

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 department to
6 provide certain support services to the Board of Governors
7 of the State University System; creating s. 20.155, F.S.,
8 relating to the Board of Governors; providing for certain
9 rights and privileges, the head of the board, personnel,
10 certain powers and duties, and an Office of Inspector
11 General; amending s. 23.21, F.S., relating to definitions
12 for purposes of paperwork reduction; updating terminology;
13 amending s. 110.131, F.S., relating to other-personal-
14 services temporary employment; updating terminology;
15 amending s. 110.181, F.S., relating to the Florida State
16 Employees' Charitable Campaign; conforming a cross-
17 reference; amending s. 112.0455, F.S., relating to the
18 Drug-Free Workplace Act; deleting obsolete provisions;
19 amending s. 112.19, F.S., relating to death benefits for
20 certain officers; updating terminology; requiring the
21 Board of Governors to adopt rules; amending s. 112.191,
22 F.S., relating to death benefits for firefighters;
23 updating terminology; requiring the Board of Governors to
24 adopt rules; amending s. 112.313, F.S., relating to
25 standards of conduct; revising definition of "employee" to
26 include provosts; updating terminology; amending s.
27 112.3135, F.S., relating to restriction on employment of
28 relatives; updating terminology; amending s. 112.3145,

29 F.S., relating to disclosure of financial interests and
30 clients represented before agencies; updating terminology;
31 amending s. 120.52, F.S., relating to definitions for
32 purposes of the Administrative Procedure Act; revising
33 definition of "agency" to include the Board of Governors
34 and state university boards of trustees under certain
35 circumstances; revising definition of "educational unit";
36 amending s. 120.65, F.S.; including the Board of Governors
37 in the list of entities that must reimburse the Division
38 of Administrative Hearings for certain services and travel
39 expenses; amending s. 121.021, F.S., relating to
40 definitions for purposes of the Florida Retirement System;
41 updating terminology; amending s. 121.35, F.S., relating
42 to the optional retirement program for the State
43 University System; transferring authority from the State
44 Board of Education to the Board of Governors; updating
45 terminology and provisions; amending s. 159.703, F.S.,
46 relating to creation of research and development
47 authorities; updating terminology and an effective date;
48 amending s. 159.704, F.S., relating to research and
49 development authorities; updating terminology; amending s.
50 159.706, F.S.; including research and development
51 authorities designated by the Board of Regents in a
52 grandfather clause; amending s. 211.3103, F.S., relating
53 to distribution of the tax levy on severance of phosphate
54 rock; updating terminology; amending s. 215.16, F.S.,
55 relating to appropriations from the General Revenue Fund;
56 deleting unnecessary language; amending s. 215.32, F.S.,

57 relating to segregation of trust funds; including trust
58 funds under the management of the Board of Governors;
59 amending s. 215.559, F.S., relating to the Hurricane Loss
60 Mitigation Program; updating terminology; deleting
61 obsolete terminology; conforming cross-references;
62 amending s. 215.82, F.S., relating to validation of bonds;
63 conforming a cross-reference; amending s. 216.0152, F.S.,
64 relating to inventory of facilities; updating terminology;
65 amending s. 216.251, F.S., relating to salary
66 appropriations; deleting reference to the State Board of
67 Education with respect to State University System
68 positions; adding the Board of Governors' designee;
69 amending s. 220.15, F.S., relating to apportionment of
70 adjusted federal income; updating terminology; amending s.
71 250.10, F.S.; providing duties of the Board of Governors
72 in cooperation with the Adjutant General and the State
73 Board of Education; amending s. 253.381, F.S., relating to
74 the sale of unsurveyed marshlands; deleting reference to
75 the State Board of Education; amending s. 255.02, F.S.,
76 relating to boards authorized to replace buildings
77 destroyed by fire; deleting obsolete terminology; amending
78 s. 255.043, F.S., relating to art in state buildings;
79 deleting obsolete terminology; amending s. 255.102, F.S.;
80 requiring the Board of Governors to collaborate in the
81 adoption of rules for contractor compliance with minority
82 business participation; amending s. 280.02, F.S.; revising
83 definition of "public deposit" to include moneys of a
84 state university; amending s. 286.001, F.S., relating to

85 | statutorily required reports; updating terminology;
 86 | amending s. 287.064, F.S., relating to consolidated
 87 | financing of deferred-payment purchases; conforming a
 88 | cross-reference; amending s. 287.155, F.S., relating to
 89 | purchase of motor vehicles; updating terminology; amending
 90 | s. 288.15, F.S.; adding the Board of Governors to the list
 91 | of entities authorized to cooperate with the Division of
 92 | Bond Finance; amending s. 288.17, F.S., relating to
 93 | revenue certificates; updating terminology; amending s.
 94 | 288.705, F.S.; updating terminology; amending s. 288.7091,
 95 | F.S.; requiring the Florida Black Business Investment
 96 | Board to develop memoranda of understanding with the Board
 97 | of Governors; amending s. 288.8175, F.S.; requiring a
 98 | linkage institute to be governed by an agreement between
 99 | the Board of Governors and the State Board of Education;
 100 | amending s. 295.07, F.S., relating to preference in
 101 | appointment and retention for veterans; including certain
 102 | equivalent positions; amending s. 320.08058, F.S.,
 103 | relating to specialty license plates; updating
 104 | terminology; amending s. 334.065, F.S.; updating
 105 | terminology; amending s. 377.705, F.S.; updating
 106 | terminology; amending s. 381.79, F.S., relating to the
 107 | Brain and Spinal Cord Injury Program Trust Fund; updating
 108 | terminology; amending s. 388.43, F.S.; updating
 109 | terminology; amending s. 403.073, F.S., relating to
 110 | pollution prevention; updating terminology; amending s.
 111 | 403.074, F.S., relating to technical assistance by the
 112 | Department of Environmental Protection; updating

113 terminology; amending s. 409.908, F.S., relating to
114 reimbursement of Medicaid providers; updating terminology;
115 amending s. 413.051, F.S., relating to blind persons
116 eligible to operate vending stands; updating terminology;
117 amending s. 447.203, F.S.; designating the Board of
118 Governors, or the board's designee, as the public employer
119 and legislative body with respect to public employees of
120 state universities; revising definition of "legislative
121 body" to conform; amending s. 455.2125, F.S., relating to
122 adoption of changes to training requirements; updating
123 terminology; amending s. 456.028, F.S., relating to
124 adoption of changes to training requirements; updating
125 terminology; amending s. 464.0196, F.S., relating to nurse
126 educator appointments; prescribing appointing authorities
127 for the Florida Center for Nursing board; amending s.
128 489.103, F.S., relating to exemptions for purposes of
129 construction contracting; updating terminology; amending
130 s. 489.503, F.S., relating to exemptions for purposes of
131 electrical and alarm system contracting; updating
132 terminology; amending s. 553.71, F.S., relating to
133 definitions for purposes of the Florida Building Code;
134 conforming terminology relating to education boards;
135 amending ss. 627.06281 and 627.06292, F.S., relating to
136 hurricane loss data; updating terminology; amending s.
137 633.01, F.S., relating to the State Fire Marshal;
138 conforming cross-references; amending s. 650.03, F.S.,
139 relating to federal-state agreement; updating terminology;
140 amending s. 943.1755, F.S., relating to the Florida

141 Criminal Justice Executive Institute; updating
142 terminology; amending s. 1000.01, F.S.; providing for
143 certain transfers; amending s. 1000.03, F.S., relating to
144 the function, mission, and goals of the Florida K-20
145 education system; deleting duplicative provisions;
146 limiting oversight authority over state university matters
147 to the Board of Governors; amending s. 1000.05, F.S.;

148 assigning responsibilities for implementation of equal
149 opportunity policies to the Commissioner of Education and
150 State Board of Education and to the Board of Governors;
151 limiting the functions of the Office of Equal Educational
152 Opportunity to those relating to school districts and
153 community colleges; amending s. 1000.21, F.S.; defining
154 "Board of Governors" as used in the education code;
155 amending s. 1001.02, F.S.; revising powers and duties of
156 the State Board of Education to include working in
157 consultation with the Board of Governors on certain
158 matters; providing for exceptions; prohibiting the State
159 Board of Education from amending a specified budget
160 request; prohibiting amendment of certain fixed capital
161 outlay lists; deleting certain responsibilities relating
162 to state universities; revising reporting requirements
163 relating to financial aid; conforming provisions; amending
164 s. 1001.03, F.S.; providing exceptions regarding State
165 Board of Education enforcement authority; requiring
166 working in conjunction with the Board of Governors on
167 certain matters; deleting State Board of Education review
168 of state university academic programs; amending s.

169 1001.10, F.S.; providing duties of the Commissioner of
170 Education relating to expenditures of the Board of
171 Governors in the K-20 budget; revising reporting
172 requirements; amending s. 1001.11, F.S.; requiring annual
173 reporting by the Commissioner of Education; requiring the
174 Commissioner of Education to work with the Board of
175 Governors for allocation of funds for qualified
176 postsecondary projects; conforming provisions; amending s.
177 1001.20, F.S.; transferring responsibilities regarding
178 determination of need for investigations of state
179 universities by the Office of Inspector General; amending
180 s. 1001.28, F.S.; providing that Department of Education
181 distance learning duties do not alter duties of the Board
182 of Governors; amending s. 1001.64, F.S., relating to
183 powers and duties of community college boards of trustees;
184 conforming a cross-reference; amending s. 1001.70, F.S.;
185 providing authority of the Board of Governors; authorizing
186 travel and per diem; creating s. 1001.706, F.S., relating
187 to powers and duties of the Board of Governors; providing
188 for rulemaking; providing powers and duties relating to
189 organization and operation of state universities, finance,
190 accountability, personnel, property, compliance with laws
191 and rules, and cooperation with other education boards;
192 prohibiting assessment of a fee on universities; amending
193 s. 1001.71, F.S.; providing that the university boards of
194 trustees are part of the executive branch of state
195 government; deleting certain board member requirements;
196 amending s. 1001.72, F.S., relating to university boards

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

225 | amending s. 1004.22, F.S., relating to divisions of
226 | sponsored research at state universities; providing for
227 | guidelines of the Board of Governors; transferring
228 | responsibilities from the State Board of Education to the
229 | Board of Governors; amending s. 1004.24, F.S.; transferring
230 | responsibilities relating to securing liability insurance
231 | from the State Board of Education to the Board of
232 | Governors or the board's designee; amending s. 1004.28,
233 | F.S.; transferring responsibilities relating to duties of
234 | direct-support organizations from the State Board of
235 | Education to the Board of Governors; defining "property";
236 | providing for rules; subjecting certain agreements to
237 | requirements for issuance of bonds and debt; amending s.
238 | 1004.29, F.S.; transferring responsibilities relating to
239 | university health services support organizations from the
240 | State Board of Education to the Board of Governors;
241 | providing for rules; amending s. 1004.35, F.S.; including
242 | the Board of Governors in consultations regarding
243 | coordination of course offerings; amending s. 1004.36,
244 | F.S.; transferring responsibilities relating to
245 | comprehensive master plans from the State Board of
246 | Education to the Board of Governors; amending s. 1004.39,
247 | F.S.; transferring responsibilities relating to the
248 | college of law at Florida International University from
249 | the State Board of Education to the Board of Governors;
250 | deleting obsolete provisions; amending s. 1004.40, F.S.;
251 | transferring responsibilities relating to the college of
252 | law at Florida Agricultural and Mechanical University from

253 the State Board of Education to the Board of Governors;
254 deleting obsolete provisions; amending s. 1004.41, F.S.,
255 relating to the J. Hillis Miller Health Center at the
256 University of Florida; authorizing the University of
257 Florida Board of Trustees to utilize certain revenues;
258 amending s. 1004.43, F.S.; transferring responsibilities
259 relating to the H. Lee Moffitt Cancer Center and Research
260 Institute from the State Board of Education to the Board
261 of Governors; amending s. 1004.435, F.S.; transferring
262 responsibilities relating to cancer control from the State
263 Board of Education to the Board of Governors; revising
264 membership of the Florida Cancer Control and Research
265 Council; amending s. 1004.445, F.S.; transferring
266 responsibilities relating to the Johnnie B. Byrd, Sr.,
267 Alzheimer's Center and Research Institute from the State
268 Board of Education to the Board of Governors; amending s.
269 1004.447, F.S.; requiring annual reporting to the Board of
270 Governors; amending s. 1004.47, F.S.; updating terminology
271 relating to solid and hazardous waste management research;
272 amending s. 1004.58, F.S.; including the Board of
273 Governors as a report recipient; providing for the
274 Chancellor of the State University System to serve as a
275 member of the board and to staff the board; amending s.
276 1005.03, F.S., relating to the designation "college" or
277 "university"; deleting obsolete terminology; amending s.
278 1005.06, F.S., relating to institutions not under the
279 jurisdiction of the Commission for Independent Education;
280 deleting obsolete terminology; amending s. 1005.22, F.S.;

281 removing an obsolete reference; amending s. 1006.53, F.S.;
282 removing references to State Board of Education rules for
283 religious observances; amending s. 1006.60, F.S.;
284 including rules of the Board of Governors relating to
285 codes of conduct; amending s. 1006.61, F.S.; including
286 policies of the Board of Governors relating to disruptive
287 student activities; amending s. 1006.62, F.S.; including
288 rules of the Board of Governors relating to expulsion and
289 discipline of students; amending s. 1006.65, F.S.;
290 requiring the Board of Governors to adopt rules for state
291 universities relating to safety issues; amending s.
292 1006.71, F.S., relating to gender equity in
293 intercollegiate athletics; transferring responsibilities
294 relating to state universities from the Commissioner of
295 Education and State Board of Education to the Chancellor
296 of the State University System and Board of Governors;
297 adding the Legislature to the list of recipients of annual
298 assessments; amending s. 1007.01, F.S.; requiring
299 recommendations to the Legislature relating to
300 articulation; amending s. 1007.22, F.S.; encouraging
301 boards to establish programs to maximize articulation;
302 amending s. 1007.23, F.S.; requiring the State Board of
303 Education and the Board of Governors to enter into a
304 statewide articulation agreement which addresses certain
305 issues; requiring the State Board of Education to adopt a
306 rule; revising provisions relating to admissions; amending
307 s. 1007.24, F.S., relating to the statewide course
308 numbering system; requiring the Commissioner of Education

309 | in conjunction with the chancellor, to perform certain
310 | duties; requiring the Department of Education in
311 | conjunction with the Board of Governors to perform certain
312 | duties; requiring the State Board of Education to approve
313 | course level with input from the Board of Governors;
314 | amending s. 1007.25, F.S., relating to general education
315 | courses, common prerequisites, and other degree
316 | requirements; transferring responsibilities relating to
317 | state universities from the State Board of Education to
318 | the Board of Governors; amending s. 1007.2615, F.S.,
319 | relating to acceptance of American Sign Language credits
320 | as foreign language credits; conforming provisions;
321 | amending s. 1007.262, F.S., relating to foreign language
322 | competence and equivalence determinations; conforming
323 | provisions; providing an exemption; amending s. 1007.264,
324 | F.S., relating to admission of impaired and learning
325 | disabled persons to postsecondary educational
326 | institutions; transferring responsibilities relating to
327 | state universities from the State Board of Education to
328 | the Board of Governors; providing for consultation between
329 | Board of Governors and State Board of Education; amending
330 | s. 1007.265, F.S., relating to graduation, study program
331 | admission, and upper-division entry for impaired and
332 | learning disabled persons; transferring responsibilities
333 | relating to state universities from the State Board of
334 | Education to the Board of Governors; providing for
335 | consultation between Board of Governors and State Board of
336 | Education; amending s. 1007.27, F.S., relating to

337 articulated acceleration mechanisms and the statewide
338 articulation agreement; conforming provisions; deleting
339 obsolete provisions; amending s. 1007.28, F.S.;
340 transferring requirement for establishment and maintenance
341 of a computer-assisted student advising system from the
342 State Board of Education to the Department of Education in
343 conjunction with the Board of Governors; requiring the
344 State Board of Education and the Board of Governors to
345 specify roles and responsibilities relating to the system;
346 amending s. 1007.33, F.S., relating to site-determined
347 baccalaureate degree access; conforming provisions;
348 amending s. 1008.29, F.S., relating to the college-level
349 communication and mathematics skills examination (CLAST);
350 requiring the State Board of Education in conjunction with
351 the Board of Governors to establish minimum passing scores
352 and identify coursework to satisfy testing requirements;
353 authorizing the Board of Governors to set certain
354 examination fees; amending s. 1008.30, F.S., relating to
355 common placement testing; requiring public postsecondary
356 educational institutions to provide certain modifications
357 for students with disabilities; requiring the State Board
358 of Education in conjunction with the Board of Governors to
359 implement the common placement test and specify certain
360 college-preparatory requirements; amending s. 1008.32,
361 F.S.; limiting State Board of Education oversight
362 enforcement authority to school districts and community
363 colleges and their respective boards; amending s.
364 1008.345, F.S.; conforming provisions relating to

365 implementation of the state system of school improvement
366 and education accountability; requiring State Board of
367 Education and Board of Governors approval of CLAST skills
368 and certain assessments; including the Board of Governors
369 as a recipient of certain information; amending s.
370 1008.37, F.S., relating to postsecondary feedback of
371 information to high schools; removing State Board of
372 Education rulemaking; requiring the Commissioner of
373 Education to report to the Board of Governors; amending s.
374 1008.38, F.S., relating to the articulation accountability
375 process; requiring the State Board of Education in
376 conjunction with the Board of Governors to establish an
377 articulation accountability process; amending s. 1008.45,
378 F.S., relating to the community college accountability
379 process; conforming provisions; amending s. 1008.46, F.S.;
380 transferring responsibilities relating to the state
381 university accountability process from the State Board of
382 Education to the Board of Governors; amending s. 1009.01,
383 F.S.; revising definition of "out-of-state fee"; amending
384 s. 1009.21, F.S., relating to determination of resident
385 status for tuition purposes; modifying State Board of
386 Education rulemaking; authorizing rulemaking by the Board
387 of Governors; amending s. 1009.24, F.S.; revising
388 provisions relating to state university tuition and fees;
389 providing guidelines and requirements for the
390 establishment of fees; updating terminology; providing
391 that a state university may not charge any fee except as
392 specifically authorized by law; amending s. 1009.26, F.S.;

393 transferring responsibilities relating to state university
394 fee waivers from the State Board of Education to the Board
395 of Governors; authorizing university boards of trustees to
396 waive tuition and out-of-state fees under certain
397 conditions; amending s. 1009.27, F.S., relating to
398 deferral of fees; removing State Board of Education
399 rulemaking; amending s. 1009.285, F.S., relating to fees
400 for repeated enrollment in college-credit courses;
401 deleting reference to definitions and fee levels
402 established by the State Board of Education; amending s.
403 1009.29, F.S., relating to increased fees for funding
404 financial aid programs; correcting a reference; amending
405 s. 1009.40, F.S., relating to general requirements for
406 student eligibility for state financial aid; conforming
407 provisions relating to tuition assistance grants; amending
408 s. 1009.90, F.S.; including the Board of Governors with
409 respect to Department of Education duties relating to
410 student financial aid; amending s. 1009.91, F.S.;
411 requiring state university student loan information to be
412 reported annually to the Board of Governors; amending s.
413 1009.971, F.S., relating to the Florida Prepaid College
414 Board; updating terminology; amending s. 1010.01, F.S.,
415 relating to uniform records and accounts; transferring
416 responsibilities relating to state universities from the
417 State Board of Education to the Board of Governors;
418 requiring a uniform classification of accounts; requiring
419 state universities to file financial statements; amending
420 s. 1010.011, F.S.; revising a definition for purposes of

