~Education~~ has established selective admissions criteria. Persons
 5837 paying full fees and state employees taking courses on a space-
 5838 available basis shall have priority over those persons whose
 5839 fees are waived in all cases where classroom spaces are limited.

5840 (6) A university board of trustees may waive the State
 5841 ~~Board of Education may establish rules to allow for the waiver~~
 5842 ~~of~~ out-of-state fees for nondegree-seeking students enrolled at
 5843 a state university if the earned student credit hours generated
 5844 by such students are nonfundable and the direct cost for the
 5845 program of study is recovered from the fees charged to all
 5846 students.

5847 (10) Each university board of trustees is authorized to
 5848 waive tuition and out-of-state fees for purposes that support
 5849 and enhance the mission of the university. All fees waived must
 5850 be based on policies that are adopted by university boards of
 5851 trustees pursuant to rules adopted by the Board of Governors.
 5852 Each university shall report the purpose, number, and value of

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5853 all fee waivers granted annually in a format prescribed by the
 5854 Board of Governors.

5855 Section 135. Subsection (1) of section 1009.27, Florida
 5856 Statutes, is amended to read:

5857 1009.27 Deferral of fees.--

5858 (1) School districts, community colleges, and state
 5859 universities may defer ~~The State Board of Education shall adopt~~
 5860 ~~rules to allow the deferral of~~ tuition and ~~registration~~ fees for
 5861 students receiving financial aid from a federal or state
 5862 assistance program when the aid is delayed in being transmitted
 5863 to the student through circumstances beyond the control of the
 5864 student. The failure to make timely application for the aid is
 5865 an insufficient reason to receive a deferral of fees. ~~The rules~~
 5866 ~~must provide for the enforcement and collection or other~~
 5867 ~~settlement of delinquent accounts.~~

5868 Section 136. Section 1009.285, Florida Statutes, is
 5869 amended to read:

5870 1009.285 Fees for repeated enrollment in college-credit
 5871 courses.--A student enrolled in the same undergraduate college-
 5872 credit course more than twice shall pay tuition at 100 percent
 5873 of the full cost of instruction and shall not be included in
 5874 calculations of full-time equivalent enrollments for state
 5875 funding purposes. However, students who withdraw or fail a class
 5876 due to extenuating circumstances may be granted an exception
 5877 only once for each class, provided that approval is granted
 5878 according to policy established by the community college board
 5879 of trustees or the university board of trustees. Each community
 5880 college and state university may review and reduce fees paid by

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5881 students due to continued enrollment in a college-credit class
5882 on an individual basis contingent upon the student's financial
5883 hardship, ~~pursuant to definitions and fee levels established by~~
5884 ~~the State Board of Education~~. For purposes of this section,
5885 first-time enrollment in a class shall mean enrollment in a
5886 class beginning fall semester 1997, and calculations of the full
5887 cost of instruction shall be based on the systemwide average of
5888 the prior year's cost of undergraduate programs for the
5889 community colleges and the state universities. Boards of
5890 trustees may make exceptions to this section for individualized
5891 study, elective coursework, courses that are repeated as a
5892 requirement of a major, and courses that are intended as
5893 continuing over multiple semesters, excluding the repeat of
5894 coursework more than two times to increase grade point average
5895 or meet minimum course grade requirements.

5896 Section 137. Subsection (1) of section 1009.29, Florida
5897 Statutes, is amended to read:

5898 1009.29 Increased fees for funding financial aid
5899 program.--

5900 (1) Student tuition and registration fees at each state
5901 university and community college shall include up to \$4.68 per
5902 quarter, or \$7.02 per semester, per full-time student, or the
5903 per-student credit hour equivalents of such amounts. The fees
5904 provided for by this section shall be adjusted from time to
5905 time, as necessary, to comply with the debt service coverage
5906 requirements of the student loan revenue bonds issued pursuant
5907 to s. 1009.79. If the Division of Bond Finance of the State
5908 Board of Administration ~~State Board of Education~~ and the

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5909 Commissioner of Education determine that such fees are no longer
 5910 required as security for revenue bonds issued pursuant to ss.
 5911 1009.78-1009.88, moneys previously collected pursuant to this
 5912 section which are held in escrow, after administrative expenses
 5913 have been met and up to \$150,000 has been used to establish a
 5914 financial aid data processing system for the state universities
 5915 incorporating the necessary features to meet the needs of all 11
 5916 universities for application through disbursement processing,
 5917 shall be reallocated to the generating institutions to be used
 5918 for student financial aid programs, including, but not limited
 5919 to, scholarships and grants for educational purposes. Upon such
 5920 determination, such fees shall no longer be assessed and
 5921 collected.

5922 Section 138. Section 1009.40, Florida Statutes, is amended
 5923 to read:

5924 1009.40 General requirements for student eligibility for
 5925 state financial aid awards and tuition assistance grants.--

5926 (1)(a) The general requirements for eligibility of
 5927 students for state financial aid awards and tuition assistance
 5928 grants consist of the following:

- 5929 1. Achievement of the academic requirements of and
 5930 acceptance at a state university or community college; a nursing
 5931 diploma school approved by the Florida Board of Nursing; a
 5932 Florida college, university, or community college which is
 5933 accredited by an accrediting agency recognized by the State
 5934 Board of Education; any Florida institution the credits of which
 5935 are acceptable for transfer to state universities; any career
 5936 center; or any private career institution accredited by an

5937 accrediting agency recognized by the State Board of Education.

5938 2. Residency in this state for no less than 1 year
 5939 preceding the award of aid or a tuition assistance grant for a
 5940 program established pursuant to s. 1009.50, s. 1009.51, s.
 5941 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s. 1009.57, s.
 5942 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s. 1009.72, s.
 5943 1009.73, s. 1009.76, s. 1009.77, ~~or~~ s. 1009.89, or s. 1009.891.
 5944 Residency in this state must be for purposes other than to
 5945 obtain an education. Resident status for purposes of receiving
 5946 state financial aid awards shall be determined in the same
 5947 manner as resident status for tuition purposes pursuant to s.
 5948 1009.21 ~~and rules of the State Board of Education~~.

5949 3. Submission of certification attesting to the accuracy,
 5950 completeness, and correctness of information provided to
 5951 demonstrate a student's eligibility to receive state financial
 5952 aid awards or tuition assistance grants. Falsification of such
 5953 information shall result in the denial of any pending
 5954 application and revocation of any award or grant currently held
 5955 to the extent that no further payments shall be made.
 5956 Additionally, students who knowingly make false statements in
 5957 order to receive state financial aid awards or tuition
 5958 assistance grants ~~commit~~ ~~shall be guilty of~~ a misdemeanor of the
 5959 second degree subject to the provisions of s. 837.06 and shall
 5960 be required to return all state financial aid awards or tuition
 5961 assistance grants wrongfully obtained.

5962 (b)1. Eligibility for the renewal of undergraduate
 5963 financial aid awards shall be evaluated at the end of the second
 5964 semester or third quarter of each academic year. As a condition

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5965 | for renewal, a student shall:

5966 | a. Have earned a minimum cumulative grade point average of
5967 | 2.0 on a 4.0 scale; and

5968 | b. Have earned, for full-time study, 12 credits per term
5969 | or the equivalent for the number of terms for which aid was
5970 | received.

5971 | 2. A student who earns the minimum number of credits
5972 | required for renewal, but who fails to meet the minimum 2.0
5973 | cumulative grade point average, may be granted a probationary
5974 | award for up to the equivalent of 1 academic year and shall be
5975 | required to earn a cumulative grade point average of 2.0 on a
5976 | 4.0 scale by the end of the probationary period to be eligible
5977 | for subsequent renewal. A student who receives a probationary
5978 | award and who fails to meet the conditions for renewal by the
5979 | end of his or her probationary period shall be ineligible to
5980 | receive additional awards for the equivalent of 1 academic year
5981 | following his or her probationary period. Each such student may,
5982 | however, reapply for assistance during a subsequent application
5983 | period and may be eligible for an award if he or she has earned
5984 | a cumulative grade point average of 2.0 on a 4.0 scale.

5985 | 3. A student who fails to earn the minimum number of
5986 | credits required for renewal shall lose his or her eligibility
5987 | for renewal for a period equivalent to 1 academic year.
5988 | However, the student may reapply during a subsequent application
5989 | period and may be eligible for an award if he or she has earned
5990 | a minimum cumulative grade point average of 2.0 on a 4.0 scale.

5991 | 4. Students who receive state student aid and subsequently
5992 | fail to meet state academic progress requirements due to

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5993 | verifiable illness or other emergencies may be granted an
5994 | exception from the academic requirements. Such students shall
5995 | make a written appeal to the institution. The appeal shall
5996 | include a description and verification of the circumstances.
5997 | Verification of illness or other emergencies may include but not
5998 | be limited to a physician's statement or written statement of a
5999 | parent or college official. The institution shall recommend
6000 | exceptions with necessary documentation to the department. The
6001 | department may accept or deny such recommendations for exception
6002 | from the institution.

6003 | (2) These requirements do not preclude higher standards
6004 | specified in other sections of this part, in rules of the state
6005 | board, or in rules of a participating institution.

6006 | (3) Undergraduate students are eligible to receive
6007 | financial aid for a maximum of 8 semesters or 12 quarters.
6008 | However, undergraduate students participating in college-
6009 | preparatory instruction, students requiring additional time to
6010 | complete the college-level communication and computation skills
6011 | testing programs, or students enrolled in a 5-year undergraduate
6012 | degree program are eligible to receive financial aid for a
6013 | maximum of 10 semesters or 15 quarters.

6014 | (4) No student is eligible to receive more than one state
6015 | scholarship that is based on academic merit. Students who
6016 | qualify for more than one such scholarship shall be notified of
6017 | all awards for which they qualify and shall be provided the
6018 | opportunity to accept one of their choosing.

6019 | Section 139. Subsections (9) and (12) of section 1009.90,
6020 | Florida Statutes, are amended to read:

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6021 1009.90 Duties of the Department of Education.--The duties
6022 of the department shall include:

6023 (9) Development and submission of a report, annually, to
6024 the State Board of Education, the Board of Governors, the
6025 President of the Senate, and the Speaker of the House of
6026 Representatives, which shall include, but not be limited to,
6027 recommendations for the distribution of state financial aid
6028 funds.

6029 (12) Calculation of the amount of need-based student
6030 financial aid required to offset fee increases recommended by
6031 the State Board of Education and the Board of Governors and
6032 inclusion of such amount within the legislative budget request
6033 for student assistance grant programs.

6034 Section 140. Subsection (4) of section 1009.91, Florida
6035 Statutes, is amended to read:

6036 1009.91 Assistance programs and activities of the
6037 department.--

6038 (4) The department shall maintain records on the student
6039 loan default rate of each Florida postsecondary institution and
6040 report that information annually to both the institution and the
6041 State Board of Education. Information relating to state
6042 universities shall also be reported annually to the Board of
6043 Governors.