421 financial matters; amending s. 1010.02, F.S., relating to
422 financial accounting and expenditure; transferring
423 responsibilities relating to state universities from the
424 State Board of Education to the Board of Governors;
425 amending s. 1010.04, F.S., relating to purchasing;
426 transferring responsibilities relating to state
427 universities from the State Board of Education to the
428 Board of Governors; amending s. 1010.07, F.S., relating to
429 bonds and insurance; transferring responsibilities
430 relating to state universities from the State Board of
431 Education to the Board of Governors; amending s. 1010.09,
432 F.S., relating to direct-support organizations;
433 transferring responsibilities relating to state
434 universities from the State Board of Education to the
435 Board of Governors; amending s. 1010.30, F.S., relating to
436 audits; transferring supervision of state universities
437 from the State Board of Education to the Board of
438 Governors; amending s. 1011.01, F.S.; transferring budget
439 responsibilities relating to state universities from the
440 State Board of Education to the Board of Governors;
441 requiring coordination; amending s. 1011.011, F.S.;
442 requiring the State Board of Education in conjunction with
443 the Board of Governors to submit legislative capital
444 outlay budget requests for state universities; amending s.
445 1011.40, F.S.; transferring state university budget
446 responsibilities from the State Board of Education to the
447 Board of Governors; amending s. 1011.41, F.S.; requiring
448 compliance with certain tuition and fee policies for

449 receipt of state university appropriations; amending s.
450 1011.4106, F.S.; providing requirements for the
451 expenditure of tuition and fee revenues from local
452 accounts; providing for deposit into the State Treasury
453 under certain conditions; amending s. 1011.411, F.S.,
454 relating to budgets for sponsored research at
455 universities; conforming a cross-reference; amending s.
456 1011.42, F.S., relating to university depositories;
457 authorizing certain fund transfers; amending s. 1011.48,
458 F.S.; transferring responsibilities for educational
459 research centers for child development from the State
460 Board of Education to the Board of Governors; amending s.
461 1011.82, F.S., relating to requirements for participation
462 in the Community College Program Fund; conforming a cross-
463 reference; amending s. 1011.90, F.S.; transferring state
464 university funding responsibilities from the State Board
465 of Education to the Board of Governors; amending s.
466 1011.91, F.S.; transferring certain responsibilities
467 relating to additional appropriations; amending s.
468 1011.94, F.S.; redesignating the Trust Fund for University
469 Major Gifts as the University Major Gifts Program;
470 removing references to the trust fund and New College;
471 transferring responsibilities relating to the program from
472 the State Board of Education to the Board of Governors;
473 amending s. 1012.01, F.S.; limiting definitions for
474 purposes of personnel; amending s. 1012.80, F.S.;
475 transferring responsibilities relating to employee
476 disruptive activities at state universities from the State

477 Board of Education to the Board of Governors; amending s.
478 1012.801, F.S., relating to State University System
479 employees; updating terminology; amending s. 1012.93,
480 F.S.; authorizing evaluation of faculty proficiency in
481 English through a test approved by the Board of Governors;
482 amending s. 1012.98, F.S.; deleting obsolete provisions
483 relating to professional development programs; amending s.
484 1013.01, F.S.; excluding the Board of Governors from the
485 definition of "board" for purposes of educational
486 facilities; amending s. 1013.02, F.S.; transferring
487 rulemaking authority relating to state university
488 educational facilities from the State Board of Education
489 to the Board of Governors; amending s. 1013.03, F.S.;
490 providing functions of the Board of Governors relating to
491 state university educational facilities; revising
492 provisions relating to submission of data; deleting
493 obsolete provisions; amending s. 1013.11, F.S.; providing
494 for the Chancellor of the State University System to
495 receive reports; amending s. 1013.12, F.S.; requiring
496 state university firesafety inspections to comply with
497 rules of the Board of Governors; revising recipients of an
498 annual report; amending s. 1013.15, F.S.; subjecting lease
499 or lease-purchase agreements to requirements for issuance
500 of bonds and debt; amending s. 1013.16, F.S.; subjecting
501 leases executed by a university board of trustees to
502 requirements for issuance of bonds and debt; amending s.
503 1013.17, F.S.; transferring responsibilities relating to
504 university leasing in affiliated research and development

505 parks from the State Board of Education to the Board of
506 Governors; subjecting leases to requirements for issuance
507 of bonds and debt; amending s. 1013.171, F.S.; authorizing
508 each university board of trustees to enter into certain
509 lease agreements; transferring systemwide strategic plan
510 adoption responsibilities from the State Board of
511 Education to the Board of Governors; subjecting agreements
512 to requirements for issuance of bonds and debt; amending
513 s. 1013.19, F.S.; subjecting certain contracts executed by
514 a university board of trustees to requirements for the
515 issuance of bonds and debt; amending s. 1013.25, F.S.;
516 requiring approval of the Administration Commission to
517 exercise the power of eminent domain; amending s. 1013.28,
518 F.S.; requiring state university disposal of property
519 according to rules of the Board of Governors or the Board
520 of Trustees for the Florida School for the Deaf and the
521 Blind; amending s. 1013.31, F.S.; providing Department of
522 Education duties relating to educational plant surveys and
523 PECO funding; removing State Board of Education
524 rulemaking; updating terminology and making technical
525 changes; providing duties of the Chancellor of the State
526 University System; requiring approval of state university
527 educational plant surveys by the Board of Governors;
528 amending s. 1013.46, F.S.; deleting State Board of
529 Education rulemaking for prequalification of bidders;
530 amending s. 1013.47, F.S.; including rules of the Board of
531 Governors with respect to contracts for construction of
532 educational facilities; amending s. 1013.52, F.S.;

533 requiring the Board of Governors' or the Chancellor of the
534 State University System's review and approval for state
535 university joint-use facilities proposals; amending s.
536 1013.60, F.S.; requiring that state university capital
537 outlay budget request information approved by the Board of
538 Governors be submitted to the Commissioner of Education;
539 amending s. 1013.64, F.S.; requiring the Board of
540 Governors to submit a 3-year priority list for capital
541 outlay projects for the universities; transferring
542 responsibilities for state university funds for
543 comprehensive educational plant needs from the State Board
544 of Education to the Board of Governors; amending s.
545 1013.65, F.S.; requiring copies of capital outlay
546 allocations to be provided to the Board of Governors;
547 amending s. 1013.74, F.S.; deleting a cross-reference;
548 transferring responsibilities relating to state university
549 fixed capital outlay projects from the State Board of
550 Education to the Board of Governors; subjecting projects
551 to requirements for issuance of bonds and debt; amending
552 s. 1013.78, F.S.; providing an exception relating to
553 legislative approval for university-related facility
554 acquisitions; repealing s. 186.805, F.S., relating to the
555 Data Bank on Older Floridians; repealing s. 1004.54, F.S.,
556 relating to the Learning Development and Evaluation
557 Center; repealing s. 741.03055, F.S., relating to review
558 of premarital preparation courses, pilot programs, and
559 questionnaire and curriculum; repealing s. 741.03056,
560 F.S., relating to an informational questionnaire;

561 | repealing s. 1001.75, F.S., relating to powers and duties
 562 | of state university presidents; repealing s. 1007.261,
 563 | F.S., relating to state university admission of students;
 564 | repealing s. 1007.31, F.S., relating to limited access
 565 | programs; repealing s. 1007.32, F.S., relating to transfer
 566 | students; repealing s. 1008.51, F.S., relating to the
 567 | Council for Education Policy Research and Improvement;
 568 | repealing s. 1011.4105, F.S., relating to transition from
 569 | the state accounting system (FLAIR) to the university
 570 | accounting system; repealing s. 1012.92, F.S., relating to
 571 | personnel codes of conduct, disciplinary measures, and
 572 | rulemaking authority; repealing s. 1012.94, F.S., relating
 573 | to evaluations of faculty members; repealing s. 1012.95,
 574 | F.S., relating to university employment equity
 575 | accountability programs; authorizing the repeal of certain
 576 | rules; providing an effective date.

577 |

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

579 |

580 | Section 1. Paragraph (a) of subsection (1) of section
 581 | 20.055, Florida Statutes, is amended to read:

582 | 20.055 Agency inspectors general.--

583 | (1) For the purposes of this section:

584 | (a) "State agency" means each department created pursuant
 585 | to this chapter, and also includes the Executive Office of the
 586 | Governor, the Department of Military Affairs, the Fish and
 587 | Wildlife Conservation Commission, the Office of Insurance
 588 | Regulation of the Financial Services Commission, the Office of

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589 Financial Regulation of the Financial Services Commission, the
 590 Public Service Commission, the Board of Governors of the State
 591 University System, and the state courts system.

592 Section 2. Paragraphs (d) and (e) of subsection (3) of
 593 section 20.15, Florida Statutes, are redesignated as paragraphs
 594 (c) and (d), respectively, present paragraph (c) of that
 595 subsection and subsections (5) and (7) are amended, and
 596 subsection (8) is added to that section, to read:

597 20.15 Department of Education.--There is created a
 598 Department of Education.

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

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

602 (5) POWERS AND DUTIES.--The State Board of Education and
 603 the Commissioner of Education shall assign to the divisions such
 604 powers, duties, responsibilities, and functions as are necessary
 605 to ensure the greatest possible coordination, efficiency, and
 606 effectiveness of education for students in K-20 education under
 607 the jurisdiction of the State Board of Education.

608 (7) BOARDS.--Notwithstanding anything contained in law to
 609 the contrary, all members of the ~~university and~~ community
 610 college boards of trustees must be appointed according to
 611 chapter 1001.

612 (8) SUPPORT SERVICES.--The Department of Education shall
 613 continue to provide support to the Board of Governors of the
 614 State University System. At a minimum, support services provided
 615 to the Board of Governors shall include accounting, printing,
 616 computer and Internet support, personnel and human resources

617 support, support for accountability initiatives, and
618 administrative support as needed for trust funds under the
619 jurisdiction of the Board of Governors.

620 Section 3. Section 20.155, Florida Statutes, is created to
621 read:

622 20.155 Board of Governors of the State University
623 System.--

624 (1) GENERAL PROVISIONS.--The Board of Governors of the
625 State University System is established by the State Constitution
626 under s. 7, Art. IX and, accordingly, is granted rights and
627 privileges equal to those of departments established under this
628 chapter while preserving the Board of Governors' constitutional
629 designation and title.

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

633 (3) PERSONNEL.--The Board of Governors may appoint a
634 Chancellor to aid the board in the implementation of its
635 responsibilities.

636 (4) POWERS AND DUTIES.--

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

641 (b) The Board of Governors, in exercising its authority
642 under the State Constitution and statutes, shall do so in a
643 manner that supports, promotes, and enhances all of the
644 following:

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

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

667 23.21 Definitions.--For purposes of this part:

668 (1) "Department" means a principal administrative unit
 669 within the executive branch of state government, as defined in
 670 chapter 20, and includes the State Board of Administration, the
 671 Executive Office of the Governor, the Fish and Wildlife
 672 Conservation Commission, the Parole Commission, the Agency for

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673 Health Care Administration, ~~the Board of Regents,~~ the State
 674 Board of Education Community Colleges, the Board of Governors of
 675 the State University System, the Justice Administrative
 676 Commission, the capital collateral regional counsel, and
 677 separate budget entities placed for administrative purposes
 678 within a department.

679 Section 5. Paragraph (a) of subsection (6) of section
 680 110.131, Florida Statutes, is amended to read:

681 110.131 Other-personal-services temporary employment.--

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

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

694 110.181 Florida State Employees' Charitable Campaign.--

695 (5) PARTICIPATION OF STATE UNIVERSITIES.--Each university
 696 may elect to participate in the Florida State Employees'
 697 Charitable Campaign, upon timely notice to the department. Each
 698 university may also conduct annual charitable fundraising drives
 699 for employees under the authority granted in ss. 1001.706 and ~~s.~~
 700 ~~1001.74(19)~~.

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701 Section 7. Paragraphs (e), (f), and (g) of subsection (13)
 702 of section 112.0455, Florida Statutes, are redesignated as
 703 paragraphs (d), (e), and (f), respectively, and paragraph (d) of
 704 that subsection is amended to read:

705 112.0455 Drug-Free Workplace Act.--

706 (13) RULES.--

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

709
 710 This section shall not be construed to eliminate the bargainable
 711 rights as provided in the collective bargaining process where
 712 applicable.

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

715 112.19 Law enforcement, correctional, and correctional
 716 probation officers; death benefits.--

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

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

723 112.191 Firefighters; death benefits.--

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

728 Section 10. Paragraph (a) of subsection (9) of section

729 112.313, Florida Statutes, is amended to read:

730 112.313 Standards of conduct for public officers,
731 employees of agencies, and local government attorneys.--

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

734 (a)1. It is the intent of the Legislature to implement by
735 statute the provisions of s. 8(e), Art. II of the State
736 Constitution relating to legislators, statewide elected
737 officers, appointed state officers, and designated public
738 employees.

739 2. As used in this paragraph:

740 a. "Employee" means:

741 (I) Any person employed in the executive or legislative
742 branch of government holding a position in the Senior Management
743 Service as defined in s. 110.402 or any person holding a
744 position in the Selected Exempt Service as defined in s. 110.602
745 or any person having authority over policy or procurement
746 employed by the Department of the Lottery.

747 (II) The Auditor General, the director of the Office of
748 Program Policy Analysis and Government Accountability, the
749 Sergeant at Arms and Secretary of the Senate, and the Sergeant
750 at Arms and Clerk of the House of Representatives.

751 (III) The executive director of the Legislative Committee
752 on Intergovernmental Relations and the executive director and
753 deputy executive director of the Commission on Ethics.

754 (IV) An executive director, staff director, or deputy
755 staff director of each joint committee, standing committee, or
756 select committee of the Legislature; an executive director,

757 staff director, executive assistant, analyst, or attorney of the
 758 Office of the President of the Senate, the Office of the Speaker
 759 of the House of Representatives, the Senate Majority Party
 760 Office, Senate Minority Party Office, House Majority Party
 761 Office, or House Minority Party Office; or any person, hired on
 762 a contractual basis, having the power normally conferred upon
 763 such persons, by whatever title.

764 (V) The Chancellor and Vice Chancellors of the State
 765 University System; the general counsel to the Board of Governors
 766 of the State University System Regents; and the president,
 767 provost, vice presidents, and deans of each state university.

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

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

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

781 3. No member of the Legislature, appointed state officer,
 782 or statewide elected officer shall personally represent another
 783 person or entity for compensation before the government body or
 784 agency of which the individual was an officer or member for a

785 period of 2 years following vacation of office. No member of the
786 Legislature shall personally represent another person or entity
787 for compensation during his or her term of office before any
788 state agency other than judicial tribunals or in settlement
789 negotiations after the filing of a lawsuit.

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

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

802 6. This paragraph is not applicable to:

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

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

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

811 d. A person who has reached normal retirement age as
812 defined in s. 121.021(29), and who has retired under the

813 provisions of chapter 121 by July 1, 1991; or

814 e. Any appointed state officer whose term of office began
815 before January 1, 1995, unless reappointed to that office on or
816 after January 1, 1995.

817 Section 11. Paragraph (a) of subsection (1) of section
818 112.3135, Florida Statutes, is amended to read:

819 112.3135 Restriction on employment of relatives.--

820 (1) In this section, unless the context otherwise
821 requires:

822 (a) "Agency" means:

823 1. A state agency, except an institution under the
824 jurisdiction of the Board of Governors of the State University
825 ~~System Division of Universities of the Department of Education;~~

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

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

830 4. A county;

831 5. A city; and

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

834 Section 12. Paragraph (c) of subsection (1) of section
835 112.3145, Florida Statutes, is amended to read:

836 112.3145 Disclosure of financial interests and clients
837 represented before agencies.--

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

840 (c) "State officer" means:

841 1. Any elected public officer, excluding those elected to
 842 the United States Senate and House of Representatives, not
 843 covered elsewhere in this part and any person who is appointed
 844 to fill a vacancy for an unexpired term in such an elective
 845 office.

846 2. An appointed member of each board, commission,
 847 authority, or council having statewide jurisdiction, excluding a
 848 member of an advisory body.

849 3. A member of the Board of Governors of the State
 850 University System or a state university board of trustees
 851 ~~Regents~~, the Chancellor and Vice Chancellors of the State
 852 University System, and the president of a state university.

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

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

857 120.52 Definitions.--As used in this act:

858 (1) "Agency" means:

859 (b) Each:

860 1. State officer and state department, and each
 861 departmental unit described in s. 20.04.

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

863 3. Board, including the Board of Governors of the State
 864 University System and a state university board of trustees when
 865 acting pursuant to statutory authority derived from the
 866 Legislature.

867 4. Commission, including the Commission on Ethics and the
 868 Fish and Wildlife Conservation Commission when acting pursuant

869 to statutory authority derived from the Legislature.

870 5. Regional planning agency.

871 6. Multicounty special district with a majority of its
872 governing board comprised of nonelected persons.

873 7. Educational units.

874 8. Entity described in chapters 163, 373, 380, and 582 and
875 s. 186.504.

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

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

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

895 120.65 Administrative law judges.--

896 (11) The division shall be reimbursed for administrative

897 law judge services and travel expenses by the following
 898 entities: water management districts, regional planning
 899 councils, school districts, community colleges, the Division of
 900 Community Colleges, state universities, the Board of Governors
 901 of the State University System, the State Board of Education,
 902 the Florida School for the Deaf and the Blind, and the
 903 Commission for Independent Education. These entities shall
 904 contract with the division to establish a contract rate for
 905 services and provisions for reimbursement of administrative law
 906 judge travel expenses and video teleconferencing expenses
 907 attributable to hearings conducted on behalf of these entities.
 908 The contract rate must be based on a total-cost-recovery
 909 methodology.

910 Section 15. Paragraph (b) of subsection (22) of section
 911 121.021, Florida Statutes, is amended to read:

912 121.021 Definitions.--The following words and phrases as
 913 used in this chapter have the respective meanings set forth
 914 unless a different meaning is plainly required by the context:

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

918 (b) Under no circumstances shall compensation include:

919 1. Fees paid professional persons for special or
 920 particular services or include salary payments made from a
 921 faculty practice plan authorized by the Board of Governors of
 922 the State University System ~~operated by rule of the Board of~~
 923 ~~Regents~~ for eligible clinical faculty at a state university with
 924 a faculty practice plan ~~the University of Florida and the~~

925 ~~University of South Florida~~; or

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

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

932 121.35 Optional retirement program for the State
 933 University System.--

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

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

942 (d) For purposes of this section, the authority granted to
 943 the Board of Governors of the State University System ~~State~~
 944 ~~Board of Education~~ may be exercised by the Board of Governors or
 945 by the Chancellor of the State University System ~~Division of~~
 946 ~~Colleges and Universities~~.

947 (6) ADMINISTRATION OF PROGRAM.--

948 (a) The optional retirement program authorized by this
 949 section shall be administered by the department. The department
 950 shall adopt rules establishing the responsibilities of the ~~State~~
 951 ~~Board of Education~~ and institutions in the State University
 952 System in administering the optional retirement program. The

953 Board of Regents ~~State Board of Education~~ shall, no more than 90
 954 days after July 1, 1983, submit to the department its
 955 recommendations for the contracts to be offered by the companies
 956 chosen by the department. Effective July 1, 2001, the State
 957 Board of Education shall submit to the department its
 958 recommendations for the contracts to be offered by the companies
 959 chosen by the department. Effective July 1, 2007, the Board of
 960 Governors of the State University System shall submit
 961 recommendations on contracts within 90 days after request by the
 962 department. The recommendations of the board shall include the
 963 following:

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

966 2. The suitability of the rights and benefits to the needs
 967 of the participants and the interests of the institutions in the
 968 recruitment and retention of eligible employees.