6044 Section 141. Subsection (2) of section 1009.971, Florida
6045 Statutes, is amended to read:

6046 1009.971 Florida Prepaid College Board.--

6047 (2) FLORIDA PREPAID COLLEGE BOARD; MEMBERSHIP.--The board
6048 shall consist of seven members to be composed of the Attorney

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6049 General, the Chief Financial Officer, the Chancellor of the
 6050 State University System ~~Deputy Commissioner of Colleges and~~
 6051 ~~Universities~~, the Deputy Commissioner of Community Colleges, and
 6052 three members appointed by the Governor and subject to
 6053 confirmation by the Senate. Each member appointed by the
 6054 Governor shall possess knowledge, skill, and experience in the
 6055 areas of accounting, actuary, risk management, or investment
 6056 management. Each member of the board not appointed by the
 6057 Governor may name a designee to serve on the board on behalf of
 6058 the member; however, any designee so named shall meet the
 6059 qualifications required of gubernatorial appointees to the
 6060 board. Members appointed by the Governor shall serve terms of 3
 6061 years. Any person appointed to fill a vacancy on the board shall
 6062 be appointed in a like manner and shall serve for only the
 6063 unexpired term. Any member shall be eligible for reappointment
 6064 and shall serve until a successor qualifies. Members of the
 6065 board shall serve without compensation but shall be reimbursed
 6066 for per diem and travel in accordance with s. 112.061. Each
 6067 member of the board shall file a full and public disclosure of
 6068 his or her financial interests pursuant to s. 8, Art. II of the
 6069 State Constitution and corresponding statute.

6070 Section 142. Section 1010.01, Florida Statutes, is amended
 6071 to read:

6072 1010.01 Uniform records and accounts.--

6073 (1) (a) The financial records and accounts of each school
 6074 district, community college, ~~university~~, and other institution
 6075 or agency under the supervision of the State Board of Education
 6076 shall be prepared and maintained as prescribed by law and rules

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6077 of the State Board of Education.

6078 (b) The financial records and accounts of each state
 6079 university under the supervision of the Board of Governors shall
 6080 be prepared and maintained as prescribed by law and rules of the
 6081 Board of Governors.

6082 (2) Rules of the State Board of Education and rules of the
 6083 Board of Governors shall incorporate the requirements of law and
 6084 accounting principles generally accepted in the United States
 6085 ~~the appropriate requirements of the Governmental Accounting~~
 6086 ~~Standards Board (CASB) for State and Local Government. Such~~
 6087 rules shall include a uniform classification of accounts.

6088 (3) Each state university shall annually file with the
 6089 Board of Governors financial statements prepared in conformity
 6090 with accounting principles generally accepted by the United
 6091 States and the uniform classification of accounts prescribed by
 6092 the Board of Governors. The Board of Governors' rules shall
 6093 prescribe the filing deadline for the financial statements.

6094 ~~(4)(3)~~ Required financial accounts and reports shall
 6095 include provisions that are unique to each of the following: K-
 6096 12 school districts, community colleges, and state universities,
 6097 and shall provide for the data to be reported to the National
 6098 Center of Educational Statistics and other governmental and
 6099 professional educational data information services as
 6100 appropriate.

6101 Section 143. Section 1010.011, Florida Statutes, is
 6102 amended to read:

6103 1010.011 Definition.--For purposes of this chapter and
 6104 chapter 1011, the ~~following~~ terms: "university," "universities,"

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6105 and "university board of trustees" include all state
 6106 universities ~~New College~~ under the supervision of the Board of
 6107 Governors ~~State Board of Education.~~

6108 Section 144. Section 1010.02, Florida Statutes, is amended
 6109 to read:

6110 1010.02 Financial accounting and expenditures.--

6111 (1) All funds accruing to a school district or a
 6112 community college, ~~or a university~~ must be received, accounted
 6113 for, and expended in accordance with law and rules of the State
 6114 Board of Education.

6115 (2) All funds accruing to a state university must be
 6116 received, accounted for, and expended in accordance with law and
 6117 rules of the Board of Governors.

6118 Section 145. Subsections (1) and (4) of section 1010.04,
 6119 Florida Statutes, are amended to read:

6120 1010.04 Purchasing.--

6121 (1)(a) Purchases and leases by school districts and
 6122 community colleges, ~~and universities~~ shall comply with the
 6123 requirements of law and rules of the State Board of Education.

6124 (b) Purchases and leases by state universities shall
 6125 comply with the requirements of law and rules of the Board of
 6126 Governors.

6127 (4)(a) The State Board of Education may, by rule, provide
 6128 for alternative procedures for school districts and community
 6129 colleges for bidding or purchasing in cases in which the
 6130 character of the item requested renders competitive bidding
 6131 impractical.

6132 (b) The Board of Governors may, by rule, provide for

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6133 alternative procedures for state universities for bidding or
 6134 purchasing in cases in which the character of the item requested
 6135 renders competitive bidding impractical.

6136 Section 146. Subsection (2) of section 1010.07, Florida
 6137 Statutes, is amended to read:

6138 1010.07 Bonds or insurance required.--

6139 (2) (a) Contractors paid from school district or, community
 6140 college, ~~or university~~ funds shall give bond for the faithful
 6141 performance of their contracts in such amount and for such
 6142 purposes as prescribed by s. 255.05 or by rules of the State
 6143 Board of Education relating to the type of contract involved. It
 6144 shall be the duty of the district school board or, community
 6145 college board of trustees, ~~and university board of trustees~~ to
 6146 require from construction contractors a bond adequate to protect
 6147 the board and the board's funds involved.

6148 (b) Contractors paid from university funds shall give bond
 6149 for the faithful performance of their contracts in such amount
 6150 and for such purposes as prescribed by s. 255.05 or by rules of
 6151 the Board of Governors relating to the type of contract
 6152 involved. It shall be the duty of the university board of
 6153 trustees to require from construction contractors a bond
 6154 adequate to protect the board and the board's funds involved.

6155 Section 147. Section 1010.09, Florida Statutes, is amended
 6156 to read:

6157 1010.09 Direct-support organizations.--

6158 (1) School district and, community college, ~~and university~~
 6159 direct-support organizations shall be organized and conducted
 6160 under the provisions of ss. 1001.453, ~~1004.28~~, and 1004.70 and

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6161 rules of the State Board of Education, as applicable.

6162 (2) State university direct-support organizations shall be
 6163 organized and conducted under the provisions of s. 1004.28 and
 6164 rules of the Board of Governors, as applicable.

6165 Section 148. Section 1010.30, Florida Statutes, is amended
 6166 to read:

6167 1010.30 Audits required.--School districts, community
 6168 colleges, ~~universities,~~ and other institutions and agencies
 6169 under the supervision of the State Board of Education and state
 6170 universities under the supervision of the Board of Governors are
 6171 subject to the audit provisions under ss. 11.45 and 218.39.

6172 Section 149. Section 1011.01, Florida Statutes, is amended
 6173 to read:

6174 1011.01 Budget system established.--

6175 (1) The State Board of Education shall prepare and submit
 6176 a coordinated K-20 education annual legislative budget request
 6177 to the Governor and the Legislature on or before the date
 6178 provided by the Governor and the Legislature. The board's
 6179 legislative budget request must clearly define the needs of
 6180 school districts, community colleges, universities, other
 6181 institutions, organizations, programs, and activities under the
 6182 supervision of the board and that are assigned by law or the
 6183 General Appropriations Act to the Department of Education.

6184 (2) (a) There shall be established in each school district
 6185 and, community college, ~~and university~~ a budget system as
 6186 prescribed by law and rules of the State Board of Education.

6187 (b) There shall be established in each state university a
 6188 budget system as prescribed by law and rules of the Board of

6189 Governors.

6190 (3) (a) Each district school board and, each community
 6191 college board of trustees, ~~and each state university board of~~
 6192 ~~trustees~~ shall prepare, adopt, and submit to the Commissioner of
 6193 Education for review an annual operating budget. Operating
 6194 budgets shall be prepared and submitted in accordance with the
 6195 provisions of law, rules of the State Board of Education, the
 6196 General Appropriations Act, and for district school boards in
 6197 accordance with the provisions of ss. 200.065 and 1011.64.

6198 (b) Each state university board of trustees shall prepare,
 6199 adopt, and submit to the Chancellor of the State University
 6200 System for review an annual operating budget in accordance with
 6201 provisions of law, rules of the Board of Governors, and the
 6202 General Appropriations Act.

6203 (4) The State Board of Education shall coordinate with the
 6204 Board of Governors to facilitate the budget system requirements
 6205 of this section. The Board of Governors exclusively retains the
 6206 review and approval powers of this section for state
 6207 universities.

6208 Section 150. Section 1011.011, Florida Statutes, is
 6209 amended to read:

6210 1011.011 Legislative capital outlay budget request.--The
 6211 State Board of Education shall submit an integrated,
 6212 comprehensive budget request for educational facilities
 6213 construction and fixed capital outlay needs for school
 6214 districts, community colleges, and, in conjunction with the
 6215 Board of Governors, universities pursuant to this section and s.
 6216 1013.46 and applicable provisions of chapter 216.

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6217 Section 151. Section 1011.40, Florida Statutes, is amended
 6218 to read:

6219 1011.40 Budgets for universities.--

6220 (1) LEGISLATIVE BUDGET REQUEST.--The Board of Governors
 6221 ~~State Board of Education~~ shall provide instructions, guidelines,
 6222 and standard formats to be used by each university that will
 6223 provide to the Board of Governors ~~State Board of Education~~ and
 6224 the Legislature adequate information to support and justify the
 6225 legislative budget requests submitted pursuant to ss. 216.023,
 6226 1011.90, and 1013.60 for each university.

6227 (2) OPERATING BUDGET.--Each university board of trustees
 6228 shall adopt an operating budget for the operation of the
 6229 university as prescribed by law and rules of the Board of
 6230 Governors ~~State Board of Education~~. Each university president
 6231 shall prepare and implement the operating budget of the
 6232 university as prescribed by law, rules of the Board of Governors
 6233 ~~State Board of Education~~, policies of the university board of
 6234 trustees, and provisions of the General Appropriations Act. The
 6235 proposed expenditures, plus transfers, and balances shall not
 6236 exceed the estimated income, transfers, and balances. The budget
 6237 and each part thereof shall balance. If at any time the
 6238 unencumbered balance in the education and general fund of the
 6239 university board of trustees approved operating budget goes
 6240 below 5 percent, the president shall provide written
 6241 notification to the Board of Governors ~~State Board of Education~~.

6242 (3) EXPENDITURES.--Expenditures from any source of funds
 6243 by any university shall not exceed the funds available.
 6244 Expenditures shall not exceed the amount budgeted under each

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6245 classification of accounts for each fund and the total amount of
 6246 the budget, as amended as prescribed by rules of the Board of
 6247 Governors ~~State Board of Education~~. No expenditure of funds,
 6248 contract, or agreement of any nature shall be made that requires
 6249 additional appropriation of funds by the Legislature unless
 6250 specifically authorized in advance by law or the General
 6251 Appropriations Act.

6252 (4) DISTRIBUTION OF APPROPRIATION.--Funds appropriated in
 6253 the General Appropriations Act for the operation of state
 6254 universities shall be distributed ~~by the State Board of~~
 6255 ~~Education~~ to the universities twice monthly. The Executive
 6256 Office of the Governor may modify this schedule if required to
 6257 meet specific needs of a university.

6258 Section 152. Section 1011.41, Florida Statutes, is amended
 6259 to read:

6260 1011.41 University appropriations.--Funds for the general
 6261 operations of universities shall be requested and appropriated
 6262 as Aid to Local Governments Grants and Aids, subject to
 6263 provisions of the General Appropriations Act. Funds provided to
 6264 state universities in the General Appropriations Act are
 6265 contingent upon each university complying with the tuition and
 6266 fee policies established in the proviso language and with the
 6267 tuition and fee policies for state universities included in part
 6268 II of chapter 1009. However, the funds appropriated to a
 6269 specific university shall not be affected by the failure of
 6270 another university to comply with this provision.

6271 Section 153. Section 1011.4106, Florida Statutes, is
 6272 amended to read:

6273 1011.4106 Trust fund dissolution and local account
 6274 appropriations.--

6275 (1) Notwithstanding the provisions of ss. 215.3206(2) and
 6276 215.3208(2), and pursuant to s. 216.351, all unexpended balances
 6277 as of June 30, 2002, in the following State University System
 6278 trust funds are hereby appropriated to the appropriate accounts
 6279 of each university based upon the original source of the trust
 6280 fund revenue and any accrued interest: the Education/General
 6281 Student and Other Fees Trust Fund, the Experiment Station
 6282 Federal Grant Trust Fund, the Experiment Station Incidental
 6283 Trust Fund, the Extension Service Federal Grant Trust Fund, the
 6284 Extension Service Incidental Trust Fund, the Incidental Trust
 6285 Fund, the UF Health Center Operations and Maintenance Trust
 6286 Fund, the Operations and Maintenance Trust Fund, and all other
 6287 trust funds in the State Treasury for universities. Expenditure
 6288 of these funds by each university must be based on the laws,
 6289 rules, grant agreements, or other legal controlling factors
 6290 associated with all trust fund balances which are appropriated
 6291 to local accounts pursuant to this section, and included in each
 6292 university board of trustees' approved operating budget. Each
 6293 university shall be responsible for the payment of outstanding
 6294 debts or obligations associated with these funds.

6295 (2) Any appropriations provided in the General
 6296 Appropriations Act from the Education/General Student and Other
 6297 Fees Trust Fund are the only budget authority for the fiscal
 6298 year to the named universities to expend tuition and fees that
 6299 are collected during the fiscal year and carried forward from
 6300 the prior fiscal year. The expenditure of tuition and fee

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6301 revenues from local accounts by each university shall not exceed
 6302 the authority provided in the General Appropriations Act unless
 6303 approved pursuant to the provisions of chapter 216. If a court
 6304 of competent jurisdiction finds that the restriction in this
 6305 subsection is invalid, the moneys described in this section
 6306 shall be deposited in the State Treasury.

6307 Section 154. Section 1011.411, Florida Statutes, is
 6308 amended to read:

6309 1011.411 Budgets for sponsored research at
 6310 universities.--Funds for sponsored research at each university
 6311 shall be budgeted and expended pursuant to ss. 1004.22 ~~1010.30~~
 6312 and 1011.42.

6313 Section 155. Subsections (3), (4), and (5) of section
 6314 1011.48, Florida Statutes, are amended to read:

6315 1011.48 Establishment of educational research centers for
 6316 child development.--

6317 (3) Each center is authorized to charge fees for the care
 6318 and services it provides. Such fees must be approved by the
 6319 Board of Governors ~~State Board of Education~~ and may be imposed
 6320 on a sliding scale based on ability to pay or any other factors
 6321 deemed relevant by the board.

6322 (4) The Board of Governors may adopt ~~State Board of~~
 6323 ~~Education is authorized and directed to promulgate~~ rules for the
 6324 establishment, operation, and supervision of educational
 6325 research centers for child development. Such rules shall
 6326 include, but need not be limited to: a defined method of
 6327 establishment of and participation in the operation of centers
 6328 by the appropriate student government associations; guidelines

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6329 for the establishment of an intern program in each center; and
 6330 guidelines for the receipt and monitoring of funds from grants
 6331 and other sources of funds consistent with existing laws.

6332 (5) Each educational research center for child development
 6333 shall be funded by a portion of the Capital Improvement Trust
 6334 Fund fee established by the Board of Governors ~~State Board of~~
 6335 ~~Education~~ pursuant to s. 1009.24(7). Each university that
 6336 establishes a center shall receive a portion of such fees
 6337 collected from the students enrolled at that university, usable
 6338 only at that university, equal to 22.5 cents per student per
 6339 credit hour taken per term, based on the summer term and fall
 6340 and spring semesters. This allocation shall be used by the
 6341 university only for the establishment and operation of a center
 6342 as provided by this section and rules adopted ~~promulgated~~
 6343 hereunder. Said allocation may be made only after all bond
 6344 obligations required to be paid from such fees have been met.

6345 Section 156. Subsection (1) of section 1011.82, Florida
 6346 Statutes, is amended to read:

6347 1011.82 Requirements for participation in Community
 6348 College Program Fund.--Each community college district which
 6349 participates in the state appropriations for the Community
 6350 College Program Fund shall provide evidence of its effort to
 6351 maintain an adequate community college program which shall:

6352 (1) Meet the minimum standards prescribed by the State
 6353 Board of Education in accordance with s.1001.02(6) ~~s.~~
 6354 ~~1001.02(9)~~.

6355 Section 157. Subsection (4) of section 1011.90, Florida
 6356 Statutes, is amended to read:

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6357 | 1011.90 State university funding.--
 6358 | (4) The Board of Governors ~~State Board of Education~~ shall
 6359 | establish and validate a cost-estimating system consistent with
 6360 | the requirements of subsection (1) and shall report as part of
 6361 | its legislative budget request the actual expenditures for the
 6362 | fiscal year ending the previous June 30. Expenditure analysis,
 6363 | operating budgets, and annual financial statements of each
 6364 | university must be prepared using the standard financial
 6365 | reporting procedures and formats prescribed by the Board of
 6366 | Governors ~~State Board of Education~~. These formats shall be the
 6367 | same as used for the 2000-2001 fiscal year reports. Any
 6368 | revisions to these financial and reporting procedures and
 6369 | formats must be approved by the Executive Office of the Governor
 6370 | and the appropriations committees of the Legislature jointly
 6371 | under the provisions of s. 216.023(3). The Board of Governors
 6372 | ~~State Board of Education~~ shall continue to collect and maintain
 6373 | at a minimum the management information databases existing on
 6374 | June 30, 2002. The expenditure analysis report shall include
 6375 | total expenditures from all sources for the general operation of
 6376 | the university and shall be in such detail as needed to support
 6377 | the legislative budget request.

6378 | Section 158. Subsections (1) and (2) of section 1011.91,
 6379 | Florida Statutes, are amended to read:

6380 | 1011.91 Additional appropriation.--

6381 | (1) Except as otherwise provided in the General
 6382 | Appropriations Act, all moneys received by universities, other
 6383 | than from state and federal sources, from student ~~building and~~
 6384 | ~~capital improvement~~ fees authorized in s. 1009.24, and from

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6385 vending machine collections, are hereby appropriated to the use
 6386 of the respective universities collecting same, to be expended
 6387 as the university board of trustees may direct; however, the
 6388 funds shall not be expended except in pursuance of detailed
 6389 budgets filed with the Board of Governors ~~State Board of~~
 6390 ~~Education~~ and shall not be expended for the construction or
 6391 reconstruction of buildings except as provided under s. 1013.74.

6392 (2) All moneys received from vending machine collections
 6393 by a state university ~~universities~~ shall be expended only as set
 6394 forth in detailed budgets approved by the university's board of
 6395 trustees ~~State Board of Education~~.

6396 Section 159. Section 1012.01, Florida Statutes, is amended
 6397 to read:

6398 1012.01 Definitions.--As used in this chapter, the
 6399 following terms have the following meanings ~~Specific definitions~~
 6400 ~~shall be as follows, and wherever such defined words or terms~~
 6401 ~~are used in the Florida K-20 Education Code, they shall be used~~
 6402 ~~as follows:~~

6403 (1) SCHOOL OFFICERS.--The officers of the state system of
 6404 public K-12 and community college education shall be the
 6405 Commissioner of Education and the members of the State Board of
 6406 Education; ~~and,~~ for each district school system, the officers
 6407 shall be the district school superintendent and members of the
 6408 district school board; and for each community college, the
 6409 officers shall be the community college president and members of
 6410 the community college board of trustees.

6411 (2) INSTRUCTIONAL PERSONNEL.--"Instructional personnel"
 6412 means any K-12 staff member whose function includes the

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6413 provision of direct instructional services to students.
6414 Instructional personnel also includes K-12 personnel whose
6415 functions provide direct support in the learning process of
6416 students. Included in the classification of instructional
6417 personnel are the following K-12 personnel:

6418 (a) Classroom teachers.--Classroom teachers are staff
6419 members assigned the professional activity of instructing
6420 students in courses in classroom situations, including basic
6421 instruction, exceptional student education, career education,
6422 and adult education, including substitute teachers.

6423 (b) Student personnel services.--Student personnel
6424 services include staff members responsible for: advising
6425 students with regard to their abilities and aptitudes,
6426 educational and occupational opportunities, and personal and
6427 social adjustments; providing placement services; performing
6428 educational evaluations; and similar functions. Included in this
6429 classification are guidance counselors, social workers, career
6430 specialists, and school psychologists.

6431 (c) Librarians/media specialists.--Librarians/media
6432 specialists are staff members responsible for providing school
6433 library media services. These employees are responsible for
6434 evaluating, selecting, organizing, and managing media and
6435 technology resources, equipment, and related systems;
6436 facilitating access to information resources beyond the school;
6437 working with teachers to make resources available in the
6438 instructional programs; assisting teachers and students in media
6439 productions; and instructing students in the location and use of
6440 information resources.

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6441 (d) Other instructional staff.--Other instructional staff
6442 are staff members who are part of the instructional staff but
6443 are not classified in one of the categories specified in
6444 paragraphs (a)-(c). Included in this classification are primary
6445 specialists, learning resource specialists, instructional
6446 trainers, adjunct educators certified pursuant to s. 1012.57,
6447 and similar positions.

6448 (e) Education paraprofessionals.--Education
6449 paraprofessionals are individuals who are under the direct
6450 supervision of an instructional staff member, aiding the
6451 instructional process. Included in this classification are
6452 classroom paraprofessionals in regular instruction, exceptional
6453 education paraprofessionals, career education paraprofessionals,
6454 adult education paraprofessionals, library paraprofessionals,
6455 physical education and playground paraprofessionals, and other
6456 school-level paraprofessionals.

6457 (3) ADMINISTRATIVE PERSONNEL.--"Administrative personnel"
6458 includes K-12 personnel who perform management activities such
6459 as developing broad policies for the school district and
6460 executing those policies through the direction of personnel at
6461 all levels within the district. Administrative personnel are
6462 generally high-level, responsible personnel who have been
6463 assigned the responsibilities of systemwide or schoolwide
6464 functions, such as district school superintendents, assistant
6465 superintendents, deputy superintendents, school principals,
6466 assistant principals, career center directors, and others who
6467 perform management activities. Broad classifications of K-12
6468 administrative personnel are as follows:

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6469 (a) District-based instructional administrators.--Included
6470 in this classification are persons with district-level
6471 administrative or policymaking duties who have broad authority
6472 for management policies and general school district operations
6473 related to the instructional program. Such personnel often
6474 report directly to the district school superintendent and
6475 supervise other administrative employees. This classification
6476 includes assistant, associate, or deputy superintendents and
6477 directors of major instructional areas, such as curriculum,
6478 federal programs such as Title I, specialized instructional
6479 program areas such as exceptional student education, career
6480 education, and similar areas.