969 (b) After receiving and considering the recommendations of
 970 the Board of Governors of the State University System ~~State~~
 971 ~~Board of Education~~, the department shall designate no more than
 972 five companies from which contracts may be purchased under the
 973 program and shall approve the form and content of the optional
 974 retirement program contracts. Any domestic company that has been
 975 designated as of July 1, 2005, shall be included in the five
 976 companies until expiration of its existing contract with the
 977 department. The domestic company may assign its contract with
 978 the department to an affiliated qualified company that is wholly
 979 owned by the domestic company's parent company and has assumed
 980 100 percent of the responsibility for the contracts purchased

981 from the domestic company.

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

984 159.703 Creation of research and development
 985 authorities.--

986 (1) Subject to the provisions of this part, each county or
 987 group of counties may create by ordinance a local governmental
 988 body as a public body corporate and politic to be known as
 989 " _____ Research and Development Authority," hereafter referred
 990 to as "authority" or "authorities." Each of the authorities is
 991 constituted as a public instrumentality for the purposes of
 992 development, operation, management, and financing of a research
 993 and development park, and the exercise by an authority of the
 994 powers conferred by ss. 159.701-159.7095 shall be deemed and
 995 held to be the performance of an essential public purpose and
 996 function. However, no authority created on or after July 1, 2007
 997 ~~July 7, 1988~~, shall transact any business or exercise any power
 998 hereunder until and unless the Board of Governors of the State
 999 University System ~~Board of Regents~~ has designated the authority
 1000 pursuant to the requirements of s. 159.704.

1001 Section 18. Subsections (1) and (3) of section 159.704,
 1002 Florida Statutes, are amended to read:

1003 159.704 Designation by Board of Governors of the State
 1004 University System ~~Board of Regents~~; procedure.--

1005 (1) The authority shall prepare and submit to the Board of
 1006 Governors of the State University System ~~Board of Regents~~ a
 1007 petition requesting that the authority be designated a research
 1008 and development authority.

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1009 (3) Upon approval of the petition and designation as a
 1010 research and development authority by the Board of Governors of
 1011 the State University System ~~Board of Regents~~, the authority
 1012 shall be empowered to transact any business and exercise any
 1013 power authorized by ss. 159.701-159.7095 for the purposes set
 1014 out in such sections.

1015 Section 19. Section 159.706, Florida Statutes, is amended
 1016 to read:

1017 159.706 Grandfather clause.--Each county designated as a
 1018 research and development authority on June 30, 1979, or
 1019 designated by the Board of Regents as a research and development
 1020 authority prior to July 1, 2001, shall be entitled to continue
 1021 to be designated and shall be accorded all powers conferred to
 1022 designated authorities by ss. 159.701-159.7095, except that any
 1023 authority not constituted and designated under the provisions of
 1024 ss. 159.701-159.7095 shall be prohibited from exercising any
 1025 power to issue revenue bonds or other debt obligations pursuant
 1026 to s. 159.705(6) and (7).

1027 Section 20. Paragraph (b) of subsection (2) of section
 1028 211.3103, Florida Statutes, is amended to read:

1029 211.3103 Levy of tax on severance of phosphate rock; rate,
 1030 basis, and distribution of tax.--

1031 (2) Beginning July 1, 2003, the proceeds of all taxes,
 1032 interest, and penalties imposed under this section shall be paid
 1033 into the State Treasury as follows:

1034 (b) The remaining revenues collected from the tax during
 1035 that fiscal year, after the required payment under paragraph
 1036 (a), shall be paid into the State Treasury as follows:

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1037 1. For payment to counties in proportion to the number of
 1038 tons of phosphate rock produced from a phosphate rock matrix
 1039 located within such political boundary, 18.75 percent. The
 1040 department shall distribute this portion of the proceeds
 1041 annually based on production information reported by the
 1042 producers on the annual returns for the taxable year. Any such
 1043 proceeds received by a county shall be used only for phosphate-
 1044 related expenses.

1045 2. For payment to counties that have been designated a
 1046 rural area of critical economic concern pursuant to s. 288.0656
 1047 in proportion to the number of tons of phosphate rock produced
 1048 from a phosphate rock matrix located within such political
 1049 boundary, 15 percent. The department shall distribute this
 1050 portion of the proceeds annually based on production information
 1051 reported by the producers on the annual returns for the taxable
 1052 year.

1053 3. To the credit of the Phosphate Research Trust Fund in
 1054 the Department of Education, ~~Division of Universities~~, 11.25
 1055 percent.

1056 4. To the credit of the Minerals Trust Fund, 11.25
 1057 percent.

1058 5. To the credit of the Nonmandatory Land Reclamation
 1059 Trust Fund, 43.75 percent.

1060 Section 21. Subsection (2) of section 215.16, Florida
 1061 Statutes, is amended to read:

1062 215.16 Appropriations from General Revenue Fund for public
 1063 schools, state institutions of higher learning, and community
 1064 colleges; reduction.--

1065 (2) If the state appropriations from the General Revenue
 1066 Fund for the benefit of the uniform system of public free
 1067 schools, state institutions of higher learning, and community
 1068 colleges cannot be paid in full during any given year, they
 1069 shall be diminished only in the same proportion that
 1070 appropriations for all other purposes from the General Revenue
 1071 Fund are diminished during such year. Additionally, any funding
 1072 reductions to public free schools, state institutions of higher
 1073 learning, and community colleges shall be diminished in
 1074 proportions identical to one another. For the purpose of
 1075 implementing this section, general revenue funds exclude the
 1076 administrative budgets of the Board of Governors and the
 1077 Department of Education. ~~provided for public free schools, state~~
 1078 ~~institutions of higher learning, and community colleges shall be~~
 1079 ~~restricted to general revenue funds appropriated for the~~
 1080 ~~Division of Public Schools and Community Education, the Division~~
 1081 ~~of Workforce Development, the Division of Universities,~~
 1082 ~~excluding the general office of the Board of Regents, and the~~
 1083 ~~Division of Community Colleges, excluding the division office.~~

1084 Section 22. Paragraph (b) of subsection (2) of section
 1085 215.32, Florida Statutes, is amended to read:

1086 215.32 State funds; segregation.--

1087 (2) The source and use of each of these funds shall be as
 1088 follows:

1089 (b)1. The trust funds shall consist of moneys received by
 1090 the state which under law or under trust agreement are
 1091 segregated for a purpose authorized by law. The state agency or
 1092 branch of state government receiving or collecting such moneys

1093 shall be responsible for their proper expenditure as provided by
1094 law. Upon the request of the state agency or branch of state
1095 government responsible for the administration of the trust fund,
1096 the Chief Financial Officer may establish accounts within the
1097 trust fund at a level considered necessary for proper
1098 accountability. Once an account is established within a trust
1099 fund, the Chief Financial Officer may authorize payment from
1100 that account only upon determining that there is sufficient cash
1101 and releases at the level of the account.

1102 2. In addition to other trust funds created by law, to the
1103 extent possible, each agency shall use the following trust funds
1104 as described in this subparagraph for day-to-day operations:

1105 a. Operations or operating trust fund, for use as a
1106 depository for funds to be used for program operations funded by
1107 program revenues, with the exception of administrative
1108 activities when the operations or operating trust fund is a
1109 proprietary fund.

1110 b. Operations and maintenance trust fund, for use as a
1111 depository for client services funded by third-party payors.

1112 c. Administrative trust fund, for use as a depository for
1113 funds to be used for management activities that are departmental
1114 in nature and funded by indirect cost earnings and assessments
1115 against trust funds. Proprietary funds are excluded from the
1116 requirement of using an administrative trust fund.

1117 d. Grants and donations trust fund, for use as a
1118 depository for funds to be used for allowable grant or donor
1119 agreement activities funded by restricted contractual revenue
1120 from private and public nonfederal sources.

1121 e. Agency working capital trust fund, for use as a
 1122 depository for funds to be used pursuant to s. 216.272.

1123 f. Clearing funds trust fund, for use as a depository for
 1124 funds to account for collections pending distribution to lawful
 1125 recipients.

1126 g. Federal grant trust fund, for use as a depository for
 1127 funds to be used for allowable grant activities funded by
 1128 restricted program revenues from federal sources.

1129
 1130 To the extent possible, each agency must adjust its internal
 1131 accounting to use existing trust funds consistent with the
 1132 requirements of this subparagraph. If an agency does not have
 1133 trust funds listed in this subparagraph and cannot make such
 1134 adjustment, the agency must recommend the creation of the
 1135 necessary trust funds to the Legislature no later than the next
 1136 scheduled review of the agency's trust funds pursuant to s.
 1137 215.3206.

1138 3. All such moneys are hereby appropriated to be expended
 1139 in accordance with the law or trust agreement under which they
 1140 were received, subject always to the provisions of chapter 216
 1141 relating to the appropriation of funds and to the applicable
 1142 laws relating to the deposit or expenditure of moneys in the
 1143 State Treasury.

1144 4.a. Notwithstanding any provision of law restricting the
 1145 use of trust funds to specific purposes, unappropriated cash
 1146 balances from selected trust funds may be authorized by the
 1147 Legislature for transfer to the Budget Stabilization Fund and
 1148 General Revenue Fund in the General Appropriations Act.

1149 b. This subparagraph does not apply to trust funds
 1150 required by federal programs or mandates; trust funds
 1151 established for bond covenants, indentures, or resolutions whose
 1152 revenues are legally pledged by the state or public body to meet
 1153 debt service or other financial requirements of any debt
 1154 obligations of the state or any public body; the State
 1155 Transportation Trust Fund; the trust fund containing the net
 1156 annual proceeds from the Florida Education Lotteries; the
 1157 Florida Retirement System Trust Fund; trust funds under the
 1158 management of the State Board of Education or the Board of
 1159 Governors of the State University System, where such trust funds
 1160 are for auxiliary enterprises, self-insurance, and contracts,
 1161 grants, and donations, as those terms are defined by general
 1162 law; trust funds that serve as clearing funds or accounts for
 1163 the Chief Financial Officer or state agencies; trust funds that
 1164 account for assets held by the state in a trustee capacity as an
 1165 agent or fiduciary for individuals, private organizations, or
 1166 other governmental units; and other trust funds authorized by
 1167 the State Constitution.

1168 Section 23. Subsection (4) of section 215.559, Florida
 1169 Statutes, is amended to read:

1170 215.559 Hurricane Loss Mitigation Program.--

1171 (4) Of moneys provided to the Department of Community
 1172 Affairs in paragraph (2) (a), 10 percent shall be allocated to
 1173 the Florida International University ~~a Type I center within the~~
 1174 ~~State University System~~ dedicated to hurricane research. The
 1175 ~~Type I center~~ shall develop a preliminary work plan approved by
 1176 the advisory council set forth in subsection (5) ~~(6)~~ to

1177 eliminate the state and local barriers to upgrading existing
 1178 mobile homes and communities, research and develop a program for
 1179 the recycling of existing older mobile homes, and support
 1180 programs of research and development relating to hurricane loss
 1181 reduction devices and techniques for site-built residences. The
 1182 State University System also shall consult with the Department
 1183 of Community Affairs and assist the department with the report
 1184 required under subsection (7) ~~(8)~~.

1185 Section 24. Subsection (2) of section 215.82, Florida
 1186 Statutes, is amended to read:

1187 215.82 Validation; when required.--

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

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1205 published by s. 75.06 shall be published in a newspaper of
1206 general circulation in the county where the complaint is filed
1207 and in two other newspapers of general circulation in the state,
1208 and the complaint and order of the circuit court shall be served
1209 only on the state attorney of the circuit in which the action is
1210 pending; provided, however, that if publication of notice
1211 pursuant to this section would require publication in more
1212 newspapers than would publication pursuant to s. 75.06, such
1213 publication shall be made pursuant to s. 75.06.

1214 Section 25. Subsection (1) of section 216.0152, Florida
1215 Statutes, is amended to read:

1216 216.0152 Inventory of state-owned facilities or state-
1217 occupied facilities.--

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

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1233 The Department of Transportation shall develop and maintain an
 1234 inventory of transportation facilities of the state
 1235 transportation system. The Board of Governors of the State
 1236 University System and Regents and the Division of Community
 1237 Colleges of the Department of Education, respectively, shall
 1238 develop and maintain an inventory, in the manner prescribed by
 1239 the Department of Management Services, of all state university
 1240 and community college ~~higher education~~ facilities and shall make
 1241 the data available in a format acceptable to the Department of
 1242 Management Services.

1243 Section 26. Paragraph (a) of subsection (2) of section
 1244 216.251, Florida Statutes, is amended to read:

1245 216.251 Salary appropriations; limitations.--

1246 (2) (a) The salary for each position not specifically
 1247 indicated in the appropriations acts shall be as provided in one
 1248 of the following subparagraphs:

1249 1. Within the classification and pay plans provided for in
 1250 chapter 110.

1251 2. Within the classification and pay plans established by
 1252 the Board of Trustees for the Florida School for the Deaf and
 1253 the Blind of the Department of Education and approved by the
 1254 State Board of Education for academic and academic
 1255 administrative personnel.

1256 3. Within the classification and pay plan approved and
 1257 administered by the ~~State Board of Education and the Board of~~
 1258 Governors, or the designee of the board, for those positions in
 1259 the State University System.

1260 4. Within the classification and pay plan approved by the

1261 President of the Senate and the Speaker of the House of
 1262 Representatives, as the case may be, for employees of the
 1263 Legislature.

1264 5. Within the approved classification and pay plan for the
 1265 judicial branch.

1266 Section 27. Paragraph (c) of subsection (2) and paragraph
 1267 (c) of subsection (4) of section 220.15, Florida Statutes, are
 1268 amended to read:

1269 220.15 Apportionment of adjusted federal income.--

1270 (2) The property factor is a fraction the numerator of
 1271 which is the average value of the taxpayer's real and tangible
 1272 personal property owned or rented and used in this state during
 1273 the taxable year or period and the denominator of which is the
 1274 average value of such property owned or rented and used
 1275 everywhere.

1276 (c) The property factor fraction shall not include any
 1277 real or tangible personal property located in this state with
 1278 respect to which it is certified to the Department of Revenue
 1279 that such property is dedicated exclusively to research and
 1280 development activities performed pursuant to sponsored research
 1281 contracts conducted in conjunction with and through a university
 1282 that is a member of the State University System or a nonpublic
 1283 university that is chartered in Florida and conducts graduate
 1284 programs at the professional or doctoral level. The Board of
 1285 Governors of the State University System ~~Board of Regents~~ must
 1286 certify the contracts for members of the State University
 1287 System, and the president of the university must certify the
 1288 contracts for a nonpublic university. As used in this paragraph,

1289 "sponsored research contract" means an agreement executed by
 1290 parties that include at least the university and the taxpayer.
 1291 Funding for sponsored research contracts may be provided from
 1292 public or private sources.

1293 (4) The payroll factor is a fraction the numerator of
 1294 which is the total amount paid in this state during the taxable
 1295 year or period by the taxpayer for compensation and the
 1296 denominator of which is the total compensation paid everywhere
 1297 during the taxable year or period.

1298 (c) The payroll factor fraction shall not include any
 1299 compensation paid to any employee located in this state when it
 1300 is certified to the Department of Revenue that such compensation
 1301 was paid to employees dedicated exclusively to research and
 1302 development activities performed pursuant to sponsored research
 1303 contracts conducted in conjunction with and through a university
 1304 that is a member of the State University System or a nonpublic
 1305 university that is chartered in Florida and conducts graduate
 1306 programs at the professional or doctoral level. The Board of
 1307 Governors of the State University System ~~Board of Regents~~ must
 1308 certify the contracts for members of the State University
 1309 System, and the president of the university must certify the
 1310 contracts for a nonpublic university. As used in this paragraph,
 1311 "sponsored research contract" means an agreement executed by
 1312 parties that include at least the university and the taxpayer.
 1313 Funding for sponsored research contracts may be provided from
 1314 public or private sources.

1315 Section 28. Subsection (7) of section 250.10, Florida
 1316 Statutes, is amended to read:

1317 250.10 Appointment and duties of the Adjutant General.--

1318 (7) The Adjutant General, the Board of Governors of the
 1319 State University System, and the State Board of Education shall
 1320 develop education assistance programs for members in good
 1321 standing of the active Florida National Guard who enroll in a
 1322 public institution of higher learning in the state.

1323 (a) The programs shall set forth application requirements,
 1324 including, but not limited to, requirements that the applicant:

- 1325 1. Be 17 years of age or older.
- 1326 2. Be presently domiciled in the state.
- 1327 3. Be a member in good standing in the active Florida
 1328 National Guard at the beginning of and throughout the entire
 1329 academic term for which benefits are received.

1330 4. Maintain continuous satisfactory participation in the
 1331 active Florida National Guard for any school term for which
 1332 exemption benefits are received.

1333 5. Upon enrollment in a program specified in subsection
 1334 (8) or subsection (9), complete a memorandum of agreement to
 1335 comply with the rules of the program and serve in the active
 1336 Florida National Guard for 3 years after completion of the
 1337 studies for which an exemption is granted or tuition and fees
 1338 are paid.

1339 (b) The programs shall define those members of the active
 1340 Florida National Guard who are ineligible to participate in the
 1341 program and those courses of study which are not authorized for
 1342 the program.

- 1343 1. Such members include, but are not limited to:
- 1344 a. Any member, commissioned officer, warrant officer, or

1345 enlisted person who has a baccalaureate degree.

1346 b. Any member who has 15 years or more of total military
1347 service creditable toward retirement.

1348 c. Any member who has not completed basic military
1349 training.

1350 2. Courses not authorized include noncredit courses,
1351 courses that do not meet degree requirements, or courses that do
1352 not meet requirements for completion of career training.

1353 (c) The Adjutant General, together with the Board of
1354 Governors of the State University System and the State Board of
1355 Education, shall adopt rules for the overall policy, guidance,
1356 administration, implementation, and proper utilization of the
1357 program. Such rules must include, but not be limited to,
1358 guidelines for certification by the Adjutant General of a guard
1359 member's eligibility, procedures for notification to an
1360 institution of a guard member's termination of eligibility, and
1361 procedures for restitution when a guard member fails to comply
1362 with the penalties described in this section.

1363 Section 29. Section 253.381, Florida Statutes, is amended
1364 to read:

1365 253.381 Unsurveyed marshlands; sale to upland owners.--The
1366 Board of Trustees of the Internal Improvement Trust Fund of the
1367 state is ~~and the State Board of Education~~ are hereby authorized
1368 to make sales of unsurveyed marshlands to record owners of
1369 uplands which have been surveyed by the United States, and to
1370 make equitable divisions of unsurveyed marsh areas and
1371 allocations of the same for sales with due respect to upland
1372 ownership, sales heretofore made, natural divisions of the

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1373 | unsurveyed marshes which are indicated by the general courses of
 1374 | water channels within or across the unsurveyed marshes and to
 1375 | other topographical features of the affected areas.