6481 (b) District-based noninstructional
6482 administrators.--Included in this classification are persons
6483 with district-level administrative or policymaking duties who
6484 have broad authority for management policies and general school
6485 district operations related to the noninstructional program.
6486 Such personnel often report directly to the district school
6487 superintendent and supervise other administrative employees.
6488 This classification includes assistant, associate, or deputy
6489 superintendents and directors of major noninstructional areas,
6490 such as personnel, construction, facilities, transportation,
6491 data processing, and finance.

6492 (c) School administrators.--Included in this
6493 classification are:

6494 1. School principals or school directors who are staff
6495 members performing the assigned activities as the administrative
6496 head of a school and to whom have been delegated responsibility

6497 | for the coordination and administrative direction of the
 6498 | instructional and noninstructional activities of the school.
 6499 | This classification also includes career center directors.

6500 | 2. Assistant principals who are staff members assisting
 6501 | the administrative head of the school. This classification also
 6502 | includes assistant principals for curriculum and administration.

6503 | (4) YEAR OF SERVICE.--The minimum time which may be
 6504 | recognized in administering K-12 ~~the state program of~~ education,
 6505 | not including retirement, as a year of service by a school
 6506 | employee shall be full-time actual service; and, beginning July
 6507 | 1963, such service shall also include sick leave and holidays
 6508 | for which compensation was received but shall exclude all other
 6509 | types of leave and holidays for a total of more than one-half of
 6510 | the number of days required for the normal contractual period of
 6511 | service for the position held, which shall be 196 days or
 6512 | longer, or the minimum required for the district to participate
 6513 | in the Florida Education Finance Program in the year service was
 6514 | rendered, or the equivalent for service performed on a daily or
 6515 | hourly basis; provided, further, that absence from duty after
 6516 | the date of beginning service shall be covered by leave duly
 6517 | authorized and granted; further, the school board shall have
 6518 | authority to establish a different minimum for local district
 6519 | school purposes.

6520 | (5) SCHOOL VOLUNTEER.--A K-12 school volunteer is any
 6521 | nonpaid person who may be appointed by a district school board
 6522 | or its designee. School volunteers may include, but may not be
 6523 | limited to, parents, senior citizens, students, and others who
 6524 | assist the teacher or other members of the school staff.

6525 (6) EDUCATIONAL SUPPORT EMPLOYEES.--"Educational support
 6526 employees" means K-12 employees whose job functions are neither
 6527 administrative nor instructional, yet whose work supports the
 6528 educational process.

6529 (a) Other professional staff or
 6530 nonadministrative/noninstructional employees are staff members
 6531 who perform professional job functions which are
 6532 nonadministrative/noninstructional in nature and who are not
 6533 otherwise classified in this section. Included in this
 6534 classification are employees such as doctors, nurses, attorneys,
 6535 certified public accountants, and others appropriate to the
 6536 classification.

6537 (b) Technicians are individuals whose occupations require
 6538 a combination of knowledge and manual skill which can be
 6539 obtained through about 2 years of post-high school education,
 6540 such as is offered in many career centers and community
 6541 colleges, or through equivalent on-the-job training.

6542 (c) Clerical/secretarial workers are individuals whose job
 6543 requires skills and training in clerical-type work, including
 6544 activities such as preparing, transcribing, systematizing, or
 6545 preserving written communications and reports or operating
 6546 equipment performing those functions. Included in this
 6547 classification are secretaries, bookkeepers, messengers, and
 6548 office machine operators.

6549 (d) Skilled crafts workers are individuals who perform
 6550 jobs which require special manual skill and a thorough and
 6551 comprehensive knowledge of the processes involved in the work
 6552 which is acquired through on-the-job training and experience or

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6553 through apprenticeship or other formal training programs. Lead
6554 workers for the various skilled crafts areas shall be included
6555 in this classification.

6556 (e) Service workers are staff members performing a service
6557 for which there are no formal qualifications, including those
6558 responsible for: cleaning the buildings, school plants, or
6559 supporting facilities; maintenance and operation of such
6560 equipment as heating and ventilation systems; preserving the
6561 security of school property; and keeping the school plant safe
6562 for occupancy and use. Lead workers in the various service areas
6563 shall be included in this broad classification.

6564 (7) MANAGERS.--"Managers" includes those K-12 staff
6565 members who perform managerial and supervisory functions while
6566 usually also performing general operations functions. Managers
6567 may be either instructional or noninstructional in their
6568 responsibility. They may direct employees' work, plan the work
6569 schedule, control the flow and distribution of work or
6570 materials, train employees, handle complaints, authorize
6571 payments, and appraise productivity and efficiency of employees.
6572 This classification includes coordinators and supervisors
6573 working under the general direction of those staff identified as
6574 district-based instructional or noninstructional administrators.

6575 Section 160. Subsection (1) of section 1012.80, Florida
6576 Statutes, is amended to read:

6577 1012.80 Participation by employees in disruptive
6578 activities at public postsecondary educational institutions;
6579 penalties.--

6580 (1) (a) Any person who accepts the privilege extended by

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6581 the laws of this state of employment at any community college
 6582 ~~public postsecondary educational institution~~ shall, by ~~so~~
 6583 working at such institution, be deemed to have given his or her
 6584 consent to the policies of that institution, the policies of the
 6585 State Board of Education, and the laws of this state. Such
 6586 policies shall include prohibition against disruptive activities
 6587 at community colleges ~~public postsecondary educational~~
 6588 ~~institutions~~.

6589 (b) Any person who accepts the privilege extended by the
 6590 laws of this state of employment at any state university shall,
 6591 by working at such institution, be deemed to have given his or
 6592 her consent to the policies of that institution, the policies of
 6593 the Board of Governors, and the laws of this state. Such
 6594 policies shall include prohibition against disruptive activities
 6595 at state universities.

6596 Section 161. Section 1012.801, Florida Statutes, is
 6597 amended to read:

6598 1012.801 Employees of the Board of Governors ~~Division of~~
 6599 ~~Colleges and Universities.~~--Employees of the Board of Governors
 6600 ~~Division of Colleges and Universities of the Department of~~
 6601 ~~Education~~ who were ~~are~~ participating in the State University
 6602 Optional Retirement Program prior to June 30, 2002, shall be
 6603 eligible to continue such participation as long as they remain
 6604 employees of the Board of Governors ~~Department of Education~~ or a
 6605 state university without a break in continuous service.

6606 Section 162. Section 1012.93, Florida Statutes, is amended
 6607 to read:

6608 1012.93 Faculty members; test of spoken English.---~~The~~

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6609 ~~State Board of Education shall adopt rules requiring that~~ All
 6610 faculty members in each state university ~~and New College,~~ other
 6611 than those persons who teach courses that are conducted
 6612 primarily in a foreign language, shall be proficient in the oral
 6613 use of English, as determined by a satisfactory grade on the
 6614 "Test of Spoken English" of the Educational Testing Service or a
 6615 similar test approved by the Board of Governors ~~state board.~~

6616 Section 163. Paragraph (c) of subsection (4) of section
 6617 1012.98, Florida Statutes, is amended to read:

6618 1012.98 School Community Professional Development Act.--

6619 (4) The Department of Education, school districts,
 6620 schools, community colleges, and state universities share the
 6621 responsibilities described in this section. These
 6622 responsibilities include the following:

6623 ~~(c) The Department of Education shall approve a public~~
 6624 ~~state university having an approved physical education teacher~~
 6625 ~~preparation program within its college of education to develop~~
 6626 ~~and implement an Internet based clearinghouse for physical~~
 6627 ~~education professional development programs that may be accessed~~
 6628 ~~and used by all instructional personnel. The development of~~
 6629 ~~these programs shall be financed primarily by private funds and~~
 6630 ~~shall be available for use no later than August 1, 2005.~~

6631 Section 164. Subsection (3) of section 1013.01, Florida
 6632 Statutes, is amended to read:

6633 1013.01 Definitions.--The following terms shall be defined
 6634 as follows for the purpose of this chapter:

6635 (3) "Board," unless otherwise specified, means a district
 6636 school board, a community college board of trustees, a

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6637 university board of trustees, and the Board of Trustees for the
 6638 Florida School for the Deaf and the Blind. The term "board" does
 6639 not include the State Board of Education or the Board of
 6640 Governors.

6641 Section 165. Subsection (2) of section 1013.02, Florida
 6642 Statutes, is amended to read:

6643 1013.02 Purpose; rules.--

6644 (2) (a) The State Board of Education shall adopt rules
 6645 pursuant to ss. 120.536(1) and 120.54 to implement the
 6646 provisions of this chapter for school districts and community
 6647 colleges.

6648 (b) The Board of Governors shall adopt rules pursuant to
 6649 ss. 120.536(1) and 120.54 to implement the provisions of this
 6650 chapter for state universities.

6651 Section 166. Section 1013.03, Florida Statutes, is amended
 6652 to read:

6653 1013.03 Functions of the department and the Board of
 6654 Governors.--The functions of the Department of Education as it
 6655 pertains to educational facilities of school districts and
 6656 community colleges and of the Board of Governors as it pertains
 6657 to educational facilities of state universities shall include,
 6658 but not be limited to, the following:

6659 (1) Establish recommended minimum and maximum square
 6660 footage standards for different functions and areas and
 6661 procedures for determining the gross square footage for each
 6662 educational facility to be funded in whole or in part by the
 6663 state, including public broadcasting stations but excluding
 6664 postsecondary special purpose laboratory space. The gross square

6665 footage determination standards may be exceeded when the core
 6666 facility space of an educational facility is constructed or
 6667 renovated to accommodate the future addition of classrooms to
 6668 meet projected increases in student enrollment. The department
 6669 and the Board of Governors shall encourage multiple use of
 6670 facilities and spaces in educational plants.

6671 (2) Establish, for the purpose of determining need,
 6672 equitably uniform utilization standards for all types of like
 6673 space, regardless of the level of education. These standards
 6674 shall also establish, for postsecondary education classrooms, a
 6675 minimum room utilization rate of 40 hours per week and a minimum
 6676 station utilization rate of 60 percent. These rates shall be
 6677 subject to increase based on national norms for utilization of
 6678 postsecondary education classrooms.

6679 (3) Require boards to submit other educational plant
 6680 inventories data and statistical data or information relevant to
 6681 construction, capital improvements, and related costs.

6682 (4) Require each board and other appropriate agencies to
 6683 submit complete and accurate financial data as to the amounts of
 6684 funds from all sources that are available and spent for
 6685 construction and capital improvements. The commissioner shall
 6686 prescribe the format and the date for the submission of this
 6687 data and any other educational facilities data. If any district
 6688 does not submit the required educational facilities fiscal data
 6689 by the prescribed date, the Commissioner of Education shall
 6690 notify the district school board of this fact and, if
 6691 appropriate action is not taken to immediately submit the
 6692 required report, the district school board shall be directed to

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6693 proceed pursuant to the provisions of s. 1001.42(11)(b). If any
6694 community college or university does not submit the required
6695 educational facilities fiscal data by the prescribed date, the
6696 same policy prescribed in this subsection for school districts
6697 shall be implemented.

6698 (5) Administer, under the supervision of the Commissioner
6699 of Education, the Public Education Capital Outlay and Debt
6700 Service Trust Fund and the School District and Community College
6701 District Capital Outlay and Debt Service Trust Fund.

6702 (6) Develop, review, update, revise, and recommend a
6703 mandatory portion of the Florida Building Code for educational
6704 facilities construction and capital improvement by community
6705 college boards and district school boards.

6706 (7) Provide training, technical assistance, and building
6707 code interpretation for requirements of the mandatory Florida
6708 Building Code for the educational facilities construction and
6709 capital improvement programs of the community college boards and
6710 district school boards and, upon request, approve phase III
6711 construction documents for remodeling, renovation, or new
6712 construction of educational plants or ancillary facilities,
6713 except that university boards of trustees shall approve
6714 specifications and construction documents for their respective
6715 institutions pursuant to guidelines of the Board of Governors.
6716 The Department of Management Services may, upon request, provide
6717 similar services for the Florida School for the Deaf and the
6718 Blind and shall use the Florida Building Code and the Florida
6719 Fire Prevention Code.

6720 (8) Provide minimum criteria, procedures, and training to

6721 boards to conduct educational plant surveys and document the
 6722 determination of future needs.

6723 (9) Make available to boards technical assistance,
 6724 awareness training, and research and technical publications
 6725 relating to lifesafety, casualty, sanitation, environmental,
 6726 maintenance, and custodial issues; and, as needed, technical
 6727 assistance for survey, planning, design, construction,
 6728 operation, and evaluation of educational and ancillary
 6729 facilities and plants, facilities administrative procedures
 6730 review, and training for new administrators.

6731 (10) (a) Review and validate surveys proposed or amended by
 6732 the boards and recommend to the Commissioner of Education or the
 6733 Chancellor of the State University System, as appropriate, for
 6734 approval, surveys that meet the requirements of this chapter.

6735 1. The term "validate" as applied to surveys by school
 6736 districts means to review inventory data as submitted to the
 6737 department by district school boards; provide for review and
 6738 inspection, where required, of student stations and aggregate
 6739 square feet of inventory changed from satisfactory to
 6740 unsatisfactory or changed from unsatisfactory to satisfactory;
 6741 compare new school inventory to allocation limits provided by
 6742 this chapter; review cost projections for conformity with cost
 6743 limits set by s. 1013.64(6); compare total capital outlay full-
 6744 time equivalent enrollment projections in the survey with the
 6745 department's projections; review facilities lists to verify that
 6746 student station and auxiliary facility space allocations do not
 6747 exceed the limits provided by this chapter and related rules;
 6748 review and confirm the application of uniform facility

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6749 utilization factors, where provided by this chapter or related
6750 rules; utilize the documentation of programs offered per site,
6751 as submitted by the board, to analyze facility needs; confirm
6752 that need projections for career and adult educational programs
6753 comply with needs documented by the Department of Education
6754 ~~Office of Workforce and Economic Development~~; and confirm the
6755 assignment of full-time student stations to all space except
6756 auxiliary facilities, which, for purposes of exemption from
6757 student station assignment, include the following:

- 6758 a. Cafeterias.
- 6759 b. Multipurpose dining areas.
- 6760 c. Media centers.
- 6761 d. Auditoriums.
- 6762 e. Administration.
- 6763 f. Elementary, middle, and high school resource rooms, up
6764 to the number of such rooms recommended for the applicable
6765 occupant and space design capacity of the educational plant in
6766 the State Requirements for Educational Facilities, beyond which
6767 student stations must be assigned.
- 6768 g. Elementary school skills labs, up to the number of such
6769 rooms recommended for the applicable occupant and space design
6770 capacity of the educational plant in the State Requirements for
6771 Educational Facilities, beyond which student stations must be
6772 assigned.
- 6773 h. Elementary school art and music rooms.

6774 2. The term "validate" as applied to surveys by community
6775 colleges and universities means to review and document the
6776 approval of each new site and official designation, where

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6777 applicable; review the inventory database as submitted by each
6778 board to the department, including noncareer, and total capital
6779 outlay full-time equivalent enrollment projections per site and
6780 per college; provide for the review and inspection, where
6781 required, of student stations and aggregate square feet of space
6782 changed from satisfactory to unsatisfactory; utilize and review
6783 the documentation of programs offered per site submitted by the
6784 boards as accurate for analysis of space requirements and needs;
6785 confirm that needs projected for career and adult educational
6786 programs comply with needs documented by the Department of
6787 Education ~~Office of Workforce and Economic Development~~; compare
6788 new facility inventory to allocations limits as provided in this
6789 chapter; review cost projections for conformity with state
6790 averages or limits designated by this chapter; compare student
6791 enrollment projections in the survey to the department's
6792 projections; review facilities lists to verify that area
6793 allocations and space factors for generating space needs do not
6794 exceed the limits as provided by this chapter and related rules;
6795 confirm the application of facility utilization factors as
6796 provided by this chapter and related rules; and review, as
6797 submitted, documentation of how survey recommendations will
6798 implement the detail of current campus master plans and
6799 integrate with local comprehensive plans and development
6800 regulations.

6801 (b) Recommend priority of projects to be funded ~~for~~
6802 ~~approval by the state board, when required by law.~~

6803 (11) Prepare the commissioner's comprehensive fixed
6804 capital outlay legislative budget request and provide annually

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6805 an estimate of the funds available for developing required 3-
6806 year priority lists. This amount shall be based upon the average
6807 percentage for the 5 prior years of funds appropriated by the
6808 Legislature for fixed capital outlay to each level of public
6809 education: public schools, community colleges, and universities.

6810 (12) Perform any other functions that may be involved in
6811 educational facilities construction and capital improvement
6812 which shall ensure that the intent of the Legislature is
6813 implemented.

6814 ~~(13) By October 1, 2003, review all rules related to~~
6815 ~~school construction to identify requirements that are outdated,~~
6816 ~~obsolete, unnecessary, or otherwise could be amended in order to~~
6817 ~~provide additional flexibility to school districts to comply~~
6818 ~~with the constitutional class size maximums described in s.~~
6819 ~~1003.03(1) and make recommendations concerning such rules to the~~
6820 ~~State Board of Education. The State Board of Education shall act~~
6821 ~~on such recommendations by December 31, 2003.~~

6822 Section 167. Section 1013.11, Florida Statutes, is amended
6823 to read:

6824 1013.11 Postsecondary institutions assessment of physical
6825 plant safety.--The president of each postsecondary institution
6826 shall conduct or cause to be conducted an annual assessment of
6827 physical plant safety. An annual report shall incorporate the
6828 findings obtained through such assessment and recommendations
6829 for the improvement of safety on each campus. The annual report
6830 shall be submitted to the respective governing or licensing
6831 board of jurisdiction no later than January 1 of each year. Each
6832 board shall compile the individual institutional reports and

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6833 convey the aggregate institutional reports to the Commissioner
6834 of Education or the Chancellor of the State University System,
6835 as appropriate. The Commissioner of Education and the Chancellor
6836 of the State University System shall convey these reports and
6837 the reports required in s. 1008.48 to the President of the
6838 Senate and the Speaker of the House of Representatives no later
6839 than March 1 of each year.

6840 Section 168. Section 1013.12, Florida Statutes, is amended
6841 to read:

6842 1013.12 Casualty, safety, sanitation, and firesafety
6843 standards and inspection of property.--

6844 (1) FIRESAFETY.--The State Board of Education shall adopt
6845 and administer rules prescribing standards for the safety and
6846 health of occupants of educational and ancillary plants as a
6847 part of State Requirements for Educational Facilities or the
6848 Florida Building Code for educational facilities construction as
6849 provided in s. 1013.37, except that the State Fire Marshal in
6850 consultation with the Department of Education shall adopt
6851 uniform firesafety standards for educational and ancillary
6852 plants and educational facilities, as provided in s.
6853 633.022(1)(b), and a firesafety evaluation system to be used as
6854 an alternate firesafety inspection standard for existing
6855 educational and ancillary plants and educational facilities. The
6856 uniform firesafety standards and the alternate firesafety
6857 evaluation system shall be administered and enforced by local
6858 fire officials. These standards must be used by all public
6859 agencies when inspecting public educational and ancillary
6860 plants, and the firesafety standards must be used by local fire

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6861 officials when performing firesafety inspections of public
6862 educational and ancillary plants and educational facilities. In
6863 accordance with such standards, each board shall prescribe
6864 policies and procedures establishing a comprehensive program of
6865 safety and sanitation for the protection of occupants of public
6866 educational and ancillary plants. Such policies must contain
6867 procedures for periodic inspections as prescribed in this
6868 section ~~herein~~ and for withdrawal of any educational and
6869 ancillary plant, or portion thereof, from use until unsafe or
6870 unsanitary conditions are corrected or removed.

6871 (2) ~~(1)~~ PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL
6872 BOARDS.--

6873 (a) Each board shall provide for periodic inspection,
6874 other than firesafety inspection, of each educational and
6875 ancillary plant at least once during each fiscal year to
6876 determine compliance with standards of sanitation and casualty
6877 safety prescribed in the rules of the State Board of Education.

6878 (b) Firesafety inspections of each educational and
6879 ancillary plant must be made annually by persons certified by
6880 the Division of State Fire Marshal to be eligible to conduct
6881 firesafety inspections in public educational and ancillary
6882 plants. The board shall submit a copy of the firesafety
6883 inspection report to the State Fire Marshal and, if there is a
6884 local fire official who conducts firesafety inspections, to the
6885 local fire official.

6886 (c) In each firesafety inspection report, the board shall
6887 include a plan of action and a schedule for the correction of
6888 each deficiency which have been formulated in consultation with

6889 | the local fire control authority. If immediate life-threatening
 6890 | deficiencies are noted in any inspection, the board shall either
 6891 | take action to promptly correct the deficiencies or withdraw the
 6892 | educational or ancillary plant from use until such time as the
 6893 | deficiencies are corrected.

6894 | (3)~~(2)~~ INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC
 6895 | AGENCIES.--

6896 | (a) A safety or sanitation inspection of any educational
 6897 | or ancillary plant may be made at any time by the Department of
 6898 | Education or any other state or local agency authorized or
 6899 | required to conduct such inspections by either general or
 6900 | special law. Each agency conducting inspections shall use the
 6901 | standards adopted by the Commissioner of Education in lieu of,
 6902 | and to the exclusion of, any other inspection standards
 6903 | prescribed either by statute or administrative rule. The agency
 6904 | shall submit a copy of the inspection report to the board.

6905 | (b) One firesafety inspection of each educational or
 6906 | ancillary plant must be conducted each fiscal year by the
 6907 | county, municipality, or special fire control district in which
 6908 | the plant is located using the standards adopted by the State
 6909 | Fire Marshal. The board shall cooperate with the inspecting
 6910 | authority when a firesafety inspection is made by a governmental
 6911 | authority under this paragraph.

6912 | (c) In each firesafety inspection report, the local fire
 6913 | official in conjunction with the board shall include a plan of
 6914 | action and a schedule for the correction of each deficiency. If
 6915 | immediate life-threatening deficiencies are noted in any
 6916 | inspection, the local fire official shall either take action to

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6917 | require the board to promptly correct the deficiencies or
 6918 | withdraw the educational facility from use until the
 6919 | deficiencies are corrected, subject to review by the State Fire
 6920 | Marshal who shall act within 10 days to ensure that the
 6921 | deficiencies are corrected or withdraw the facility from use.