1376 | Section 30. Section 255.02, Florida Statutes, is amended
 1377 | to read:

1378 | 255.02 Boards authorized to replace buildings destroyed by
 1379 | fire.--The Department of Management Services,~~the Board of~~
 1380 | ~~Regents of the Department of Education,~~ or any other board or
 1381 | person having the direct supervision and control of any state
 1382 | building or state property, may have rebuilt or replaced, out of
 1383 | the proceeds from the fire insurance on such buildings or
 1384 | property, any buildings or property owned by the state, which
 1385 | may be destroyed in whole or in part by fire.

1386 | Section 31. Subsection (2) of section 255.043, Florida
 1387 | Statutes, is amended to read:

1388 | 255.043 Art in state buildings.--

1389 | (2) The Department of Management Services,~~the Board of~~
 1390 | ~~Regents,~~ or other state agencies receiving appropriations for
 1391 | original constructions shall notify the Florida Arts Council and
 1392 | the user agency of any construction project which is eligible
 1393 | under the provisions of this section. The Department of
 1394 | Management Services,~~the Board of Regents,~~ or other state agency
 1395 | shall determine the amount to be made available for purchase or
 1396 | commission of works of art for each project and shall report
 1397 | these amounts to the Florida Arts Council and the user agency.
 1398 | Payments therefor shall be made from funds appropriated for
 1399 | fixed capital outlay according to law.

1400 | Section 32. Subsection (2) of section 255.102, Florida

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1401 Statutes, is amended to read:

1402 255.102 Contractor utilization of minority business
1403 enterprises.--

1404 (2) The Office of Supplier Diversity, in collaboration
1405 with the Board of Governors of the State University System,
1406 shall adopt rules to determine what is a "good faith effort" for
1407 purposes of contractor compliance with minority participation
1408 goals established for competitively awarded building and
1409 construction projects. Pro forma efforts shall not be considered
1410 good faith. Factors which shall be considered by the state
1411 agency in determining whether a contractor has made good faith
1412 efforts shall include, but not be limited to:

1413 (a) Whether the contractor attended any presolicitation or
1414 prebid meetings that were scheduled by the agency to inform
1415 minority business enterprises of contracting and subcontracting
1416 opportunities.

1417 (b) Whether the contractor advertised in general
1418 circulation, trade association, or minority-focus media
1419 concerning the subcontracting opportunities.

1420 (c) Whether the contractor provided written notice to all
1421 relevant subcontractors listed on the minority vendor list for
1422 that locality and statewide as provided by the agency as of the
1423 date of issuance of the invitation to bid, that their interest
1424 in the contract was being solicited in sufficient time to allow
1425 the minority business enterprises to participate effectively.

1426 (d) Whether the contractor followed up initial
1427 solicitations of interest by contacting minority business
1428 enterprises, the Office of Supplier Diversity, or minority

1429 persons who responded and provided detailed information about
1430 prebid meetings, access to plans, specifications, contractor's
1431 project manager, subcontractor bonding, if any, payment
1432 schedule, bid addenda, and other assistance provided by the
1433 contractor to enhance minority business enterprise
1434 participation.

1435 (e) Whether the contractor selected portions of the work
1436 to be performed by minority business enterprises in order to
1437 increase the likelihood of meeting the minority business
1438 enterprise procurement goals, including, where appropriate,
1439 breaking down contracts into economically feasible units to
1440 facilitate minority business enterprise participation under
1441 reasonable and economical conditions of performance.

1442 (f) Whether the contractor provided the Office of Supplier
1443 Diversity as well as interested minority business enterprises or
1444 minority persons with adequate information about the plans,
1445 specifications, and requirements of the contract or the
1446 availability of jobs at a time no later than when such
1447 information was provided to other subcontractors.

1448 (g) Whether the contractor negotiated in good faith with
1449 interested minority business enterprises or minority persons,
1450 not rejecting minority business enterprises or minority persons
1451 as unqualified without sound reasons based on a thorough
1452 investigation of their capabilities or imposing implausible
1453 conditions of performance on the contract.

1454 (h) Whether the contractor diligently seeks to replace a
1455 minority business enterprise subcontractor that is unable to
1456 perform successfully with another minority business enterprise.

1457 (i) Whether the contractor effectively used the services
 1458 of available minority community organizations; minority
 1459 contractors' groups; local, state, and federal minority business
 1460 assistance offices; and other organizations that provide
 1461 assistance in the recruitment and placement of minority business
 1462 enterprises or minority persons.

1463 Section 33. Subsection (23) of section 280.02, Florida
 1464 Statutes, is amended to read:

1465 280.02 Definitions.--As used in this chapter, the term:

1466 (23) "Public deposit" means the moneys of the state or of
 1467 any state university, county, school district, community college
 1468 district, special district, metropolitan government, or
 1469 municipality, including agencies, boards, bureaus, commissions,
 1470 and institutions of any of the foregoing, or of any court, and
 1471 includes the moneys of all county officers, including
 1472 constitutional officers, that are placed on deposit in a bank,
 1473 savings bank, or savings association and for which the bank,
 1474 savings bank, or savings association is required to maintain
 1475 reserves. This includes, but is not limited to, time deposit
 1476 accounts, demand deposit accounts, and nonnegotiable
 1477 certificates of deposit. Moneys in deposit notes and in other
 1478 nondeposit accounts such as repurchase or reverse repurchase
 1479 operations are not public deposits. Securities, mutual funds,
 1480 and similar types of investments are not considered public
 1481 deposits and shall not be subject to the provisions of this
 1482 chapter.

1483 Section 34. Section 286.001, Florida Statutes, is amended
 1484 to read:

1485 286.001 Reports statutorily required; filing, maintenance,
1486 retrieval, and provision of copies.--

1487 (1) Unless otherwise specifically provided by law, any
1488 agency or officer of the executive, legislative, or judicial
1489 branches of state government, the State Board of Education, the
1490 Board of Governors of the State University System ~~Community~~
1491 ~~Colleges, the Board of Regents,~~ or the Public Service Commission
1492 required or authorized by law to make reports regularly or
1493 periodically shall fulfill such requirement by filing an
1494 abstract of the report with the statutorily or administratively
1495 designated recipients of the report and an abstract and one copy
1496 of the report with the Division of Library and Information
1497 Services of the Department of State, unless the head of the
1498 reporting entity makes a determination that the additional cost
1499 of providing the entire report to the statutorily or
1500 administratively designated recipients is justified. A one-page
1501 summary justifying the determination shall be submitted to the
1502 chairs of the governmental operations committees of both houses
1503 of the Legislature. The abstract of the contents of such report
1504 shall be no more than one-half page in length. The actual report
1505 shall be retained by the reporting agency or officer, and copies
1506 of the report shall be provided to interested parties and the
1507 statutorily or administratively designated recipients of the
1508 report upon request.

1509 (2) With respect to reports statutorily required of
1510 agencies or officers within the executive, legislative, or
1511 judicial branches of state government, the State Board of
1512 Education, the Board of Governors of the State University System

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1513 ~~Community Colleges, the Board of Regents,~~ or the Public Service
 1514 Commission, it is the duty of the division, in addition to its
 1515 duties under s. 257.05, to:

1516 (a) Regularly compile and update bibliographic information
 1517 on such reports for distribution as provided in paragraph (b).
 1518 Such bibliographic information may be included in the
 1519 bibliographies prepared by the division pursuant to s.
 1520 257.05(3)(c).

1521 (b) Provide for at least quarterly distribution of
 1522 bibliographic information on reports to:

1523 1. Agencies and officers within the executive,
 1524 legislative, and judicial branches of state government, the
 1525 State Board of Education, the Board of Governors of the State
 1526 University System ~~Community Colleges, the Board of Regents,~~ and
 1527 the Public Service Commission, free of charge; and

1528 2. Other interested parties upon request properly made and
 1529 upon payment of the actual cost of duplication pursuant to s.
 1530 119.07(1).

1531 (3) As soon as practicable, the administrative head of
 1532 each executive, legislative, or judicial agency and each agency
 1533 of the State Board of Education, the Board of Governors of the
 1534 State University System ~~Community Colleges, the Board of~~
 1535 ~~Regents,~~ and the Public Service Commission required by law to
 1536 make reports periodically shall ensure that those reports are
 1537 created, stored, managed, updated, retrieved, and disseminated
 1538 through electronic means.

1539 (4) Nothing in this section shall be construed to waive or
 1540 modify the requirement in s. 257.05(2) pertaining to the

1541 provision of copies of public documents to the division.

1542 Section 35. Subsection (1) of section 287.064, Florida
 1543 Statutes, is amended to read:

1544 287.064 Consolidated financing of deferred-payment
 1545 purchases.--

1546 (1) The Division of Bond Finance of the State Board of
 1547 Administration and the Chief Financial Officer shall plan and
 1548 coordinate deferred-payment purchases made by or on behalf of
 1549 the state or its agencies or by or on behalf of state
 1550 universities or state community colleges participating under
 1551 this section pursuant to s. 1001.74(6) ~~s. 1001.74(5)~~ or s.
 1552 1001.64(26), respectively. The Division of Bond Finance shall
 1553 negotiate and the Chief Financial Officer shall execute
 1554 agreements and contracts to establish master equipment financing
 1555 agreements for consolidated financing of deferred-payment,
 1556 installment sale, or lease purchases with a financial
 1557 institution or a consortium of financial institutions. As used
 1558 in this act, the term "deferred-payment" includes installment
 1559 sale and lease-purchase.

1560 (a) The period during which equipment may be acquired
 1561 under any one master equipment financing agreement shall be
 1562 limited to not more than 3 years.

1563 (b) Repayment of the whole or a part of the funds drawn
 1564 pursuant to the master equipment financing agreement may
 1565 continue beyond the period established pursuant to paragraph
 1566 (a).

1567 (c) The interest rate component of any master equipment
 1568 financing agreement shall be deemed to comply with the interest

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1569 rate limitation imposed in s. 287.063 so long as the interest
 1570 rate component of every interagency, state university, or
 1571 community college agreement entered into under such master
 1572 equipment financing agreement complies with the interest rate
 1573 limitation imposed in s. 287.063. Such interest rate limitation
 1574 does not apply when the payment obligation under the master
 1575 equipment financing agreement is rated by a nationally
 1576 recognized rating service in any one of the three highest
 1577 classifications, which rating services and classifications are
 1578 determined pursuant to rules adopted by the Chief Financial
 1579 Officer.

1580 Section 36. Subsection (1) of section 287.155, Florida
 1581 Statutes, is amended to read:

1582 287.155 Motor vehicles; purchase by ~~Division of~~
 1583 ~~Universities,~~ Department of Children and Family Services, Agency
 1584 for Persons with Disabilities, Department of Health, Department
 1585 of Juvenile Justice, and Department of Corrections.--

1586 (1) The ~~Division of Universities of the Department of~~
 1587 ~~Education,~~ the Department of Children and Family Services, the
 1588 Agency for Persons with Disabilities, the Department of Health,
 1589 the Department of Juvenile Justice, and the Department of
 1590 Corrections may, subject to the approval of the Department of
 1591 Management Services, purchase automobiles, trucks, tractors, and
 1592 other automotive equipment for the use of institutions under the
 1593 management of the ~~Division of Universities,~~ the Department of
 1594 Children and Family Services, the Agency for Persons with
 1595 Disabilities, the Department of Health, and the Department of
 1596 Corrections, and for the use of residential facilities managed

1597 or contracted by the Department of Juvenile Justice.

1598 Section 37. Paragraph (d) of subsection (5) of section
 1599 288.15, Florida Statutes, is amended to read:

1600 288.15 Powers of Division of Bond Finance.--There is
 1601 hereby granted to and vested in the Division of Bond Finance of
 1602 the State Board of Administration the power, right, franchise,
 1603 and authority:

1604 (5) In order to carry out the objectives and purposes of
 1605 this chapter, the division is authorized to acquire, own,
 1606 construct, operate, maintain, improve, and extend public
 1607 buildings, facilities, or works within the state which are of
 1608 the character hereinafter specifically mentioned. All public
 1609 buildings, facilities, and works which the division is
 1610 authorized to own, construct, operate, and maintain must be such
 1611 as can ultimately be owned and operated by an agency,
 1612 department, board, bureau, or commission of the state. All or
 1613 any such buildings, facilities, or works may be of a revenue-
 1614 producing character in order that the cost of the same or some
 1615 part of improvements or extensions thereto may be paid from
 1616 receipts therefrom, including in Tallahassee only rentals,
 1617 leases, and sales to both public and nonpublic agencies through
 1618 the issue and sales or disposition of revenue bonds, notes, or
 1619 certificates of the division. The buildings, facilities, and
 1620 works which the division is hereby authorized to acquire,
 1621 construct, operate, maintain, improve, and extend are:

1622 (d) Public buildings, facilities, and additions or
 1623 improvements to existing buildings and facilities for ultimate
 1624 use in connection with any of the several state institutions,

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1625 departments, bureaus, boards, or commissions; and, in
 1626 furtherance of this paragraph, the Department of Management
 1627 Services, the Board of Governors of the State University System,
 1628 and the State Board of Education are authorized to cooperate
 1629 with the Division of Bond Finance and to do and perform all acts
 1630 and things necessary thereto. Any property acquired by the
 1631 Division of Bond Finance under the provisions of this chapter
 1632 may ultimately be conveyed to the state free and clear of all
 1633 debt or other encumbrance.

1634 Section 38. Section 288.17, Florida Statutes, is amended
 1635 to read:

1636 288.17 Revenue certificates.--The Division of Bond Finance
 1637 of the State Board of Administration is authorized to issue
 1638 interest-bearing revenue certificates for construction of all
 1639 state buildings approved by the Legislature in its appropriation
 1640 acts and requested by the Department of Management Services or
 1641 by the Board of Governors of the State University System Board
 1642 ~~of Regents.~~

1643 Section 39. Section 288.705, Florida Statutes, is amended
 1644 to read:

1645 288.705 Statewide contracts register.--All state agencies
 1646 shall in a timely manner provide the Florida Small Business
 1647 Development Center Procurement System, ~~a Type I center of the~~
 1648 ~~State University System funded as provided in Pub. L. No. 96-~~
 1649 ~~302, as amended,~~ with all formal solicitations for contractual
 1650 services, supplies, and commodities. The Small Business
 1651 Development Center shall coordinate with Minority Business
 1652 Development Centers to compile and distribute such information

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1653 to Florida small and minority businesses requesting such service
1654 for the period of time necessary to familiarize the business
1655 with the market represented by state agencies. On or before
1656 February 1 of each year, the Small Business Development Center
1657 shall report to the Department of Labor and Employment Security
1658 on utilization of the statewide contracts register. Such report
1659 shall include, but not be limited to, information relating to:

1660 (1) The total number of solicitations received from state
1661 agencies during the calendar year.

1662 (2) The number of solicitations received from each state
1663 agency during the calendar year.

1664 (3) The method of distributing solicitation information to
1665 those businesses requesting such service.

1666 (4) The total number of businesses using the service.

1667 (5) The percentage of businesses using the service which
1668 are owned and controlled by minorities.

1669 Section 40. Subsection (7) of section 288.7091, Florida
1670 Statutes, is amended to read:

1671 288.7091 Duties of the Florida Black Business Investment
1672 Board, Inc.--The Florida Black Business Investment Board, Inc.,
1673 shall:

1674 (7) Develop memoranda of understanding with the
1675 Departments of Education, Transportation, Community Affairs, and
1676 Management Services, as well as with Workforce Florida, Inc.,
1677 the Board of Governors of the State University System, and the
1678 State Board of Education, detailing efforts of common interest
1679 and collaborations to expand black business development;

1680 Section 41. Subsection (3) of section 288.8175, Florida

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1681 Statutes, is amended to read:

1682 288.8175 Linkage institutes between postsecondary
1683 institutions in this state and foreign countries.--

1684 (3) Each institute must be governed by an agreement,
1685 ~~approved by the department,~~ between the Board of Governors of
1686 the State University System for a state university and the State
1687 Board of Education for a community college ~~Florida Community~~
1688 ~~College System~~ with the counterpart organization in a foreign
1689 country. Each institute must report to the department regarding
1690 its program activities, expenditures, and policies.

1691 Section 42. Paragraph (a) of subsection (4) of section
1692 295.07, Florida Statutes, is amended to read:

1693 295.07 Preference in appointment and retention.--

1694 (4) The following positions are exempt from this section:

1695 (a) Those positions that are exempt from the state Career
1696 Service System under s. 110.205(2); however, all positions under
1697 the University Support Personnel System of the State University
1698 System as well as all Career Service System positions under the
1699 Florida Community College System and the School for the Deaf and
1700 the Blind, or the equivalent of such positions at state
1701 universities, community colleges, or the School for the Deaf and
1702 the Blind, are included.

1703 Section 43. Paragraph (b) of subsection (3) of section
1704 320.08058, Florida Statutes, is amended to read:

1705 320.08058 Specialty license plates.--

1706 (3) COLLEGIATE LICENSE PLATES.--

1707 (b) A collegiate plate annual use fee is to be distributed
1708 to the state or independent university foundation designated by

1709 the purchaser for deposit in an unrestricted account. The Board
 1710 of Governors of the State University System ~~Board of Regents~~
 1711 shall require each state university to submit a plan for
 1712 approval of the expenditure of all funds so designated. These
 1713 funds may be used only for academic enhancement, including
 1714 scholarships and private fundraising activities.

1715 Section 44. Subsections (1), (3), and (4) of section
 1716 334.065, Florida Statutes, are amended to read:

1717 334.065 Center for Urban Transportation Research.--

1718 (1) There is established at the University of South
 1719 Florida the Florida Center for Urban Transportation Research, to
 1720 be administered by the Board of Governors ~~Regents~~ of and the
 1721 State University System. The responsibilities of the center
 1722 include, but are not limited to, conducting and facilitating
 1723 research on issues related to urban transportation problems in
 1724 this state and serving as an information exchange and depository
 1725 for the most current information pertaining to urban
 1726 transportation and related issues.

1727 (3) An advisory board shall be created to periodically and
 1728 objectively review and advise the center concerning its research
 1729 program. Except for projects mandated by law, state-funded base
 1730 projects shall not be undertaken without approval of the
 1731 advisory board. The membership of the board shall consist of
 1732 nine experts in transportation-related areas, including the
 1733 secretaries of the Florida Departments of Transportation,
 1734 Community Affairs, and Environmental Protection, or their
 1735 designees, and a member of the Florida Transportation
 1736 Commission. The nomination of the remaining members of the board

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1737 shall be made to the President of the University of South
 1738 Florida by the College of Engineering at the University of South
 1739 Florida, and the appointment of these members must be reviewed
 1740 and approved by the Florida Transportation Commission and
 1741 confirmed by the Board of Governors ~~Regents~~.

1742 (4) The center shall develop a budget pursuant to chapter
 1743 216. This budget shall be submitted to the Governor along with
 1744 the budget of the Board of Governors ~~Regents~~.

1745 Section 45. Subsection (3) of section 377.705, Florida
 1746 Statutes, is amended to read:

1747 377.705 Solar Energy Center; development of solar energy
 1748 standards.--

1749 (3) DEFINITIONS.--

1750 (a) "Center" is defined as the Florida Solar Energy Center
 1751 of the Board of Governors ~~Regents~~.

1752 (b) "Solar energy systems" is defined as equipment which
 1753 provides for the collection and use of incident solar energy for
 1754 water heating, space heating or cooling, or other applications
 1755 which normally require or would require a conventional source of
 1756 energy such as petroleum products, natural gas, or electricity
 1757 and which performs primarily with solar energy. In such other
 1758 systems in which solar energy is used in a supplemental way,
 1759 only those components which collect and transfer solar energy
 1760 shall be included in this definition.