6922 | (4)~~(3)~~ CORRECTIVE ACTION; DEFICIENCIES OTHER THAN
 6923 | FIRESAFETY DEFICIENCIES.--Upon failure of the board to take
 6924 | corrective action within a reasonable time, the agency making
 6925 | the inspection, other than a local fire official, may request
 6926 | the commissioner to:

6927 | (a) Order that appropriate action be taken to correct all
 6928 | deficiencies in accordance with a schedule determined jointly by
 6929 | the inspecting authority and the board; in developing the
 6930 | schedule, consideration must be given to the seriousness of the
 6931 | deficiencies and the ability of the board to obtain the
 6932 | necessary funds; or

6933 | (b) After 30 calendar days' notice to the board, order all
 6934 | or a portion of the educational or ancillary plant withdrawn
 6935 | from use until the deficiencies are corrected.

6936 | (5)~~(4)~~ INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION
 6937 | FACILITIES.--

6938 | (a) Firesafety inspections of community college ~~and~~
 6939 | ~~university~~ facilities shall comply with State Board of Education
 6940 | rules.

6941 | (b) Firesafety inspections of state universities shall
 6942 | comply with rules of the Board of Governors.

6943 | (6)~~(5)~~ CORRECTIVE ACTION; FIRESAFETY DEFICIENCIES.--Upon
 6944 | failure of the board to take corrective action within the time

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6945 designated in the plan of action to correct any firesafety
6946 deficiency noted under paragraph (2) ~~(1)~~(c) or paragraph (3)
6947 ~~(2)~~(c), the local fire official shall immediately report the
6948 deficiency to the State Fire Marshal, who shall have enforcement
6949 authority with respect to educational and ancillary plants and
6950 educational facilities as provided in chapter 633 for any other
6951 building or structure.

6952 (7)~~(6)~~ ADDITIONAL STANDARDS.--In addition to any other
6953 rules adopted under this section or s. 633.022, the State Fire
6954 Marshal in consultation with the Department of Education shall
6955 adopt and administer rules prescribing the following standards
6956 for the safety and health of occupants of educational and
6957 ancillary plants:

6958 (a) The designation of serious life-safety hazards,
6959 including, but not limited to, nonfunctional fire alarm systems,
6960 nonfunctional fire sprinkler systems, doors with padlocks or
6961 other locks or devices that preclude egress at any time,
6962 inadequate exits, hazardous electrical system conditions,
6963 potential structural failure, and storage conditions that create
6964 a fire hazard.

6965 (b) The proper placement of functional smoke and heat
6966 detectors and accessible, unexpired fire extinguishers.

6967 (c) The maintenance of fire doors without doorstops or
6968 wedges improperly holding them open.

6969 (8)~~(7)~~ ANNUAL REPORT.--The State Fire Marshal shall
6970 publish an annual report to be filed with the substantive
6971 committees of the state House of Representatives and Senate
6972 having jurisdiction over education, the Commissioner of

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6973 Education or his or her successor, the State Board of Education,
 6974 the Board of Governors, and the Governor documenting the status
 6975 of each board's firesafety program, including the improvement or
 6976 lack thereof.

6977 Section 169. Subsection (3) of section 1013.15, Florida
 6978 Statutes, is amended to read:

6979 1013.15 Lease, rental, and lease-purchase of educational
 6980 facilities and sites.--

6981 (3) Lease or lease-purchase agreements entered into by
 6982 university boards of trustees shall comply with the provisions
 6983 of ss. s- 1013.171 and 1010.62.

6984 Section 170. Subsection (3) is added to section 1013.16,
 6985 Florida Statutes, to read:

6986 1013.16 Construction of facilities on leased property;
 6987 conditions.--

6988 (3) Leases executed by a university board of trustees
 6989 pursuant to this section are subject to s. 1010.62.

6990 Section 171. Section 1013.17, Florida Statutes, is amended
 6991 to read:

6992 1013.17 University leasing in affiliated research and
 6993 development park.--A university is exempt from the requirements
 6994 of s. 255.25(3), (4), and (8) when leasing educational
 6995 facilities in a research and development park with which the
 6996 university is affiliated and when the Board of Governors ~~State~~
 6997 ~~Board of Education~~ certifies in writing that the leasing of such
 6998 ~~said~~ educational facilities is in the best interests of the
 6999 university and that the exemption from competitive bid
 7000 requirements would not be detrimental to the state. Leases

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7001 entered into pursuant to this section are subject to the
 7002 provisions of s. 1010.62.

7003 Section 172. Subsections (1) and (2) of section 1013.171,
 7004 Florida Statutes, are amended, and subsection (6) is added to
 7005 that section, to read:

7006 1013.171 University lease agreements; land, facilities.--

7007 (1) Each university board of trustees is authorized to
 7008 negotiate and enter into agreements to lease land under its
 7009 jurisdiction to for-profit and nonprofit corporations,
 7010 registered by the Secretary of State to do business in this
 7011 state, for the purpose of erecting thereon facilities and
 7012 accommodations necessary and desirable to serve the needs and
 7013 purposes of the university, as determined by the systemwide
 7014 strategic plan adopted by the Board of Governors ~~State Board of~~
 7015 ~~Education~~. Such agreement will be for a term not in excess of 99
 7016 years or the life expectancy of the permanent facilities
 7017 constructed thereon, whichever is shorter, and shall include as
 7018 a part of the consideration provisions for the eventual
 7019 ownership of the completed facilities by the state. The Board of
 7020 Trustees of the Internal Improvement Trust Fund upon request of
 7021 the university board of trustees shall lease any such property
 7022 to the university for sublease as heretofore provided.

7023 (2) Each university board of trustees is authorized to
 7024 enter into agreements with for-profit and nonprofit
 7025 corporations, registered by the Secretary of State to do
 7026 business in this state, whereby income-producing buildings,
 7027 improvements, and facilities necessary and desirable to serve
 7028 the needs and purposes of the university, as determined by the

7029 | systemwide strategic plan adopted by the Board of Governors
 7030 | ~~State Board of Education~~, are acquired by purchase or lease-
 7031 | purchase by the university. When such agreements provide for
 7032 | lease-purchase of facilities erected on land that is not under
 7033 | the jurisdiction of the university, the agreement shall include
 7034 | as a part of the consideration provisions for the eventual
 7035 | ownership of the land and facility by the state. Agreements for
 7036 | lease-purchase shall not exceed 30 years or the life expectancy
 7037 | of the permanent facility constructed, whichever is shorter.
 7038 | ~~Notwithstanding the provisions of any other law,~~ The university
 7039 | board of trustees may enter into an agreement for the lease-
 7040 | purchase of a facility under this section for a term greater
 7041 | than 1 year. Each university board of trustees is authorized to
 7042 | use any auxiliary trust funds, available and not otherwise
 7043 | obligated, to pay rent to the owner should income from the
 7044 | facilities not be sufficient in any debt payment period. The
 7045 | trust funds used for payment of rent shall be reimbursed as soon
 7046 | as possible to the extent that income from the facilities
 7047 | exceeds the amount necessary for such debt payment.

7048 | (6) Agreements entered into pursuant to this section are
 7049 | subject to the provisions of s. 1010.62.

7050 | Section 173. Section 1013.19, Florida Statutes, is amended
 7051 | to read:

7052 | 1013.19 Purchase, conveyance, or encumbrance of property
 7053 | interests above surface of land; joint-occupancy
 7054 | structures.--For the purpose of implementing jointly financed
 7055 | construction project agreements, or for the construction of
 7056 | combined occupancy structures, any board may purchase, own,

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7057 convey, sell, lease, or encumber airspace or any other interests
7058 in property above the surface of the land, provided the lease of
7059 airspace for nonpublic use is for such reasonable rent, length
7060 of term, and conditions as the board in its discretion may
7061 determine. All proceeds from such sale or lease shall be used by
7062 the board or boards receiving the proceeds solely for fixed
7063 capital outlay purposes. These purposes may include the
7064 renovation or remodeling of existing facilities owned by the
7065 board or the construction of new facilities; however, for a
7066 community college board or university board, such new facility
7067 must be authorized by the Legislature. It is declared that the
7068 use of such rental by the board for public purposes in
7069 accordance with its statutory authority is a public use.

7070 Airspace or any other interest in property held by the Board of
7071 Trustees of the Internal Improvement Trust Fund or the State
7072 Board of Education may not be divested or conveyed without
7073 approval of the respective board. Any building, including any
7074 building or facility component that is common to both nonpublic
7075 and educational portions thereof, constructed in airspace that
7076 is sold or leased for nonpublic use pursuant to this section is
7077 subject to all applicable state, county, and municipal
7078 regulations pertaining to land use, zoning, construction of
7079 buildings, fire protection, health, and safety to the same
7080 extent and in the same manner as such regulations would be
7081 applicable to the construction of a building for nonpublic use
7082 on the appurtenant land beneath the subject airspace. Any
7083 educational facility constructed or leased as a part of a joint-
7084 occupancy facility is subject to all rules and requirements of

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7085 the respective boards or departments having jurisdiction over
 7086 educational facilities. Any contract executed by a university
 7087 board of trustees pursuant to this section is subject to the
 7088 provisions of s. 1010.62.

7089 Section 174. Section 1013.25, Florida Statutes, is amended
 7090 to read:

7091 1013.25 When university or community college board of
 7092 trustees may exercise power of eminent domain.--Whenever it
 7093 becomes necessary for the welfare and convenience of any of its
 7094 institutions or divisions to acquire private property for the
 7095 use of such institutions, and this cannot be acquired by
 7096 agreement satisfactory to a university or community college
 7097 board of trustees and the parties interested in, or the owners
 7098 of, the private property, the board of trustees may exercise the
 7099 power of eminent domain after receiving approval therefor from
 7100 the Administration Commission ~~State Board of Education~~ and may
 7101 then proceed to condemn the property in the manner provided by
 7102 chapter 73 or chapter 74.

7103 Section 175. Section 1013.28, Florida Statutes, is amended
 7104 to read:

7105 1013.28 Disposal of property.--

7106 (1) REAL PROPERTY.--

7107 (a) Subject to rules of the State Board of Education, a
 7108 district school board, the Board of Trustees for the Florida
 7109 School for the Deaf and the Blind, or a community college board
 7110 of trustees may dispose of any land or real property to which
 7111 the board holds title which ~~that~~ is, by resolution of the board,
 7112 determined to be unnecessary for educational purposes as

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7113 recommended in an educational plant survey. A district school
 7114 board, the Board of Trustees for the Florida School for the Deaf
 7115 and the Blind, or a community college board of trustees shall
 7116 take diligent measures to dispose of educational property only
 7117 in the best interests of the public. However, appraisals may be
 7118 obtained by the district school board, the Board of Trustees for
 7119 the Florida School for the Deaf and the Blind, or the community
 7120 college board of trustees prior to or simultaneously with the
 7121 receipt of bids.

7122 (b) Subject to rules of the Board of Governors, a state
 7123 university board of trustees may dispose of any land or real
 7124 property to which it holds valid title which is, by resolution
 7125 of the state university board of trustees, determined to be
 7126 unnecessary for educational purposes as recommended in an
 7127 educational plant survey. A state university board of trustees
 7128 shall take diligent measures to dispose of educational property
 7129 only in the best interests of the public. However, appraisals
 7130 may be obtained by the state university board of trustees prior
 7131 to or simultaneously with the receipt of bids.