1761 Section 46. Subsection (4) of section 381.79, Florida
 1762 Statutes, is amended to read:

1763 381.79 Brain and Spinal Cord Injury Program Trust Fund.--

1764 (4) The Board of Governors of the State University System

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1765 ~~Board of Regents~~ shall establish a program administration
 1766 process which shall include: an annual prospective program plan
 1767 with goals, research design, proposed outcomes, a proposed
 1768 budget, an annual report of research activities and findings,
 1769 and an annual end-of-year financial statement. Prospective
 1770 program plans shall be submitted to the Board of Governors ~~Board~~
 1771 ~~of Regents~~, and funds shall be released upon acceptance of the
 1772 proposed program plans. The annual report of research activities
 1773 and findings shall be submitted to the Board of Governors ~~Board~~
 1774 ~~of Regents~~, with the executive summaries submitted to the
 1775 President of the Senate, the Speaker of the House of
 1776 Representatives, and the Secretary of Health.

1777 Section 47. Subsection (1) of section 388.43, Florida
 1778 Statutes, is amended to read:

1779 388.43 Florida Medical Entomology Laboratory.--

1780 (1) The Florida Medical Entomology Laboratory, located in
 1781 Vero Beach, shall be a research and training center for the
 1782 state under the supervision of the Board of Governors ~~Regents~~.
 1783 The laboratory shall be an operational unit of the University of
 1784 Florida and an integral part of the Institute of Food and
 1785 Agricultural Sciences.

1786 Section 48. Subsection (1) of section 403.073, Florida
 1787 Statutes, is amended to read:

1788 403.073 Pollution prevention; state goal; agency programs;
 1789 public education.--

1790 (1) It is a goal of the state that all its agencies, the
 1791 State University System, community colleges ~~the State Board of~~
 1792 ~~Community Colleges~~, and all municipalities, counties, regional

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1793 agencies, and special districts develop and implement strategies
 1794 to prevent pollution, including public information programs and
 1795 education programs.

1796 Section 49. Subsection (2) of section 403.074, Florida
 1797 Statutes, is amended to read:

1798 403.074 Technical assistance by the department.--

1799 (2) The program shall include onsite, nonregulatory
 1800 technical assistance and shall promote and sponsor conferences
 1801 on pollution prevention techniques. The program may be conducted
 1802 in cooperation with trade associations, trade schools, the State
 1803 University System, community colleges ~~the State Board of~~
 1804 ~~Community Colleges~~, or other appropriate entities.

1805 Section 50. Paragraph (b) of subsection (1) of section
 1806 409.908, Florida Statutes, is amended to read:

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

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1821 full payment at the recalculated rate shall be effected
 1822 retroactively. Medicare-granted extensions for filing cost
 1823 reports, if applicable, shall also apply to Medicaid cost
 1824 reports. Payment for Medicaid compensable services made on
 1825 behalf of Medicaid eligible persons is subject to the
 1826 availability of moneys and any limitations or directions
 1827 provided for in the General Appropriations Act or chapter 216.
 1828 Further, nothing in this section shall be construed to prevent
 1829 or limit the agency from adjusting fees, reimbursement rates,
 1830 lengths of stay, number of visits, or number of services, or
 1831 making any other adjustments necessary to comply with the
 1832 availability of moneys and any limitations or directions
 1833 provided for in the General Appropriations Act, provided the
 1834 adjustment is consistent with legislative intent.

1835 (1) Reimbursement to hospitals licensed under part I of
 1836 chapter 395 must be made prospectively or on the basis of
 1837 negotiation.

1838 (b) Reimbursement for hospital outpatient care is limited
 1839 to \$1,500 per state fiscal year per recipient, except for:

- 1840 1. Such care provided to a Medicaid recipient under age
- 1841 21, in which case the only limitation is medical necessity.
- 1842 2. Renal dialysis services.
- 1843 3. Other exceptions made by the agency.

1844
 1845 The agency is authorized to receive funds from state entities,
 1846 including, but not limited to, the Department of Health, the
 1847 Board of Governors of the State University System ~~Board of~~
 1848 ~~Regents~~, local governments, and other local political

1849 subdivisions, for the purpose of making payments, including
 1850 federal matching funds, through the Medicaid outpatient
 1851 reimbursement methodologies. Funds received from state entities
 1852 and local governments for this purpose shall be separately
 1853 accounted for and shall not be commingled with other state or
 1854 local funds in any manner.

1855 Section 51. Paragraph (d) of subsection (2) of section
 1856 413.051, Florida Statutes, is amended to read:

1857 413.051 Eligible blind persons; operation of vending
 1858 stands.--

1859 (2) As used in this section, the term:

1860 (d) "State property" means any building or land owned,
 1861 leased, or otherwise controlled by the state, but does not
 1862 include any building or land under the control of a state
 1863 university board of trustees ~~the Board of Regents~~, a community
 1864 college district board of trustees, or any state correctional
 1865 institution as defined in s. 944.02.

1866 Section 52. Subsection (2) and (10) of section 447.203,
 1867 Florida Statutes, are amended to read:

1868 447.203 Definitions.--As used in this part:

1869 (2) "Public employer" or "employer" means the state or any
 1870 county, municipality, or special district or any subdivision or
 1871 agency thereof which the commission determines has sufficient
 1872 legal distinctiveness properly to carry out the functions of a
 1873 public employer. With respect to all public employees determined
 1874 by the commission as properly belonging to a statewide
 1875 bargaining unit composed of State Career Service System
 1876 employees or Selected Professional Service employees, the

1877 Governor shall be deemed to be the public employer; and the
 1878 Board of Governors of the State University System, or the
 1879 board's designee, ~~university board of trustees~~ shall be deemed
 1880 to be the public employer with respect to all public employees
 1881 of each constituent ~~the respective~~ state university. The board
 1882 of trustees of a community college shall be deemed to be the
 1883 public employer with respect to all employees of the community
 1884 college. The district school board shall be deemed to be the
 1885 public employer with respect to all employees of the school
 1886 district. The Board of Trustees of the Florida School for the
 1887 Deaf and the Blind shall be deemed to be the public employer
 1888 with respect to the academic and academic administrative
 1889 personnel of the Florida School for the Deaf and the Blind. The
 1890 Governor shall be deemed to be the public employer with respect
 1891 to all employees in the Correctional Education Program of the
 1892 Department of Corrections established pursuant to s. 944.801.

1893 (10) "Legislative body" means the State Legislature, the
 1894 board of county commissioners, the district school board, the
 1895 governing body of a municipality, or the governing body of an
 1896 instrumentality or unit of government having authority to
 1897 appropriate funds and establish policy governing the terms and
 1898 conditions of employment and which, as the case may be, is the
 1899 appropriate legislative body for the bargaining unit. For
 1900 purposes of s. 447.403, the Board of Governors of the State
 1901 University System, or the board's designee, ~~state university~~
 1902 ~~board of trustees~~ shall be deemed to be the legislative body
 1903 with respect to all employees of each constituent ~~the~~ state
 1904 university. For purposes of s. 447.403 the board of trustees of

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1905 a community college shall be deemed to be the legislative body
 1906 with respect to all employees of the community college.

1907 Section 53. Section 455.2125, Florida Statutes, is amended
 1908 to read:

1909 455.2125 Consultation with postsecondary education boards
 1910 prior to adoption of changes to training requirements.--Any
 1911 state agency or board that has jurisdiction over the regulation
 1912 of a profession or occupation shall consult with the Commission
 1913 for Independent Education, the Board of Governors of the State
 1914 University System ~~Board of Regents~~, and the State Board of
 1915 Education prior to adopting any changes to training requirements
 1916 relating to entry into the profession or occupation. This
 1917 consultation must allow the educational board to provide advice
 1918 regarding the impact of the proposed changes in terms of the
 1919 length of time necessary to complete the training program and
 1920 the fiscal impact of the changes. The educational board must be
 1921 consulted only when an institution offering the training program
 1922 falls under its jurisdiction.

1923 Section 54. Section 456.028, Florida Statutes, is amended
 1924 to read:

1925 456.028 Consultation with postsecondary education boards
 1926 prior to adoption of changes to training requirements.--Any
 1927 state agency or board that has jurisdiction over the regulation
 1928 of a profession or occupation shall consult with the Commission
 1929 for Independent Education, the Board of Governors of the State
 1930 University System ~~Board of Regents~~, and the State Board of
 1931 Education prior to adopting any changes to training requirements
 1932 relating to entry into the profession or occupation. This

1933 | consultation must allow the educational board to provide advice
 1934 | regarding the impact of the proposed changes in terms of the
 1935 | length of time necessary to complete the training program and
 1936 | the fiscal impact of the changes. The educational board must be
 1937 | consulted only when an institution offering the training program
 1938 | falls under its jurisdiction.

1939 | Section 55. Subsection (1) of section 464.0196, Florida
 1940 | Statutes, is amended to read:

1941 | 464.0196 Florida Center for Nursing; board of directors.--

1942 | (1) The Florida Center for Nursing shall be governed by a
 1943 | policy-setting board of directors. The board shall consist of 16
 1944 | members, with a simple majority of the board being nurses
 1945 | representative of various practice areas. Other members shall
 1946 | include representatives of other health care professions,
 1947 | business and industry, health care providers, and consumers. The
 1948 | members of the board shall be appointed by the Governor as
 1949 | follows:

1950 | (a) Four members recommended by the President of the
 1951 | Senate, at least one of whom shall be a registered nurse
 1952 | recommended by the Florida Organization of Nurse Executives and
 1953 | at least one other representative of the hospital industry
 1954 | recommended by the Florida Hospital Association;

1955 | (b) Four members recommended by the Speaker of the House
 1956 | of Representatives, at least one of whom shall be a registered
 1957 | nurse recommended by the Florida Nurses Association and at least
 1958 | one other representative of the long-term care industry;

1959 | (c) Four members recommended by the Governor, two of whom
 1960 | shall be registered nurses; ~~and~~

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1961 (d) One ~~Four~~ nurse educator ~~educators~~ recommended by the
 1962 Board of Governors who is ~~State Board of Education, one of whom~~
 1963 ~~shall be~~ a dean of a College of Nursing at a state university;
 1964 ~~and, one other shall be a director of a nursing program in a~~
 1965 ~~state community college.~~

1966 (e) Three nurse educators recommended by the State Board
 1967 of Education, one of whom must be a director of a nursing
 1968 program at a state community college.

1969 Section 56. Subsection (3) of section 489.103, Florida
 1970 Statutes, is amended to read:

1971 489.103 Exemptions.--This part does not apply to:

1972 (3) An authorized employee of the United States, this
 1973 state, or any municipality, county, irrigation district,
 1974 reclamation district, or any other municipal or political
 1975 subdivision, except school boards, state university boards of
 1976 trustees, and community college boards of trustees ~~the Board of~~
 1977 ~~Regents, and community colleges,~~ unless for the purpose of
 1978 performing routine maintenance or repair or construction not
 1979 exceeding \$200,000 to existing installations, if the employee
 1980 does not hold himself or herself out for hire or otherwise
 1981 engage in contracting except in accordance with his or her
 1982 employment. If the construction, remodeling, or improvement
 1983 exceeds \$200,000, school boards, state university boards of
 1984 trustees, and community college boards of trustees ~~the Board of~~
 1985 ~~Regents, and community colleges,~~ shall not divide the project
 1986 into separate components for the purpose of evading this
 1987 section.

1988 Section 57. Subsection (2) of section 489.503, Florida

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1989 Statutes, is amended to read:
 1990 489.503 Exemptions.--This part does not apply to:
 1991 (2) An authorized employee of the United States, this
 1992 state, or any municipality, county, irrigation district,
 1993 reclamation district, or any other municipal or political
 1994 subdivision of this state, except school boards, state
 1995 university boards of trustees, and community college boards of
 1996 trustees ~~the Board of Regents, and community colleges~~, unless
 1997 for the purpose of performing routine maintenance or repair or
 1998 construction not exceeding \$200,000 to existing installations,
 1999 as long as the employee does not hold himself or herself out for
 2000 hire or otherwise engage in contracting except in accordance
 2001 with his or her employment. If the construction, remodeling, or
 2002 improvement exceeds \$200,000, school boards, state university
 2003 boards of trustees, and community college boards of trustees ~~the~~
 2004 ~~Board of Regents, and community colleges~~, shall not divide the
 2005 project into separate components for the purpose of evading this
 2006 section.

2007 Section 58. Subsection (5) of section 553.71, Florida
 2008 Statutes, is amended to read:

2009 553.71 Definitions.--As used in this part, the term:

2010 (5) "Local enforcement agency" means an agency of local
 2011 government, a local school board, a community college board of
 2012 trustees, or a university board of trustees in the State
 2013 University System with jurisdiction to make inspections of
 2014 buildings and to enforce the codes which establish standards for
 2015 design, construction, erection, alteration, repair,
 2016 modification, or demolition of public or private buildings,

2017 structures, or facilities.

2018 Section 59. Subsection (1) of section 627.06281, Florida
 2019 Statutes, is amended to read:

2020 627.06281 Public hurricane loss projection model;
 2021 reporting of data by insurers.--

2022 (1) Within 30 days after a written request for loss data
 2023 and associated exposure data by the office or the Florida
 2024 International University ~~a type I center within the State~~
 2025 ~~University System~~ established to study mitigation, residential
 2026 property insurers and licensed rating and advisory organizations
 2027 that compile residential property insurance loss data shall
 2028 provide loss data and associated exposure data for residential
 2029 property insurance policies to the office or the Florida
 2030 International University ~~to a type I center within the State~~
 2031 ~~University System~~ established to study mitigation, as directed
 2032 by the office, for the purposes of developing, maintaining, and
 2033 updating a public model for hurricane loss projections. The loss
 2034 data and associated exposure data provided shall be in writing.

2035 Section 60. Subsection (1) of section 627.06292, Florida
 2036 Statutes, is amended to read:

2037 627.06292 Reports of hurricane loss data and associated
 2038 exposure data; public records exemption.--

2039 (1) Reports of hurricane loss data and associated exposure
 2040 data that are specific to a particular insurance company, as
 2041 reported by an insurer or a licensed rating organization to the
 2042 office or to a ~~type I~~ center at a state university pursuant to
 2043 s. 627.06281, are exempt from s. 119.07(1) and s. 24(a), Art. I
 2044 of the State Constitution.

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2045 Section 61. Subsection (7) of section 633.01, Florida
 2046 Statutes, is amended to read:

2047 633.01 State Fire Marshal; powers and duties; rules.--

2048 (7) The State Fire Marshal shall adopt and administer
 2049 rules prescribing standards for the safety and health of
 2050 occupants of educational and ancillary facilities pursuant to
 2051 ss. 633.022, 1013.12, 1013.37, and 1013.371. In addition, in any
 2052 county that does not employ or appoint a local fire official,
 2053 the State Fire Marshal shall assume the duties of the local fire
 2054 official with respect to firesafety inspections of educational
 2055 property required under s. 1013.12 (3) ~~(2)~~ (b), and the State Fire
 2056 Marshal may take necessary corrective action as authorized under
 2057 s. 1013.12 (6) ~~(5)~~.

2058 Section 62. Subsection (5) of section 650.03, Florida
 2059 Statutes, is amended to read:

2060 650.03 Federal-state agreement; interstate
 2061 instrumentalities.--

2062 (5) For purposes of this chapter, employees of the
 2063 institutions of higher learning under the Board of Governors of
 2064 the State University System ~~Board of Regents~~ who are covered by
 2065 the Teachers' Retirement System shall be deemed to be covered by
 2066 a separate retirement system for each institution.

2067 Section 63. Subsection (2) of section 943.1755, Florida
 2068 Statutes, is amended to read:

2069 943.1755 Florida Criminal Justice Executive Institute.--

2070 (2) The institute is established within the Department of
 2071 Law Enforcement and affiliated with the State University System.
 2072 The Board of Governors of the State University System ~~Board of~~

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2073 ~~Regents~~ shall, in cooperation with the Department of Law
 2074 Enforcement, determine the specific placement of the institute
 2075 within the system.

2076 Section 64. Subsection (5) of section 1000.01, Florida
 2077 Statutes, is amended to read:

2078 1000.01 The Florida K-20 education system; technical
 2079 provisions.--

2080 (5) EDUCATION GOVERNANCE TRANSFERS.--

2081 (a) Effective July 1, 2001:

2082 1. The Board of Regents is abolished.

2083 2. All of the powers, duties, functions, records,
 2084 personnel, and property; unexpended balances of appropriations,
 2085 allocations, and other funds; administrative authority;
 2086 administrative rules; pending issues; and existing contracts of
 2087 the Board of Regents are transferred by a type two transfer,
 2088 pursuant to s. 20.06(2), to the State Board of Education.

2089 3. The State Board of Community Colleges is abolished.

2090 4. All of the powers, duties, functions, records,
 2091 personnel, and property; unexpended balances of appropriations,
 2092 allocations, and other funds; administrative authority;
 2093 administrative rules; pending issues; and existing contracts of
 2094 the State Board of Community Colleges are transferred by a type
 2095 two transfer, pursuant to s. 20.06(2), from the Department of
 2096 Education to the State Board of Education.

2097 5. The Postsecondary Education Planning Commission is
 2098 abolished.

2099 6. The Council for Education Policy Research and
 2100 Improvement is created as an independent office under the Office

2101 of Legislative Services.

2102 7. All personnel, unexpended balances of appropriations,
 2103 and allocations of the Postsecondary Education Planning
 2104 Commission are transferred to the Council for Education Policy
 2105 Research and Improvement.

2106 8. The Articulation Coordinating Committee and the
 2107 Education Standards Commission are transferred by a type two
 2108 transfer, pursuant to s. 20.06(2), from the Department of
 2109 Education to the State Board of Education.

2110 (b) All rules of the State Board of Education, the
 2111 Commissioner of Education, and the Department of Education, and
 2112 all rules of the district school boards, the community college
 2113 boards of trustees, and the state university boards of trustees,
 2114 in effect on January 2, 2003, remain in effect until
 2115 specifically amended or repealed in the manner provided by law.

2116 (c) Effective January 7, 2003:

2117 1. The administrative rules of the Department of Education
 2118 and the Commissioner of Education shall become the rules of the
 2119 State Board of Education.

2120 2. The administrative rules of the State Board of
 2121 Education shall become the rules of the appointed State Board of
 2122 Education.

2123 (d) All administrative rules of the State Board of
 2124 Education, the Commissioner of Education, and the Department of
 2125 Education are transferred by a type two transfer, as defined in
 2126 s. 20.06(2), to the appointed State Board of Education.

2127 (e) This act creating the Florida K-20 Education Code
 2128 shall not affect the validity of any judicial or administrative

2129 | action involving the Department of Education, pending on January
 2130 | 7, 2003. This act shall not affect the validity of any judicial
 2131 | or administrative action involving the Commissioner of Education
 2132 | or the State Board of Education, pending on January 7, 2003, and
 2133 | the appointed State Board of Education shall be substituted as a
 2134 | party of interest in any such action.

2135 | (f) Effective January 7, 2003, any powers, duties,
 2136 | functions, records, property, unexpended balances of
 2137 | appropriations, allocations, and other funds; administrative
 2138 | authority; administrative rules; pending issues; and existing
 2139 | contracts of the Board of Regents that were previously
 2140 | transferred to the State Board of Education after the Board of
 2141 | Regents was abolished pursuant to paragraph (a) are transferred
 2142 | to the Board of Governors in accordance with s. 7(d), Art. IX of
 2143 | the State Constitution.

2144 | Section 65. Subsection (1) and paragraphs (b) and (c) of
 2145 | subsection (2) of section 1000.03, Florida Statutes, are amended
 2146 | to read:

2147 | 1000.03 Function, mission, and goals of the Florida K-20
 2148 | education system.--

2149 | (1) Florida's K-20 education system shall be a
 2150 | decentralized system without excess layers of bureaucracy. ~~The~~
 2151 | ~~State Board of Education may appoint on an ad hoc basis a~~
 2152 | ~~committee or committees to assist it on any and all issues~~
 2153 | ~~within the K-20 education system.~~ Florida's K-20 education
 2154 | system shall maintain a systemwide technology plan based on a
 2155 | common set of data definitions.

2156 | (2)

2157 (b) With the exception of matters relating to the State
 2158 University System, the State Board of Education shall oversee
 2159 the enforcement of all laws and rules, and the timely provision
 2160 of direction, resources, assistance, intervention when needed,
 2161 and strong incentives and disincentives to force accountability
 2162 for results.

2163 (c) The Board of Governors shall oversee the enforcement
 2164 of all state university laws and rules and regulations and the
 2165 timely provision of direction, resources, assistance,
 2166 intervention when needed, and strong incentives and
 2167 disincentives to force accountability for results. ~~The~~
 2168 ~~Commissioner of Education shall serve as chief executive officer~~
 2169 ~~of the K-20 education system. The commissioner shall be~~
 2170 ~~responsible for enforcing compliance with the mission and goals~~
 2171 ~~of the K-20 education system. The commissioner's office shall~~
 2172 ~~operate all statewide functions necessary to support the State~~
 2173 ~~Board of Education and the K-20 education system.~~

2174 Section 66. Paragraphs (d) and (e) of subsection (3) and
 2175 subsections (4), (5), and (6) of section 1000.05, Florida
 2176 Statutes, are amended to read:

2177 1000.05 Discrimination against students and employees in
 2178 the Florida K-20 public education system prohibited; equality of
 2179 access required.--

2180 (3)

2181 (d) A public K-20 educational institution which operates
 2182 or sponsors interscholastic, intercollegiate, club, or
 2183 intramural athletics shall provide equal athletic opportunity
 2184 for members of both genders.

2185 1. The Board of Governors shall determine whether equal
 2186 opportunities are available at state universities.

2187 2. The Commissioner of Education shall determine whether
 2188 equal opportunities are available in school districts and
 2189 community colleges. In determining whether equal opportunities

2190 are available in school districts and community colleges, the
 2191 Commissioner of Education shall consider, among other factors:

2192 ~~a.1-~~ Whether the selection of sports and levels of
 2193 competition effectively accommodate the interests and abilities
 2194 of members of both genders.

2195 ~~b.2-~~ The provision of equipment and supplies.

2196 ~~c.3-~~ Scheduling of games and practice times.

2197 ~~d.4-~~ Travel and per diem allowances.

2198 ~~e.5-~~ Opportunities to receive coaching and academic
 2199 tutoring.

2200 ~~f.6-~~ Assignment and compensation of coaches and tutors.

2201 ~~g.7-~~ Provision of locker room, practice, and competitive
 2202 facilities.

2203 ~~h.8-~~ Provision of medical and training facilities and
 2204 services.

2205 ~~i.9-~~ Provision of housing and dining facilities and
 2206 services.

2207 ~~j.10-~~ Publicity.

2208
 2209 Unequal aggregate expenditures for members of each gender or
 2210 unequal expenditures for male and female teams if a public
 2211 school or community college ~~K-20 educational institution~~
 2212 operates or sponsors separate teams do not constitute

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2213 nonimplementation of this subsection, but the Commissioner of
 2214 Education shall consider the failure to provide necessary funds
 2215 for teams for one gender in assessing equality of opportunity
 2216 for members of each gender.

2217 (e) A public school or community college ~~K-20 educational~~
 2218 ~~institution~~ may provide separate toilet, locker room, and shower
 2219 facilities on the basis of gender, but such facilities shall be
 2220 comparable to such facilities provided for students of the other
 2221 gender.

2222 (4) Public schools and community colleges ~~Educational~~
 2223 ~~institutions within the state public K-20 education system~~ shall
 2224 develop and implement methods and strategies to increase the
 2225 participation of students of a particular race, ethnicity,
 2226 national origin, gender, disability, or marital status in
 2227 programs and courses in which students of that particular race,
 2228 ethnicity, national origin, gender, disability, or marital
 2229 status have been traditionally underrepresented, including, but
 2230 not limited to, mathematics, science, computer technology,
 2231 electronics, communications technology, engineering, and career
 2232 education.

2233 (5) (a) The State Board of Education shall adopt rules to
 2234 implement this section as it relates to school districts and
 2235 community colleges.

2236 (b) The Board of Governors shall adopt rules to implement
 2237 this section as it relates to state universities.

2238 (6) The functions of the Office of Equal Educational
 2239 Opportunity of the Department of Education shall include, but
 2240 are not limited to:

2241 (a) Requiring all district school boards and, community
 2242 college boards of trustees, ~~and state university boards of~~
 2243 ~~trustees~~ to develop and submit plans for the implementation of
 2244 this section to the Department of Education.

2245 (b) Conducting periodic reviews of school districts and
 2246 community colleges ~~public K-20 educational agencies~~ to determine
 2247 compliance with this section and, after a finding that a school
 2248 district or a community college ~~an educational agency~~ is not in
 2249 compliance with this section, notifying the entity ~~agency~~ of the
 2250 steps that it must take to attain compliance and performing
 2251 followup monitoring.

2252 (c) Providing technical assistance, including assisting
 2253 school districts or community colleges ~~public K-20 educational~~
 2254 ~~agencies~~ in identifying unlawful discrimination and instructing
 2255 them in remedies for correction and prevention of such
 2256 discrimination and performing followup monitoring.

2257 (d) Conducting studies of the effectiveness of methods and
 2258 strategies designed to increase the participation of students in
 2259 programs and courses in which students of a particular race,
 2260 ethnicity, national origin, gender, disability, or marital
 2261 status have been traditionally underrepresented and monitoring
 2262 the success of students in such programs or courses, including
 2263 performing followup monitoring.

2264 (e) Requiring all district school boards and, community
 2265 college boards of trustees, ~~and state university boards of~~
 2266 ~~trustees~~ to submit data and information necessary to determine
 2267 compliance with this section. The Commissioner of Education
 2268 shall prescribe the format and the date for submission of such

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2269 data and any other educational equity data. If any board does
 2270 not submit the required compliance data or other required
 2271 educational equity data by the prescribed date, the commissioner
 2272 shall notify the board of this fact and, if the board does not
 2273 take appropriate action to immediately submit the required
 2274 report, the State Board of Education shall impose monetary
 2275 sanctions.

2276 (f) Based upon rules of the State Board of Education,
 2277 developing and implementing enforcement mechanisms with
 2278 appropriate penalties to ensure that public K-12 schools and,
 2279 community colleges, ~~and state universities~~ comply with Title IX
 2280 of the Education Amendments of 1972 and subsection (3) of this
 2281 section. However, the State Board of Education may not force a
 2282 public school or community college ~~an educational agency~~ to
 2283 conduct, nor penalize such entity ~~an educational agency~~ for not
 2284 conducting, a program of athletic activity or athletic
 2285 scholarship for female athletes unless it is an athletic
 2286 activity approved for women by a recognized association whose
 2287 purpose is to promote athletics and a conference or league
 2288 exists to promote interscholastic or intercollegiate competition
 2289 for women in that athletic activity.

2290 (g) Reporting to the Commissioner of Education any
 2291 district school board or, community college board of trustees,
 2292 ~~or state university board of trustees~~ found to be out of
 2293 compliance with rules of the State Board of Education adopted as
 2294 required by paragraph (f) or paragraph (3) (d). To penalize the
 2295 board, the State Board of Education shall:

- 2296 1. Declare the school district or community college

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2297 ~~educational agency~~ ineligible for competitive state grants.

2298 2. Notwithstanding the provisions of s. 216.192, direct
2299 the Chief Financial Officer to withhold general revenue funds
2300 sufficient to obtain compliance from the school district or
2301 community college ~~educational agency~~.

2302
2303 The school district or community college ~~educational agency~~
2304 shall remain ineligible and the funds shall not be paid until
2305 the institution ~~agency~~ comes into compliance or the State Board
2306 of Education approves a plan for compliance.

2307 Section 67. Subsection (8) is added to section 1000.21,
2308 Florida Statutes, to read:

2309 1000.21 Systemwide definitions.--As used in the Florida K-
2310 20 Education Code:

2311 (8) "Board of Governors" is the Board of Governors of the
2312 State University System.

2313 Section 68. Section 1001.02, Florida Statutes, is amended
2314 to read:

2315 1001.02 General powers of State Board of Education.--

2316 (1) The State Board of Education is the chief implementing
2317 and coordinating body of public education in Florida except for
2318 the State University System, and it shall focus on high-level
2319 policy decisions. It has authority to adopt rules pursuant to
2320 ss. 120.536(1) and 120.54 to implement the provisions of law
2321 conferring duties upon it for the improvement of the state
2322 system of K-20 public education except for the State University
2323 System. Except as otherwise provided herein, it may, as it finds
2324 appropriate, delegate its general powers to the Commissioner of

2325 Education or the directors of the divisions of the department.
 2326 (2) The State Board of Education has the following duties:
 2327 (a) To adopt comprehensive educational objectives for
 2328 public education except for the State University System.
 2329 (b) To adopt comprehensive long-range plans and short-
 2330 range programs for the development of the state system of public
 2331 education except for the State University System.
 2332 (c) To exercise general supervision over the divisions of
 2333 the Department of Education as necessary to ensure coordination
 2334 of educational plans and programs and resolve controversies and
 2335 to minimize problems of articulation and student transfers, to
 2336 ensure that students moving from one level of education to the
 2337 next have acquired competencies necessary for satisfactory
 2338 performance at that level, and to ensure maximum utilization of
 2339 facilities.
 2340 (d) To adopt, in consultation with the Board of Governors
 2341 ~~for state universities and community colleges~~, and from time to
 2342 time modify, minimum and uniform standards of college-level
 2343 communication and computation skills generally associated with
 2344 successful performance and progression through the baccalaureate
 2345 level and to identify college-preparatory high school coursework
 2346 and postsecondary-level coursework that prepares students with
 2347 the academic skills necessary to succeed in postsecondary
 2348 education.
 2349 (e) To adopt and submit to the Governor and Legislature,
 2350 as provided in s. 216.023 ~~on or before September 1 of each year~~,
 2351 a coordinated K-20 education budget that estimates the
 2352 expenditure requirements for the Board of Governors, as provided

2353 in s. 1001.706, the State Board of Education, including the
 2354 Department of Education and~~7~~ the Commissioner of Education, and
 2355 all of the boards, institutions, agencies, and services under
 2356 the general supervision of the Board of Governors, as provided
 2357 in s. 1001.706, or the State Board of Education for the ensuing
 2358 fiscal year. The State Board of Education may not amend the
 2359 budget request submitted by the Board of Governors. Any program
 2360 recommended by the Board of Governors or the State Board of
 2361 Education which will require increases in state funding for more
 2362 than 1 year must be presented in a multiyear budget plan.

2363 (f) To hold meetings, transact business, keep records,
 2364 adopt a seal, and, except as otherwise provided by law, perform
 2365 such other duties as may be necessary for the enforcement of ~~all~~
 2366 laws and rules relating to the state system of public education.

2367 (g) To approve plans for cooperating with the Federal
 2368 Government.

2369 (h) To approve plans for cooperating with other public
 2370 agencies in the development of rules and in the enforcement of
 2371 laws for which the state board and such agencies are jointly
 2372 responsible.

2373 (i) To review plans for cooperating with appropriate
 2374 nonpublic agencies for the improvement of conditions relating to
 2375 the welfare of schools.

2376 (j) To create such subordinate advisory bodies as are
 2377 required by law or as it finds necessary for the improvement of
 2378 education.

2379 (k) To constitute any education bodies or other structures
 2380 as required by federal law.

2381 (l) To assist in the economic development of the state by
 2382 developing a state-level planning process to identify future
 2383 training needs for industry, especially high-technology
 2384 industry.

2385 (m) To assist in the planning and economic development of
 2386 the state by establishing a clearinghouse for information on
 2387 educational programs of value to economic development.

2388 (n) To adopt cohesive rules pursuant to ss. 120.536(1) and
 2389 120.54, within statutory authority, ~~for education systemwide~~
 2390 ~~issues.~~

2391 (o) To authorize the allocation of resources in accordance
 2392 with law and rule.

2393 (p) To contract with independent institutions accredited
 2394 by an agency whose standards are comparable to the minimum
 2395 standards required to operate a postsecondary educational
 2396 institution at that level in the state. The purpose of the
 2397 contract is to provide those educational programs and facilities
 2398 which will meet needs unfulfilled by the state system of public
 2399 postsecondary education.

2400 (q) To recommend that a district school board take action
 2401 consistent with the state board's decision relating to an appeal
 2402 of a charter school application.

2403 (r) To enforce systemwide education goals and policies
 2404 except as otherwise provided by law.

2405 (s) To establish a detailed procedure for the
 2406 implementation and operation of a systemwide K-20 technology
 2407 plan that is based on a common set of data definitions.

2408 (t) To establish accountability standards for existing

2409 legislative performance goals, standards, and measures, and
 2410 order the development of mechanisms to implement new legislative
 2411 goals, standards, and measures.

2412 (u) To adopt criteria and implementation plans for future
 2413 growth issues, such as new community colleges and community
 2414 college universities and campus mergers, and to provide for
 2415 cooperative agreements between and within public and private
 2416 education sectors.

2417 (v) To develop, in conjunction with the Board of
 2418 Governors, and periodically review for adjustment, a coordinated
 2419 5-year plan for postsecondary enrollment and annually submit the
 2420 plan to the Legislature.

2421 ~~(w) To approve a new program at the professional level or~~
 2422 ~~doctoral level, if:~~

2423 1. ~~The university has taken into account the need and~~
 2424 ~~demand for the program, the university's mission, and similar~~
 2425 ~~program offerings by public and nonpublic counterparts.~~

2426 2. ~~The addition of the program will not alter the~~
 2427 ~~university's emphasis on undergraduate education.~~

2428 ~~(x) To review, and approve or disapprove, degree programs~~
 2429 ~~identified as unique pursuant to s. 1007.25.~~

2430 ~~(y) To recommend to the Legislature a plan for~~
 2431 ~~implementing block tuition programs and providing other~~
 2432 ~~incentives to encourage students to graduate within 4 years.~~

2433 ~~(3) The State Board of Education shall adopt rules to~~
 2434 ~~establish the criteria for assigning, reviewing, and removing~~
 2435 ~~limited access status to an educational program. The State Board~~
 2436 ~~of Education shall monitor the extent of limited access programs~~

2437 ~~within the state universities and report to the Legislature~~
2438 ~~admissions and enrollment data for limited access programs. Such~~
2439 ~~report shall be submitted annually by December 1 and shall~~
2440 ~~assist in determining the potential need for academic program~~
2441 ~~contracts with independent institutions pursuant to paragraph~~
2442 ~~(2)(p). The report must specify, for each limited access program~~
2443 ~~within each institution, the following categories, by race and~~
2444 ~~gender:~~

2445 ~~(a) The number of applicants.~~

2446 ~~(b) The number of applicants granted admission.~~

2447 ~~(c) The number of applicants who are granted admission and~~
2448 ~~enroll.~~

2449 ~~(d) The number of applicants denied admission.~~

2450 ~~(e) The number of applicants neither granted admission nor~~
2451 ~~denied admission.~~

2452
2453 ~~Each category must be reported for each term. Each category must~~
2454 ~~be reported by type of student, including the following~~
2455 ~~subcategories: native students, community college associate in~~
2456 ~~arts degree transfer students, and other students. Each category~~
2457 ~~and subcategory must further be reported according to the number~~
2458 ~~of students who meet or exceed the minimum eligibility~~
2459 ~~requirements for admission to the program and the number of~~
2460 ~~students who do not meet or exceed the minimum eligibility~~
2461 ~~requirements for admission to the program.~~

2462 ~~(4) The State Board of Education shall review, and approve~~
2463 ~~or disapprove, baccalaureate degree programs that exceed 120~~
2464 ~~semester hours, after considering accreditation requirements,~~

2465 ~~employment and earnings of graduates, comparative program~~
2466 ~~lengths nationally, and comparisons with similar programs~~
2467 ~~offered by independent institutions. By December 31 of each~~
2468 ~~year, the State Board of Education must report to the~~
2469 ~~Legislature any degrees in the state universities that require~~
2470 ~~more than 120 hours, along with appropriate evidence of need. At~~
2471 ~~least every 5 years, the State Board of Education must determine~~
2472 ~~whether the programs still require more than the standard length~~
2473 ~~of 120 hours.~~

2474 (3)(5)(a) The State Board of Education shall adopt a
2475 ~~systemwide~~ strategic plan that specifies goals and objectives
2476 for the state's public schools ~~state universities~~ and community
2477 colleges. ~~In developing this plan, the State Board of Education~~
2478 ~~shall consider the role of individual public and independent~~
2479 ~~institutions within the state.~~ The plan shall be formulated in
2480 conjunction with plans of the Board of Governors in order to
2481 provide for the roles of the universities and community colleges
2482 to be coordinated to best meet state needs and reflect cost-
2483 effective use of state resources. The strategic plan must
2484 clarify mission statements and identify degree programs to be
2485 offered at each ~~university and~~ community college in accordance
2486 with the objectives provided in this subsection. The ~~systemwide~~
2487 strategic plan must cover a period of 5 years, with modification
2488 of the program lists after 2 years. Development of each 5-year
2489 plan must be coordinated with and initiated after completion of
2490 the master plan. The ~~systemwide and university and community~~
2491 ~~college~~ strategic plans must specifically include programs and
2492 procedures for responding to the educational needs of teachers

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2493 and students in the public schools of this state. The state
 2494 board shall submit a report to the President of the Senate and
 2495 the Speaker of the House of Representatives upon modification of
 2496 the ~~system~~ plan.

2497 (b) The State Board of Education and the Board of
 2498 Governors shall jointly develop long-range plans and annual
 2499 reports for financial aid in this state. The long-range plans
 2500 shall establish goals and objectives for a comprehensive program
 2501 of financial aid for Florida students and shall be updated every
 2502 5 years. The annual report shall include programs administered
 2503 by the department as well as awards made from financial aid fee
 2504 revenues, any other funds appropriated by the Legislature for
 2505 financial assistance, and the value of tuition and fees waived
 2506 for students enrolled in a dual enrollment course at a public
 2507 postsecondary educational institution. The annual report shall
 2508 include an assessment of progress made in achieving goals and
 2509 objectives established in the long-range plans and
 2510 recommendations for repealing or modifying existing financial
 2511 aid programs or establishing new programs. A long-range plan
 2512 shall be submitted by January 1, 2004, and every 5 years
 2513 thereafter. An annual report shall be submitted on January 1,
 2514 2004, and in each successive year that a long-range plan is not
 2515 submitted, to the President of the Senate and the Speaker of the
 2516 House of Representatives.