7132 (2) TANGIBLE PERSONAL PROPERTY.--

7133 (a) Tangible personal property that ~~which~~ has been
 7134 properly classified as surplus by a district school board or
 7135 community college board of trustees shall be disposed of in
 7136 accordance with the procedure established by chapter 274 ~~and by~~
 7137 ~~a university board of trustees by chapter 273.~~ However, the
 7138 provisions of chapter 274 shall not be applicable to a motor
 7139 vehicle used in driver education to which title is obtained for
 7140 a token amount from an automobile dealer or manufacturer. In

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7141 such cases, the disposal of the vehicle shall be as prescribed
7142 in the contractual agreement between the automotive agency or
7143 manufacturer and the board.

7144 (b) Tangible personal property that has been properly
7145 classified as surplus by a state university board of trustees
7146 shall be disposed of in accordance with the procedure
7147 established by chapter 273.

7148 Section 176. Section 1013.31, Florida Statutes, is amended
7149 to read:

7150 1013.31 Educational plant survey; localized need
7151 assessment; PECO project funding.--

7152 (1) At least every 5 years, each board shall arrange for
7153 an educational plant survey, to aid in formulating plans for
7154 housing the educational program and student population, faculty,
7155 administrators, staff, and auxiliary and ancillary services of
7156 the district or campus, including consideration of the local
7157 comprehensive plan. The Department of Education ~~Office of~~
7158 ~~Workforce and Economic Development~~ shall document the need for
7159 additional career and adult education programs and the
7160 continuation of existing programs before facility construction
7161 or renovation related to career or adult education may be
7162 included in the educational plant survey of a school district or
7163 community college that delivers career or adult education
7164 programs. Information used by the Department of Education ~~Office~~
7165 ~~of Workforce and Economic Development~~ to establish facility
7166 needs must include, but need not be limited to, labor market
7167 data, needs analysis, and information submitted by the school
7168 district or community college.

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7169 (a) Survey preparation and required data.--Each survey
7170 shall be conducted by the board or an agency employed by the
7171 board. Surveys shall be reviewed and approved by the board, and
7172 a file copy shall be submitted to the Department of Education or
7173 to the Chancellor of the State University System, as appropriate
7174 ~~Office of Educational Facilities and SMART Schools Clearinghouse~~
7175 ~~within the Office of the Commissioner of Education.~~ The survey
7176 report shall include at least an inventory of existing
7177 educational and ancillary plants, including safe access
7178 facilities; recommendations for existing educational and
7179 ancillary plants; recommendations for new educational or
7180 ancillary plants, including the general location of each in
7181 coordination with the land use plan and safe access facilities;
7182 campus master plan update and detail for community colleges; the
7183 utilization of school plants based on an extended school day or
7184 year-round operation; and such other information as may be
7185 required by the Department of Education ~~rules of the State Board~~
7186 ~~of Education.~~ This report may be amended, if conditions warrant,
7187 at the request of the department board or commissioner.

7188 (b) Required need assessment criteria for district,
7189 community college, ~~college and~~ state university, and Florida
7190 School for the Deaf and the Blind plant surveys.--Educational
7191 plant surveys must use uniform data sources and criteria
7192 specified in this paragraph. Each revised educational plant
7193 survey and each new educational plant survey supersedes previous
7194 surveys.

7195 1. The school district's survey must be submitted as a
7196 part of the district educational facilities plan defined in s.

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7197 1013.35. To ensure that the data reported to the Department of
7198 Education as required by this section is correct, the department
7199 shall annually conduct an onsite review of 5 percent of the
7200 facilities reported for each school district completing a new
7201 survey that year. If the department's review finds the data
7202 reported by a district is less than 95 percent accurate, within
7203 1 year from the time of notification by the department the
7204 district must submit revised reports correcting its data. If a
7205 district fails to correct its reports, the commissioner may
7206 direct that future fixed capital outlay funds be withheld until
7207 such time as the district has corrected its reports so that they
7208 are not less than 95 percent accurate.

7209 2. Each survey of a special facility, joint-use facility,
7210 or cooperative career education facility must be based on
7211 capital outlay full-time equivalent student enrollment data
7212 prepared by the department for school districts and, community
7213 colleges, ~~colleges~~, and by the Chancellor of the State
7214 University System for universities. A survey of space needs of a
7215 joint-use facility shall be based upon the respective space
7216 needs of the school districts, community colleges, ~~colleges~~, and
7217 universities, as appropriate. Projections of a school district's
7218 facility space needs may not exceed the norm space and occupant
7219 design criteria established by the State Requirements for
7220 Educational Facilities.

7221 3. Each community college's survey must reflect the
7222 capacity of existing facilities as specified in the inventory
7223 maintained by the Department of Education. Projections of
7224 facility space needs must comply with standards for determining

7225 space needs as specified by rule of the State Board of
 7226 Education. The 5-year projection of capital outlay student
 7227 enrollment must be consistent with the annual report of capital
 7228 outlay full-time student enrollment prepared by the Department
 7229 of Education.

7230 4. Each ~~college and~~ state university's survey must reflect
 7231 the capacity of existing facilities as specified in the
 7232 inventory maintained and validated by the Chancellor of the
 7233 State University System ~~Division of Colleges and Universities~~.
 7234 Projections of facility space needs must be consistent with
 7235 standards for determining space needs as specified by rule of
 7236 ~~approved by the~~ Board of Governors ~~Division of Colleges and~~
 7237 ~~Universities~~. The projected capital outlay full-time equivalent
 7238 student enrollment must be consistent with the 5-year planned
 7239 enrollment cycle for the State University System approved by the
 7240 Board of Governors ~~Division of Colleges and Universities~~.

7241 5. The district educational facilities plan of a school
 7242 district and the educational plant survey of a community
 7243 college, ~~college or~~ state university, or the Florida School for
 7244 the Deaf and the Blind may include space needs that deviate from
 7245 approved standards for determining space needs if the deviation
 7246 is justified by the district or institution and approved by the
 7247 department or the Board of Governors, as appropriate, as
 7248 necessary for the delivery of an approved educational program.

7249 (c) Review and validation.--The Department of Education
 7250 ~~Office of Educational Facilities and SMART Schools Clearinghouse~~
 7251 shall review and validate the surveys of school districts and,
 7252 ~~community colleges, and colleges and~~ the Chancellor of the State

7253 University System shall review and validate the surveys of
 7254 universities, and any amendments thereto, for compliance with
 7255 the requirements of this chapter and shall recommend those in
 7256 compliance for approval by the State Board of Education or the
 7257 Board of Governors, as appropriate. Annually, the department
 7258 shall perform an in-depth analysis of a representative sample of
 7259 each survey of recommended needs for five districts selected by
 7260 the commissioner from among districts with the largest need-to-
 7261 revenue ratio. For the purpose of this subsection, the need-to-
 7262 revenue ratio is determined by dividing the total 5-year cost of
 7263 projects listed on the district survey by the total 5-year fixed
 7264 capital outlay revenue projections from state and local sources
 7265 as determined by the department. The commissioner may direct
 7266 fixed capital outlay funds to be withheld from districts until
 7267 such time as the survey accurately projects facilities needs.

7268 (d) Periodic update of Florida Inventory of School
 7269 Houses.--School districts shall periodically update their
 7270 inventory of educational facilities as new capacity becomes
 7271 available and as unsatisfactory space is eliminated. The State
 7272 Board of Education shall adopt rules to determine the time frame
 7273 in which districts must provide a periodic update.

7274 (2) Only the district school superintendent, community
 7275 college president, or the university president shall certify to
 7276 the Department of Education ~~Office of Educational Facilities and~~
 7277 ~~SMART Schools Clearinghouse~~ a project's compliance with the
 7278 requirements for expenditure of PECO funds prior to release of
 7279 funds.

7280 (a) Upon request for release of PECO funds for planning

7281 purposes, certification must be made to the Department of
 7282 Education ~~Office of Educational Facilities and SMART Schools~~
 7283 ~~Clearinghouse~~ that the need for and location of the facility are
 7284 in compliance with the board-approved survey recommendations,
 7285 that the project meets the definition of a PECO project and the
 7286 limiting criteria for expenditures of PECO funding, and that the
 7287 plan is consistent with the local government comprehensive plan.

7288 (b) Upon request for release of construction funds,
 7289 certification must be made to the Department of Education ~~Office~~
 7290 ~~of Educational Facilities and SMART Schools Clearinghouse~~ that
 7291 the need and location of the facility are in compliance with the
 7292 board-approved survey recommendations, that the project meets
 7293 the definition of a PECO project and the limiting criteria for
 7294 expenditures of PECO funding, and that the construction
 7295 documents meet the requirements of the Florida Building Code for
 7296 educational facilities construction or other applicable codes as
 7297 authorized in this chapter.

7298 Section 177. Subsection (2) of section 1013.46, Florida
 7299 Statutes, is amended to read:

7300 1013.46 Advertising and awarding contracts;
 7301 prequalification of contractor.--

7302 (2) Boards shall prequalify bidders for construction
 7303 contracts ~~according to rules prescribed by the State Board of~~
 7304 ~~Education which require the prequalification of bidders of~~
 7305 ~~educational facilities construction.~~ Boards shall require that
 7306 all construction or capital improvement bids be accompanied by
 7307 evidence that the bidder holds an appropriate certificate or
 7308 license or that the prime contractor has a current valid

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7309 license.

7310 Section 178. Section 1013.47, Florida Statutes, is amended

7311 to read:

7312 1013.47 Substance of contract; contractors to give bond;

7313 penalties.--Each board shall develop contracts consistent with

7314 this chapter and statutes governing public facilities. Such a

7315 contract must contain the drawings and specifications of the

7316 work to be done and the material to be furnished, the time limit

7317 in which the construction is to be completed, the time and

7318 method by which payments are to be made upon the contract, and

7319 the penalty to be paid by the contractor for any failure to

7320 comply with the terms of the contract. The board may require the

7321 contractor to pay a penalty for any failure to comply with the

7322 terms of the contract and may provide an incentive for early

7323 completion. Upon accepting a satisfactory bid, the board shall

7324 enter into a contract with the party or parties whose bid has

7325 been accepted. The contractor shall furnish the board with a

7326 performance and payment bond as set forth in s. 255.05. A board

7327 or other public entity may not require a contractor to secure a

7328 surety bond under s. 255.05 from a specific agent or bonding

7329 company. Notwithstanding any other provision of this section, if

7330 25 percent or more of the costs of any construction project is

7331 paid out of a trust fund established pursuant to 31 U.S.C. s.

7332 1243(a)(1), laborers and mechanics employed by contractors or

7333 subcontractors on such construction will be paid wages not less

7334 than those prevailing on similar construction projects in the

7335 locality, as determined by the Secretary of Labor in accordance

7336 with the Davis-Bacon Act, as amended. A person, firm, or

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7337 corporation that constructs any part of any educational plant,
 7338 or addition thereto, on the basis of any unapproved plans or in
 7339 violation of any plans approved in accordance with the
 7340 provisions of this chapter and rules of the State Board of
 7341 Education or the Board of Governors relating to building
 7342 standards or specifications is subject to forfeiture of bond and
 7343 unpaid compensation in an amount sufficient to reimburse the
 7344 board for any costs that will need to be incurred in making any
 7345 changes necessary to assure that all requirements are met and is
 7346 also guilty of a misdemeanor of the second degree, punishable as
 7347 provided in s. 775.082 or s. 775.083, for each separate
 7348 violation.