2517 ~~(6) The State Board of Education shall coordinate the~~
 2518 ~~programs with the Council for Education Policy Research and~~
 2519 ~~Improvement, including doctoral programs. The programs shall be~~
 2520 ~~reviewed every 5 years or whenever the state board determines~~

2521 ~~that the effectiveness or efficiency of a program is~~
2522 ~~jeopardized. The State Board of Education shall define the~~
2523 ~~indicators of quality and the criteria for program review for~~
2524 ~~every program. Such indicators include need, student demand,~~
2525 ~~industry-driven competencies for advanced technology and related~~
2526 ~~programs, and resources available to support continuation. The~~
2527 ~~results of the program reviews must be tied to the university~~
2528 ~~and community college budget requests.~~

2529 (4)~~(7)~~ The State Board of Education shall:

2530 (a) Provide for each community college to offer
2531 educational training and service programs designed to meet the
2532 needs of both students and the communities served.

2533 (b) Specify, by rule, procedures to be used by the
2534 community college boards of trustees in the annual evaluations
2535 of presidents and review the evaluations of presidents by the
2536 boards of trustees.

2537 (c) Establish, in conjunction with the Board of Governors,
2538 an effective information system that will provide composite data
2539 concerning the community colleges and state universities and
2540 ensure that special analyses and studies concerning the
2541 institutions are conducted, as necessary, for provision of
2542 accurate and cost-effective information concerning the
2543 institutions.

2544 (d) Establish criteria for making recommendations for
2545 modifying district boundary lines for community colleges.

2546 (e) Establish criteria for making recommendations
2547 concerning all proposals for the establishment of additional
2548 centers or campuses for community colleges ~~and state~~

2549 ~~universities.~~

2550 (f) Examine the annual administrative review of each
2551 community college ~~and state university.~~

2552 (g) Specify, by rule, the college-credit degree program
2553 courses that may be taken by community college students
2554 concurrently enrolled in college-preparatory instruction.

2555 (h) Adopt and submit to the Legislature a 3-year list of
2556 priorities for fixed-capital-outlay projects. The State Board of
2557 Education may not amend the 3-year list of priorities of the
2558 Board of Governors.

2559 (5) ~~(8)~~ The State Board of Education is responsible for
2560 reviewing and administering the state program of support for the
2561 community colleges and, subject to existing law, shall establish
2562 the tuition and out-of-state fees for college-preparatory
2563 instruction and for credit instruction that may be counted
2564 toward an associate in arts degree, an associate in applied
2565 science degree, or an associate in science degree.

2566 (6) ~~(9)~~ The State Board of Education shall prescribe
2567 minimum standards, definitions, and guidelines for community
2568 colleges ~~and state universities~~ that will ensure the quality of
2569 education, coordination among the community colleges and state
2570 universities, and efficient progress toward accomplishing the
2571 community college ~~and state university~~ mission. At a minimum,
2572 these rules must address:

2573 (a) Personnel.

2574 (b) Contracting.

2575 (c) Program offerings and classification, including
2576 college-level communication and computation skills associated

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2577 with successful performance in college and with tests and other
2578 assessment procedures that measure student achievement of those
2579 skills. The performance measures must provide that students
2580 moving from one level of education to the next acquire the
2581 necessary competencies for that level.

2582 (d) Provisions for curriculum development, graduation
2583 requirements, college calendars, and program service areas.
2584 These provisions must include rules that:

2585 1. Provide for the award of an associate in arts degree to
2586 a student who successfully completes 60 semester credit hours at
2587 the community college.

2588 2. Require all of the credits accepted for the associate
2589 in arts degree to be in the statewide course numbering system as
2590 credits toward a baccalaureate degree offered by a state
2591 university or a community college.

2592 3. Require no more than 36 semester credit hours in
2593 general education courses in the subject areas of communication,
2594 mathematics, social sciences, humanities, and natural sciences.

2595
2596 The rules should encourage community colleges to enter into
2597 agreements with state universities that allow community college
2598 students to complete upper-division-level courses at a community
2599 college. An agreement may provide for concurrent enrollment at
2600 the community college and the state university and may authorize
2601 the community college to offer an upper-division-level course or
2602 distance learning.

2603 (e) Student admissions, conduct and discipline,
2604 nonclassroom activities, and fees.

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- 2605 (f) Budgeting.
- 2606 (g) Business and financial matters.
- 2607 (h) Student services.
- 2608 (i) Reports, surveys, and information systems, including
- 2609 forms and dates of submission.

2610 Section 69. Subsections (7), (8), (9), (10), and (13) of
 2611 section 1001.03, Florida Statutes, are amended to read:

2612 1001.03 Specific powers of State Board of Education.--

2613 (7) ARTICULATION ACCOUNTABILITY.--The State Board of
 2614 Education shall develop articulation accountability measures
 2615 that assess the status of systemwide articulation processes, in
 2616 conjunction with the Board of Governors regarding the State
 2617 University System, and shall establish an articulation
 2618 accountability process in accordance with the provisions of
 2619 chapter 1008, in conjunction with the Board of Governors
 2620 regarding the State University System.

2621 (8) SYSTEMWIDE ENFORCEMENT.--The State Board of Education
 2622 shall enforce compliance with law and state board rule by all
 2623 school districts and public postsecondary educational
 2624 institutions, except for the State University System, in
 2625 accordance with the provisions of s. 1008.32.

2626 (9) MANAGEMENT INFORMATION DATABASES.--The State Board of
 2627 Education, in conjunction with the Board of Governors regarding
 2628 the State University System, shall continue to collect and
 2629 maintain, at a minimum, the management information databases for
 2630 state universities, and all other components of the public K-20
 2631 education system as such databases existed on June 30, 2002.

2632 (10) COMMON PLACEMENT TESTING FOR PUBLIC POSTSECONDARY

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2633 EDUCATION.--The State Board of Education, in conjunction with
 2634 the Board of Governors, shall develop and implement a common
 2635 placement test to assess the basic computation and communication
 2636 skills of students who intend to enter a degree program at any
 2637 community college or state university.

2638 (13) CYCLIC REVIEW OF POSTSECONDARY ACADEMIC
 2639 PROGRAMS.--The State Board of Education shall provide for the
 2640 cyclic review of all academic programs in community colleges ~~and~~
 2641 ~~state universities~~ at least every 7 years. Program reviews shall
 2642 document how individual academic programs are achieving stated
 2643 student learning and program objectives within the context of
 2644 the institution's mission. The results of the program reviews
 2645 shall inform strategic planning, program development, and
 2646 budgeting decisions at the institutional level.

2647 Section 70. Section 1001.10, Florida Statutes, is amended
 2648 to read:

2649 1001.10 Commissioner of Education; general powers and
 2650 duties.--

2651 (1) The Commissioner of Education is the chief educational
 2652 officer of the state and the sole custodian of the K-20 data
 2653 warehouse, and is responsible for giving full assistance to the
 2654 State Board of Education in enforcing compliance with the
 2655 mission and goals of the ~~seamless~~ K-20 education system except
 2656 for the State University System.

2657 (2) The commissioner's office shall operate all statewide
 2658 functions necessary to support the State Board of Education,
 2659 including strategic planning and budget development, general
 2660 administration, assessment, and accountability.

2661 (3) To facilitate innovative practices and to allow local
2662 selection of educational methods, the State Board of Education
2663 may authorize the commissioner to waive, upon the request of a
2664 district school board, State Board of Education rules that
2665 relate to district school instruction and school operations,
2666 except those rules pertaining to civil rights, and student
2667 health, safety, and welfare. The Commissioner of Education is
2668 not authorized to grant waivers for any provisions in rule
2669 pertaining to the allocation and appropriation of state and
2670 local funds for public education; the election, compensation,
2671 and organization of school board members and superintendents;
2672 graduation and state accountability standards; financial
2673 reporting requirements; reporting of out-of-field teaching
2674 assignments under s. 1012.42; public meetings; public records;
2675 or due process hearings governed by chapter 120. No later than
2676 January 1 of each year, the commissioner shall report to the
2677 Legislature and the State Board of Education all approved waiver
2678 requests in the preceding year.

2679 (4) Additionally, the commissioner has the following
2680 general powers and duties:

2681 (a)~~(1)~~ To appoint staff necessary to carry out his or her
2682 powers and duties.

2683 (b)~~(2)~~ To advise and counsel with the State Board of
2684 Education on all matters pertaining to education; to recommend
2685 to the State Board of Education actions and policies as, in the
2686 commissioner's opinion, should be acted upon or adopted; and to
2687 execute or provide for the execution of all acts and policies as
2688 are approved.

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2689 (c)~~(3)~~ To keep such records as are necessary to set forth
 2690 clearly all acts and proceedings of the State Board of
 2691 Education.

2692 (d)~~(4)~~ To have a seal for his or her office with which, in
 2693 connection with his or her own signature, the commissioner shall
 2694 authenticate true copies of decisions, acts, or documents.

2695 (e)~~(5)~~ To recommend to the State Board of Education
 2696 policies and steps designed to protect and preserve the
 2697 principal of the State School Fund; to provide an assured and
 2698 stable income from the fund; to execute such policies and
 2699 actions as are approved; and to administer the State School
 2700 Fund.

2701 (f)~~(6)~~ To take action on the release of mineral rights
 2702 based upon the recommendations of the Board of Trustees of the
 2703 Internal Improvement Trust Fund.

2704 (g)~~(7)~~ To submit to the State Board of Education, on or
 2705 before October 1 ~~August 1~~ of each year, recommendations for a
 2706 coordinated K-20 education budget that estimates the
 2707 expenditures for the Board of Governors, the State Board of
 2708 Education, including the Department of Education and~~7~~ the
 2709 Commissioner of Education, and all of the boards, institutions,
 2710 agencies, and services under the general supervision of the
 2711 Board of Governors or the State Board of Education for the
 2712 ensuing fiscal year. Any program recommended to the State Board
 2713 of Education that will require increases in state funding for
 2714 more than 1 year must be presented in a multiyear budget plan.

2715 (h)~~(8)~~ To develop and implement a plan for cooperating
 2716 with the Federal Government in carrying out any or all phases of

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2717 the educational program and to recommend policies for
2718 administering funds that are appropriated by Congress and
2719 apportioned to the state for any or all educational purposes.
2720 The Commissioner of Education shall submit to the Legislature
2721 the proposed state plan for the reauthorization of the No Child
2722 Left Behind Act before the proposed plan is submitted to federal
2723 agencies. The President of the Senate and the Speaker of the
2724 House of Representatives shall appoint members of the
2725 appropriate education and appropriations committees to serve as
2726 a select committee to review the proposed plan.

2727 (i) ~~(9)~~ To develop and implement policies for cooperating
2728 with other public agencies in carrying out those phases of the
2729 program in which such cooperation is required by law or is
2730 deemed by the commissioner to be desirable and to cooperate with
2731 public and nonpublic agencies in planning and bringing about
2732 improvements in the educational program.

2733 (j) ~~(10)~~ To prepare forms and procedures as are necessary
2734 to be used by district school boards and all other educational
2735 agencies to assure uniformity, accuracy, and efficiency in the
2736 keeping of records, the execution of contracts, the preparation
2737 of budgets, or the submission of reports; and to furnish at
2738 state expense, when deemed advisable by the commissioner, those
2739 forms that can more economically and efficiently be provided.

2740 (k) ~~(11)~~ To implement a program of school improvement and
2741 education accountability designed to provide all students the
2742 opportunity to make adequate learning gains in each year of
2743 school as provided by statute and State Board of Education rule
2744 based upon the achievement of the state education goals,

2745 recognizing the following:

2746 ~~(a) The State Board of Education is the body corporate~~
 2747 ~~responsible for the supervision of the system of public~~
 2748 ~~education.~~

2749 1.(b) The district school board is responsible for school
 2750 and student performance.

2751 2.(e) The individual school is the unit for education
 2752 accountability.

2753 3.(d) The community college board of trustees is
 2754 responsible for community college performance and student
 2755 performance.

2756 ~~(c) The university board of trustees is responsible for~~
 2757 ~~university performance and student performance.~~

2758 (l)(12) To maintain ~~establish~~ a Citizen Information Center
 2759 responsible for the preparation, publication, and dissemination
 2760 ~~distribution~~ of user-friendly materials relating to the state's
 2761 ~~state system of seamless K-20 public education system, including~~
 2762 the state's K-12 scholarship programs and the Voluntary
 2763 Prekindergarten Education Program.

2764 (m)(13) To prepare and publish annually reports giving
 2765 statistics and other useful information pertaining to the
 2766 state's K-12 scholarship programs and the Voluntary
 2767 Prekindergarten Education Program ~~Opportunity Scholarship~~
 2768 ~~Program.~~

2769 (n)(14) To have printed or electronic copies of school
 2770 laws, forms, instruments, instructions, and rules of the State
 2771 Board of Education and provide for their distribution.

2772 (o)(15) To develop criteria for use by state instructional

2773 materials committees in evaluating materials submitted for
 2774 adoption consideration. The criteria shall, as appropriate, be
 2775 based on instructional expectations reflected in curriculum
 2776 frameworks and student performance standards. The criteria for
 2777 each subject or course shall be made available to publishers of
 2778 instructional materials pursuant to the requirements of chapter
 2779 1006.

2780 (p) ~~(16)~~ To prescribe procedures for evaluating
 2781 instructional materials submitted by publishers and
 2782 manufacturers in each adoption.

2783 (q) ~~(17)~~ To enter into agreement with Space Florida to
 2784 develop innovative aerospace-related education programs that
 2785 promote mathematics and science education for grades K-20.

2786
 2787 ~~The commissioner's office shall operate all statewide functions~~
 2788 ~~necessary to support the State Board of Education and the K-20~~
 2789 ~~education system, including strategic planning and budget~~
 2790 ~~development, general administration, and assessment and~~
 2791 ~~accountability.~~

2792 Section 71. Paragraphs (c) and (d) of subsection (1),
 2793 paragraph (a) of subsection (2), and subsection (3) of section
 2794 1001.11, Florida Statutes, are amended to read:

2795 1001.11 Commissioner of Education; other duties.--

2796 (1) The Commissioner of Education must independently
 2797 perform the following duties:

2798 (c) In cooperation with the Board of Governors, develop
 2799 and implement a process for receiving and processing requests,

2800 in conjunction with the Legislature, for the allocation of PECO
 2801 funds for qualified postsecondary education projects.

2802 (d) Integrally work with the boards of trustees of the
 2803 ~~state universities and~~ community colleges.

2804 (2) (a) The Commissioner of Education shall annually report
 2805 the state's educational performance on state and national
 2806 measures and shall recommend to the State Board of Education
 2807 performance goals addressing the educational needs of the state
 2808 ~~for the K-20 education system. The Council for Education Policy~~
 2809 ~~Research and Improvement, as an independent entity, shall~~
 2810 ~~develop a report card assigning grades to indicate Florida's~~
 2811 ~~progress toward meeting those goals. The annual report card~~
 2812 ~~shall contain information showing Florida's performance relative~~
 2813 ~~to other states on selected measures, as well as Florida's~~
 2814 ~~ability to meet the need for postsecondary degrees and programs~~
 2815 ~~and how well the Legislature has provided resources to meet this~~
 2816 ~~need. The information shall include the results of the National~~
 2817 ~~Assessment of Educational Progress or a similar national~~
 2818 ~~assessment program administered to students in Florida. By~~
 2819 ~~January 1 of each year, the Council for Education Policy~~
 2820 ~~Research and Improvement shall submit the report card to the~~
 2821 ~~Legislature, the Governor, and the public.~~

2822 ~~(b) Prior to the regular legislative session, the~~
 2823 ~~Commissioner of Education shall present to the Legislature a~~
 2824 ~~plan for correcting any deficiencies identified in the report~~
 2825 ~~card.~~

2826 (3) Notwithstanding any other provision of law to the
 2827 contrary, the Commissioner of Education, in conjunction with the

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2828 | Legislature, and the Board of Governors regarding the State
 2829 | University System, must recommend funding priorities for the
 2830 | distribution of capital outlay funds for public postsecondary
 2831 | educational institutions, based on priorities that include, but
 2832 | are not limited to, the following criteria:

- 2833 | (a) Growth at the institutions.
- 2834 | (b) Need for specific skills statewide.
- 2835 | (c) Need for maintaining and repairing existing
 2836 | facilities.

2837 | Section 72. Paragraph (e) of subsection (4) of section
 2838 | 1001.20, Florida Statutes, is amended to read:

2839 | 1001.20 Department under direction of state board.--

2840 | (4) The Department of Education shall establish the
 2841 | following offices within the Office of the Commissioner of
 2842 | Education which shall coordinate their activities with all other
 2843 | divisions and offices:

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

2856 the Florida School for the Deaf and the Blind, or the community
 2857 college, the office shall conduct, coordinate, or request
 2858 investigations into such substantiated allegations ~~made by any~~
 2859 ~~person relating to waste, fraud, or financial mismanagement~~
 2860 ~~within school districts, the Florida School for the Deaf and the~~
 2861 ~~Blind, community colleges, and state universities in Florida.~~
 2862 The office shall have access to all information and personnel
 2863 necessary to perform its duties and shall have all of its
 2864 current powers, duties, and responsibilities authorized in s.
 2865 20.055.

2866 Section 73. Section 1001.28, Florida Statutes, is amended
 2867 to read:

2868 1001.28 Distance learning duties.--The duties of the
 2869 Department of Education concerning distance learning include,
 2870 but are not limited to, the duty to:

2871 (1) Facilitate the implementation of a statewide
 2872 coordinated system and resource system for cost-efficient
 2873 advanced telecommunications services and distance education
 2874 which will increase overall student access to education.

2875 (2) Coordinate the use of existing resources, including,
 2876 but not limited to, the state's satellite transponders on the
 2877 education satellites, the SUNCOM Network, the Florida
 2878 Information Resource Network (FIRN), the Department of
 2879 Management Services, the Department of Corrections, and the
 2880 Department of Children and Family Services' satellite
 2881 communication facilities to support a statewide advanced
 2882 telecommunications services and distance learning network.

2883 (3) Assist in the coordination of the utilization of the

2884 production and uplink capabilities available through Florida's
 2885 public television stations, eligible facilities, independent
 2886 colleges and universities, private firms, and others as needed.

2887 (4) Seek the assistance and cooperation of Florida's cable
 2888 television providers in the implementation of the statewide
 2889 advanced telecommunications services and distance learning
 2890 network.

2891 (5) Seek the assistance and cooperation of Florida's
 2892 telecommunications carriers to provide affordable student access
 2893 to advanced telecommunications services and to distance
 2894 learning.

2895 (6) Coordinate partnerships for development, acquisition,
 2896 use, and distribution of distance learning.

2897 (7) Secure and administer funding for programs and
 2898 activities for distance learning from federal, state, local, and
 2899 private sources and from fees derived from services and
 2900 materials.

2901 (8) Manage the state's satellite transponder resources and
 2902 enter into lease agreements to maximize the use of available
 2903 transponder time. All net revenue realized through the leasing
 2904 of available transponder time, after deducting the costs of
 2905 performing the management function, shall be recycled to support
 2906 the public education distance learning in this state based upon
 2907 an allocation formula of one-third to the Department of
 2908 Education, one-third to community colleges, and one-third to
 2909 state universities.

2910 (9) Hire appropriate staff which may include a position
 2911 that shall be exempt from part II of chapter 110 and is included

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2912 in the Senior Management Service in accordance with s. 110.205.

2913
 2914 Nothing in this section shall be construed to abrogate,
 2915 supersede, alter, or amend the powers and duties of any state
 2916 agency, district school board, community college board of
 2917 trustees, university board of trustees, the Board of Governors,
 2918 or the State Board of Education.