7349 Section 179. Paragraphs (a), (c), and (d) of subsection
 7350 (1) and subsections (2) and (3) of section 1013.52, Florida
 7351 Statutes, are amended to read:

7352 1013.52 Cooperative development and joint use of
 7353 facilities by two or more boards.--

7354 (1) Two or more boards, including district school boards,
 7355 community college boards of trustees, the Board of Trustees for
 7356 the Florida School for the Deaf and the Blind, and university
 7357 boards of trustees, desiring to cooperatively establish a common
 7358 educational facility to accommodate students shall:

7359 (a) Jointly request a formal assessment by the
 7360 Commissioner of Education or the Chancellor of the State
 7361 University System, as appropriate, of the academic program need
 7362 and the need to build new joint-use facilities to house approved
 7363 programs. Completion of the assessment and approval of the
 7364 project by the State Board of Education, the Board of Governors,

7365 the Chancellor of the State University System, or the
 7366 Commissioner of Education, as appropriate, should be done prior
 7367 to conducting an educational facilities survey.

7368 (c) Adopt and submit to the Commissioner of Education, and
 7369 the Chancellor of the State University System if the joint
 7370 request involves a state university, a joint resolution of the
 7371 participating boards indicating their commitment to the
 7372 utilization of the requested facility and designating the locale
 7373 of the proposed facility. The joint resolution shall contain a
 7374 statement of determination by the participating boards that
 7375 alternate options, including the use of leased, rented, or
 7376 borrowed space, were considered and found less appropriate than
 7377 construction of the proposed facility. The joint resolution
 7378 shall contain assurance that the development of the proposed
 7379 facility has been examined in conjunction with the programs
 7380 offered by neighboring public educational facilities offering
 7381 instruction at the same level. The joint resolution also shall
 7382 contain assurance that each participating board shall provide
 7383 for continuity of educational progression. All joint resolutions
 7384 shall be submitted ~~to the commissioner~~ by August 1 for
 7385 consideration of funding by the subsequent Legislature.

7386 (d) Submit requests for funding of joint-use facilities
 7387 projects involving state universities and community colleges for
 7388 approval by the Commissioner of Education and the Chancellor of
 7389 the State University System. The Commissioner of Education and
 7390 the Chancellor of the State University System shall jointly
 7391 determine the priority for funding these projects in relation to
 7392 the priority of all other capital outlay projects under their

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7393 consideration. To be eligible for funding from the Public
7394 Education Capital Outlay and Debt Service Trust Fund under the
7395 provisions of this section, projects involving both state
7396 universities and community colleges shall appear on the 3-year
7397 capital outlay priority lists of community colleges and of
7398 universities required by s. 1013.64. Projects involving a state
7399 university, community college, and a public school, and in which
7400 the larger share of the proposed facility is for the use of the
7401 state university or the community college, shall appear on the
7402 3-year capital outlay priority lists of the community colleges
7403 or of the universities, as applicable.

7404 (2) An educational plant survey must be conducted within
7405 90 days after submission of the joint resolution and
7406 substantiating data describing the benefits to be obtained, the
7407 programs to be offered, and the estimated cost of the proposed
7408 project. Upon completion of the educational plant survey, the
7409 participating boards may include the recommended projects in
7410 their plan as provided in s. 1013.31. Upon approval of the
7411 project by the commissioner or the Chancellor of the State
7412 University System, as appropriate, 25 percent of the total cost
7413 of the project, or the pro rata share based on space utilization
7414 of 25 percent of the cost, must be included in the department's
7415 legislative capital outlay budget request as provided in s.
7416 1013.60 for educational plants. The participating boards must
7417 include in their joint resolution a commitment to finance the
7418 remaining funds necessary to complete the planning,
7419 construction, and equipping of the facility. Funds from the
7420 Public Education Capital Outlay and Debt Service Trust Fund may

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7421 not be expended on any project unless specifically authorized by
 7422 the Legislature.

7423 (3) Included in all proposals for joint-use facilities
 7424 must be documentation that the proposed new campus or new joint-
 7425 use facility has been reviewed by the State Board of Education
 7426 or the Board of Governors, as appropriate, and has been formally
 7427 requested for authorization by the Legislature.

7428 Section 180. Subsection (2) of section 1013.60, Florida
 7429 Statutes, is amended to read:

7430 1013.60 Legislative capital outlay budget request.--

7431 (2) The commissioner shall submit to the Governor and to
 7432 the Legislature an integrated, comprehensive budget request for
 7433 educational facilities construction and fixed capital outlay
 7434 needs for school districts, community colleges, and
 7435 universities, pursuant to the provisions of s. 1013.64 and
 7436 applicable provisions of chapter 216. Each community college
 7437 board of trustees and each university board of trustees shall
 7438 submit to the commissioner a 3-year plan and data required in
 7439 the development of the annual capital outlay budget. The
 7440 information approved by the Board of Governors must be submitted
 7441 to the Commissioner of Education for inclusion in the
 7442 comprehensive budget request for educational facilities. No
 7443 further disbursements shall be made from the Public Education
 7444 Capital Outlay and Debt Service Trust Fund to a board of
 7445 trustees that fails to timely submit the required data until
 7446 such board of trustees submits the data.

7447 Section 181. Paragraph (a) of subsection (4) of section
 7448 1013.64, Florida Statutes, is amended to read:

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7449 1013.64 Funds for comprehensive educational plant needs;
7450 construction cost maximums for school district capital
7451 projects.--Allocations from the Public Education Capital Outlay
7452 and Debt Service Trust Fund to the various boards for capital
7453 outlay projects shall be determined as follows:

7454 (4) (a) Community college boards of trustees and university
7455 boards of trustees shall receive funds for projects based on a
7456 3-year priority list, to be updated annually, which is submitted
7457 to the Legislature in the legislative budget request at least 90
7458 days prior to the legislative session. The State Board of
7459 Education shall submit a 3-year priority list for community
7460 colleges and the Board of Governors shall submit a 3-year
7461 priority list for universities. The lists shall reflect
7462 decisions by the State Board of Education for community colleges
7463 and the Board of Governors for state universities concerning
7464 program priorities that implement the statewide plan for program
7465 growth and quality improvement in education. No remodeling or
7466 renovation project shall be included on the 3-year priority list
7467 unless the project has been recommended pursuant to s. 1013.31
7468 or is for the purpose of correcting health and safety
7469 deficiencies. No new construction project shall be included on
7470 the first year of the 3-year priority list unless the
7471 educational specifications have been approved by the
7472 commissioner for a community college project or by the Board of
7473 Governors for a university project, as applicable. The funds
7474 requested for a new construction project in the first year of
7475 the 3-year priority list shall be in conformance with the scope
7476 of the project as defined in the educational specifications. Any

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7477 new construction project requested in the first year of the 3-
 7478 year priority list which is not funded by the Legislature shall
 7479 be carried forward to be listed first in developing the updated
 7480 3-year priority list for the subsequent year's capital outlay
 7481 budget. Should the order of the priority of the projects change
 7482 from year to year, a justification for such change shall be
 7483 included with the updated priority list.

7484 Section 182. Subsection (1) of section 1013.65, Florida
 7485 Statutes, is amended to read:

7486 1013.65 Educational and ancillary plant construction
 7487 funds; Public Education Capital Outlay and Debt Service Trust
 7488 Fund; allocation of funds.--

7489 (1) The commissioner, through the department, shall
 7490 administer the Public Education Capital Outlay and Debt Service
 7491 Trust Fund. The commissioner shall allocate or reallocate funds
 7492 as authorized by the Legislature. Copies of each allocation or
 7493 reallocation shall be provided to members of the State Board of
 7494 Education and the Board of Governors and to the chairs of the
 7495 House of Representatives and Senate appropriations committees.
 7496 The commissioner shall provide for timely encumbrances of funds
 7497 for duly authorized projects. Encumbrances may include proceeds
 7498 to be received under a resolution approved by the State Board of
 7499 Education authorizing the issuance of public education capital
 7500 outlay bonds pursuant to s. 9(a)(2), Art. XII of the State
 7501 Constitution, s. 215.61, and other applicable law. The
 7502 commissioner shall provide for the timely disbursement of moneys
 7503 necessary to meet the encumbrance authorizations of the boards.
 7504 Records shall be maintained by the department to identify

7505 legislative appropriations, allocations, encumbrance
 7506 authorizations, disbursements, transfers, investments, sinking
 7507 funds, and revenue receipts by source. The Department of
 7508 Education shall pay the administrative costs of the Public
 7509 Education Capital Outlay and Debt Service Trust Fund from the
 7510 funds which comprise the trust fund.

7511 Section 183. Paragraph (c) of subsection (2) and
 7512 subsection (3) of section 1013.74, Florida Statutes, are
 7513 amended, and subsection (5) is added to that section, to read:

7514 1013.74 University authorization for fixed capital outlay
 7515 projects.--

7516 (2) The following types of projects may be accomplished
 7517 pursuant to this section:

7518 (c) Construction of projects financed as provided in s.
 7519 1010.62 ~~ss. 1010.60 1010.619 or 1013.71~~;

7520 (3) Other than those projects currently authorized, no
 7521 project proposed by a university which is to be funded from
 7522 Capital Improvement Trust Fund fees or building fees shall be
 7523 submitted to the Board of Governors ~~State Board of Education~~ for
 7524 approval without prior consultation with the student government
 7525 association of that university. The Board of Governors may adopt
 7526 ~~State Board of Education shall promulgate~~ rules which are
 7527 consistent with this requirement.

7528 (5) Projects accomplished pursuant to this section are
 7529 subject to the requirements of s. 1010.62.

7530 Section 184. Subsection (2) of section 1013.78, Florida
 7531 Statutes, is amended to read:

7532 1013.78 Approval required for certain university-related

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7533 facility acquisitions.--

7534 (2) Legislative approval shall not be required for
 7535 renovations, remodeling, replacement of existing facilities, or
 7536 construction of minor projects as defined in s. 1013.64, except
 7537 to the extent required pursuant to s. 1010.62.

7538 Section 185. Sections 186.805 and 1004.54, Florida
 7539 Statutes, are repealed. It is the intent of the Legislature that
 7540 the repeal of ss. 186.805 and 1004.54, Florida Statutes, by this
 7541 act is to remove existing statutory authorization that is no
 7542 longer necessary for the establishment, operation, or
 7543 maintenance of the entities that were established, operated, or
 7544 regulated under those provisions and does not affect the
 7545 authority of a state university or the Board of Governors of the
 7546 State University System under s. 7, Art. IX of the State
 7547 Constitution and s. 1001.705, Florida Statutes, to continue such
 7548 entities and their operation and regulation in accordance with
 7549 that authority.

7550 Section 186. Sections 741.03055, 741.03056, 1001.75,
 7551 1007.261, 1007.31, 1007.32, 1008.51, 1011.4105, 1012.92,
 7552 1012.94, and 1012.95, Florida Statutes, are repealed.

7553 Section 187. This act shall take effect July 1, 2007.