2919 Section 74. Subsection (17) of section 1001.64, Florida
 2920 Statutes, is amended to read:

2921 1001.64 Community college boards of trustees; powers and
 2922 duties.--

2923 (17) Each board of trustees is accountable for performance
 2924 in certificate career education and diploma programs pursuant to
 2925 s. 1008.43 ~~1008.44~~.

2926 Section 75. Section 1001.70, Florida Statutes, is amended
 2927 to read:

2928 1001.70 Board of Governors of the State University
 2929 System.--

2930 (1) Pursuant to s. 7(d), Art. IX of the State
 2931 Constitution, the Board of Governors is established as a body
 2932 corporate comprised of 17 members as follows: 14 citizen members
 2933 appointed by the Governor subject to confirmation by the Senate;
 2934 the Commissioner of Education; the chair of the advisory council
 2935 of faculty senates or the equivalent; and the president of the
 2936 Florida student association or the equivalent. The appointed
 2937 members shall serve staggered 7-year terms. In order to achieve
 2938 staggered terms, beginning July 1, 2003, of the initial
 2939 appointments, 4 members shall serve 2-year terms, 5 members

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2940 shall serve 3-year terms, and 5 members shall serve 7-year
 2941 terms.

2942 (2) Members of the Board of Governors shall receive no
 2943 compensation but may be reimbursed for travel and per diem
 2944 expenses as provided in s. 112.061.

2945 (3) The Board of Governors, in exercising its authority
 2946 under the State Constitution and statutes, shall exercise its
 2947 authority in a manner that supports, promotes, and enhances a K-
 2948 20 education system that provides affordable access to
 2949 postsecondary educational opportunities for residents of the
 2950 state to the extent authorized by the State Constitution and
 2951 state law.

2952 Section 76. Section 1001.706, Florida Statutes, is created
 2953 to read:

2954 1001.706 Powers and duties of the Board of Governors.--

2955 (1) GENERAL PROVISIONS.--

2956 (a) For each constituent university, the Board of
 2957 Governors, or the board's designee, shall be responsible for
 2958 cost-effective policy decisions appropriate to the university's
 2959 mission, the implementation and maintenance of high-quality
 2960 education programs within law, the measurement of performance,
 2961 the reporting of information, and the provision of input
 2962 regarding state policy, budgeting, and education standards.

2963 (b) The Board of Governors shall adopt rules pursuant to
 2964 chapter 120 when acting pursuant to statutory authority derived
 2965 from the Legislature. The Board of Governors may adopt rules
 2966 pursuant to chapter 120 when exercising the powers, duties, and
 2967 authority granted by s. 7, Art. IX of the State Constitution.

2968 (2) POWERS AND DUTIES RELATING TO ORGANIZATION AND
 2969 OPERATION OF STATE UNIVERSITIES.--

2970 (a) The Board of Governors, or the board's designee, shall
 2971 develop guidelines and procedures related to data and
 2972 technology, including information systems, communications
 2973 systems, computer hardware and software, and networks.

2974 (b) The Board of Governors shall develop guidelines
 2975 relating to divisions of sponsored research, pursuant to the
 2976 provisions of s. 1004.22, to serve the function of
 2977 administration and promotion of the programs of research.

2978 (c) The Board of Governors shall prescribe conditions for
 2979 direct-support organizations and university health services
 2980 support organizations to be certified and to use university
 2981 property and services. Conditions relating to certification must
 2982 provide for audit review and oversight by the Board of
 2983 Governors.

2984 (d) The Board of Governors shall develop guidelines for
 2985 supervising faculty practice plans for the academic health
 2986 science centers.

2987 (e) The Board of Governors shall ensure that students at
 2988 state universities have access to general education courses as
 2989 provided in the statewide articulation agreement, pursuant to s.
 2990 1007.23.

2991 (f) The Board of Governors shall approve baccalaureate
 2992 degree programs that require more than 120 semester credit hours
 2993 of coursework prior to such programs being offered by a state
 2994 university. At least half of the required coursework for any
 2995 baccalaureate degree must be offered at the lower-division

2996 level, except in program areas approved by the Board of
 2997 Governors.

2998 (g) The Board of Governors, or the board's designee, shall
 2999 adopt a written antihazing policy, appropriate penalties for
 3000 violations of such policy, and a program for enforcing such
 3001 policy.

3002 (h) The Board of Governors, or the board's designee, may
 3003 establish a uniform code of conduct and appropriate penalties
 3004 for violations of its rules by students and student
 3005 organizations, including rules governing student academic
 3006 honesty. Such penalties, unless otherwise provided by law, may
 3007 include reasonable fines, the withholding of diplomas or
 3008 transcripts pending compliance with rules or payment of fines,
 3009 and the imposition of probation, suspension, or dismissal.

3010 (3) POWERS AND DUTIES RELATING TO FINANCE.--

3011 (a) The Board of Governors, or the board's designee, shall
 3012 account for expenditures of all state, local, federal, and other
 3013 funds. Such accounting systems shall have appropriate audit and
 3014 internal controls in place that will enable the constituent
 3015 universities to satisfactorily and timely perform all accounting
 3016 and reporting functions required by state and federal law and
 3017 rules.

3018 (b) The Board of Governors shall prepare the legislative
 3019 budget requests for the State University System, including a
 3020 request for fixed capital outlay, and submit them to the State
 3021 Board of Education for inclusion in the K-20 legislative budget
 3022 request. The Board of Governors shall provide the state
 3023 universities with fiscal policy guidelines, formats, and

3024 instruction for the development of individual university budget
 3025 requests.

3026 (c) The Board of Governors, or the board's designee, shall
 3027 establish tuition and fees pursuant to ss. 1009.24 and 1009.26.

3028 (d) The Board of Governors, or the board's designee, is
 3029 authorized to secure comprehensive general liability insurance
 3030 pursuant to s. 1004.24.

3031 (4) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.--

3032 (a) The Board of Governors shall develop a strategic plan
 3033 specifying goals and objectives for the State University System
 3034 and each constituent university.

3035 (b) The Board of Governors shall develop an accountability
 3036 plan for the State University System and each constituent
 3037 university.

3038 (c) The Board of Governors shall maintain an effective
 3039 information system to provide accurate, timely, and cost-
 3040 effective information about each university. The board shall
 3041 continue to collect and maintain, at a minimum, the management
 3042 information databases as such databases existed on June 30,
 3043 2002.

3044 (d) If the Board of Governors of the State University
 3045 System determines that a state university board of trustees is
 3046 unwilling or unable to address substantiated allegations made by
 3047 any person relating to waste, fraud, or financial mismanagement
 3048 within the state university, the Office of the Inspector General
 3049 shall investigate the allegations.

3050 (5) POWERS AND DUTIES RELATING TO PERSONNEL.--

3051 (a) The Board of Governors, or the board's designee, shall

3052 establish the personnel program for all employees of a state
 3053 university, including the president.

3054 (b) The Department of Management Services shall retain
 3055 authority over state university employees for programs
 3056 established in ss. 110.123, 110.161, 110.1232, 110.1234, and
 3057 110.1238 and in chapters 121, 122, and 238. Unless specifically
 3058 authorized by law, neither the Board of Governors nor a state
 3059 university may offer group insurance programs for employees as a
 3060 substitute for or as an alternative to the health insurance
 3061 programs offered pursuant to chapter 110.

3062 (c) Except as otherwise provided by law, university
 3063 employees are public employees for purposes of chapter 112 and
 3064 any payment for travel and per diem expenses shall not exceed
 3065 the level specified in s. 112.061.

3066 (6) POWERS AND DUTIES RELATING TO PROPERTY.--

3067 (a) The Board of Governors shall develop guidelines for
 3068 university boards of trustees relating to the acquisition of
 3069 real and personal property and the sale and disposal thereof and
 3070 the approval and execution of contracts for the purchase, sale,
 3071 lease, license, or acquisition of commodities, goods, equipment,
 3072 contractual services, leases of real and personal property, and
 3073 construction. The acquisition may include purchase by
 3074 installment or lease-purchase. Such contracts may provide for
 3075 payment of interest on the unpaid portion of the purchase price.
 3076 Title to all real property acquired prior to January 7, 2003,
 3077 and to all real property acquired with funds appropriated by the
 3078 Legislature shall be vested in the Board of Trustees of the
 3079 Internal Improvement Trust Fund and shall be transferred and

3080 conveyed by it. Notwithstanding any other provisions of this
 3081 subsection, each board of trustees shall comply with the
 3082 provisions of s. 287.055 for the procurement of professional
 3083 services as defined therein. Any acquisition pursuant to this
 3084 paragraph is subject to the provisions of s. 1010.62.

3085 (b) The Board of Governors shall develop guidelines for
 3086 university boards of trustees relating to the use, maintenance,
 3087 protection, and control of university-owned or university-
 3088 controlled buildings and grounds, property and equipment, name,
 3089 trademarks and other proprietary marks, and the financial and
 3090 other resources of the university. Such authority may include
 3091 placing restrictions on activities and on access to facilities,
 3092 firearms, food, tobacco, alcoholic beverages, distribution of
 3093 printed materials, commercial solicitation, animals, and sound.
 3094 The authority provided the board of trustees in this subsection
 3095 includes the prioritization of the use of space, property,
 3096 equipment, and resources and the imposition of charges for those
 3097 items.

3098 (c) The Board of Governors, or the board's designee, shall
 3099 administer a program for the maintenance and construction of
 3100 facilities pursuant to chapter 1013.

3101 (d) The Board of Governors, or the board's designee, shall
 3102 ensure compliance with the provisions of s. 287.09451 for all
 3103 procurement and ss. 255.101 and 255.102 for construction
 3104 contracts, and rules adopted pursuant thereto, relating to the
 3105 utilization of minority business enterprises, except that
 3106 procurements costing less than the amount provided for in
 3107 CATEGORY FIVE as provided in s. 287.017 shall not be subject to

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3108 s. 287.09451.

3109 (e) Notwithstanding the provisions of s. 253.025 but
3110 subject to the provisions of s. 1010.62, the Board of Governors,
3111 or the board's designee, may, with the consent of the Board of
3112 Trustees of the Internal Improvement Trust Fund, sell, convey,
3113 transfer, exchange, trade, or purchase real property and related
3114 improvements necessary and desirable to serve the needs and
3115 purposes of the university.

3116 1. The Board of Governors, or the board's designee, may
3117 secure appraisals and surveys. The Board of Governors, or the
3118 board's designee, shall comply with the rules of the Board of
3119 Trustees of the Internal Improvement Trust Fund in securing
3120 appraisals. Whenever the Board of Governors, or the board's
3121 designee, finds it necessary for timely property acquisition, it
3122 may contract, without the need for competitive selection, with
3123 one or more appraisers whose names are contained on the list of
3124 approved appraisers maintained by the Division of State Lands in
3125 the Department of Environmental Protection.

3126 2. The Board of Governors, or the board's designee, may
3127 negotiate and enter into an option contract before an appraisal
3128 is obtained. The option contract must state that the final
3129 purchase price may not exceed the maximum value allowed by law.
3130 The consideration for such an option contract may not exceed 10
3131 percent of the estimate obtained by the Board of Governors, or
3132 the board's designee, or 10 percent of the value of the parcel,
3133 whichever is greater, unless otherwise authorized by the Board
3134 of Governors or the board's designee.

3135 3. This paragraph is not intended to abrogate in any

3136 manner the authority delegated to the Board of Trustees of the
 3137 Internal Improvement Trust Fund or the Division of State Lands
 3138 to approve a contract for purchase of state lands or to require
 3139 policies and procedures to obtain clear legal title to parcels
 3140 purchased for state purposes. Title to property acquired by a
 3141 university board of trustees prior to January 7, 2003, and to
 3142 property acquired with funds appropriated by the Legislature
 3143 shall vest in the Board of Trustees of the Internal Improvement
 3144 Trust Fund.

3145 (f) The Board of Governors, or the board's designee, shall
 3146 prepare and adopt a campus master plan pursuant to s. 1013.30.

3147 (g) The Board of Governors, or the board's designee, shall
 3148 prepare, adopt, and execute a campus development agreement
 3149 pursuant to s. 1013.30.

3150 (h) Notwithstanding the provisions of s. 216.351, the
 3151 Board of Governors, or the board's designee, may authorize the
 3152 rent or lease of parking facilities provided that such
 3153 facilities are funded through parking fees or parking fines
 3154 imposed by a university. The Board of Governors, or the board's
 3155 designee, may authorize a university board of trustees to charge
 3156 fees for parking at such rented or leased parking facilities.

3157 (7) COMPLIANCE WITH LAWS, RULES, REGULATIONS, AND
 3158 REQUIREMENTS.--The Board of Governors has responsibility for
 3159 compliance with state and federal laws, rules, regulations, and
 3160 requirements.

3161 (8) COOPERATION WITH OTHER BOARDS.--The Board of Governors
 3162 shall implement a plan for working on a regular basis with the
 3163 State Board of Education, the Commission for Independent

3164 Education, the university boards of trustees, representatives of
 3165 the community college boards of trustees, representatives of the
 3166 private colleges and universities, and representatives of the
 3167 district school boards to achieve a seamless education system.

3168 (9) The Board of Governors is prohibited from assessing
 3169 any fee on state universities, unless specifically authorized by
 3170 law.

3171 Section 77. Subsections (3) and (4) of section 1001.71,
 3172 Florida Statutes, are amended to read:

3173 1001.71 University boards of trustees; membership.--

3174 (3) University boards of trustees are a part of the
 3175 executive branch of state government. ~~Each board of trustees~~
 3176 ~~shall select its chair and vice chair from the appointed members~~
 3177 ~~at its first regular meeting after July 1. The chair shall serve~~
 3178 ~~for 2 years and may be reselected for one additional consecutive~~
 3179 ~~term. The duties of the chair shall include presiding at all~~
 3180 ~~meetings of the board of trustees, calling special meetings of~~
 3181 ~~the board of trustees, and attesting to actions of the board of~~
 3182 ~~trustees. The duty of the vice chair is to act as chair during~~
 3183 ~~the absence or disability of the chair.~~

3184 ~~(4) The university president shall serve as executive~~
 3185 ~~officer and corporate secretary of the board of trustees and~~
 3186 ~~shall be responsible to the board of trustees for all operations~~
 3187 ~~of the university and for setting the agenda for meetings of the~~
 3188 ~~board of trustees in consultation with the chair.~~

3189 Section 78. Section 1001.72, Florida Statutes, is amended
 3190 to read:

3191 1001.72 University boards of trustees; boards to

3192 constitute a corporation.--

3193 (1) Each board of trustees shall be a public body
 3194 corporate by the name of "The (name of university) Board of
 3195 Trustees," with all the powers of a body corporate, including
 3196 the power to adopt a corporate seal, to contract and be
 3197 contracted with, to sue and be sued, to plead and be impleaded
 3198 in all courts of law or equity, and to give and receive
 3199 donations. In all suits against a board of trustees, service of
 3200 process shall be made on the chair of the board of trustees or,
 3201 in the absence of the chair, on the corporate secretary or
 3202 designee.

3203 ~~(2) It is the intent of the Legislature that the~~
 3204 ~~university boards of trustees are not departments of the~~
 3205 ~~executive branch of state government within the scope and~~
 3206 ~~meaning of s. 6, Art. IV of the State Constitution.~~

3207 (2)~~(3)~~ The corporation is constituted as a public
 3208 instrumentality, and the exercise by the corporation of the
 3209 power conferred by this section is considered to be the
 3210 performance of an essential public function. ~~The corporation~~
 3211 ~~shall constitute an agency for the purposes of s. 120.52. The~~
 3212 corporation is subject to chapter 119 and s. 24, Art. I of the
 3213 State Constitution, subject to exceptions applicable to the
 3214 corporation, and to the provisions of chapter 286; however, the
 3215 corporation shall be entitled to provide notice of internal
 3216 review committee meetings for competitive proposals or
 3217 procurement to applicants by mail or facsimile rather than by
 3218 means of publication. The corporation is not governed by chapter
 3219 607, but by the provisions of this part. The corporation shall

3220 maintain coverage under the State Risk Management Trust Fund as
 3221 provided in chapter 284.

3222 ~~(4) No bureau, department, division, agency, or~~
 3223 ~~subdivision of the state shall exercise any responsibility and~~
 3224 ~~authority to operate any state university except as specifically~~
 3225 ~~provided by law or rules of the State Board of Education. This~~
 3226 ~~section shall not prohibit any department, bureau, division,~~
 3227 ~~agency, or subdivision of the state from providing access to~~
 3228 ~~programs or systems or providing other assistance to a state~~
 3229 ~~university pursuant to an agreement between the board of~~
 3230 ~~trustees and such department, bureau, division, agency, or~~
 3231 ~~subdivision of the state.~~

3232 ~~(5) University boards of trustees shall be corporations~~
 3233 ~~primarily acting as instrumentalities or agencies of the state,~~
 3234 ~~pursuant to s. 768.28(2), for purposes of sovereign immunity.~~

3235 Section 79. Subsections (2) and (4) of section 1001.73,
 3236 Florida Statutes, are amended to read:

3237 1001.73 University board empowered to act as trustee.--

3238 (2) Deeds, mortgages, leases, and other contracts of the
 3239 university board of trustees relating to real property of any
 3240 such trust or any interest therein may be executed by the
 3241 university board of trustees, as trustee, in the same manner as
 3242 is provided by the laws of the state for the execution of
 3243 similar documents by other corporations or may be executed by
 3244 the signatures of a majority of the members of the board of
 3245 trustees; however, to be effective, any such deed, mortgage, or
 3246 lease contract for more than 10 years of any trust property,
 3247 executed hereafter by the university board of trustees, shall be

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3248 approved by a resolution of the Board of Governors ~~State Board~~
 3249 ~~of Education~~; and such approving resolution may be evidenced by
 3250 the signature of either the chair or the secretary of the Board
 3251 ~~of Governors~~ ~~State Board of Education~~ to an endorsement on the
 3252 instrument approved, reciting the date of such approval, and
 3253 bearing the seal of the Board of Governors ~~State Board of~~
 3254 ~~Education~~. Such signed and sealed endorsement shall be a part of
 3255 the instrument and entitled to record without further proof.

3256 (4) Nothing herein shall be construed to authorize a
 3257 university board of trustees to contract a debt on behalf of, or
 3258 in any way to obligate, the state; and the satisfaction of any
 3259 debt or obligation incurred by the university board as trustee
 3260 under the provisions of this section shall be exclusively from
 3261 the trust property, mortgaged or encumbered; and nothing herein
 3262 shall in any manner affect or relate to the provisions of ~~ss.~~
 3263 ~~1010.61-1010.619~~ ~~or~~ s. 1013.78; and any mortgage, lease, or
 3264 other agreement entered into pursuant to this section is subject
 3265 to the provisions of s. 1010.62.

3266 Section 80. Section 1001.74, Florida Statutes, is amended
 3267 to read:

3268 (Substantial rewording of section. See
 3269 s. 1001.74, F.S., for present text.)

3270 1001.74 Powers and duties of university boards of
 3271 trustees.--

3272 (1) GENERAL PROVISIONS.--

3273 (a) Pursuant to s. 7(c), Art. IX of the State Constitution
 3274 and except as otherwise provided by law, the Board of Governors
 3275 shall establish the powers and duties of the university boards

3276 of trustees.

3277 (b) To the extent delegated by the Board of Governors
 3278 pursuant to s. 1001.706, the boards of trustees shall be
 3279 responsible for cost-effective policy decisions appropriate to
 3280 the university's mission, the implementation and maintenance of
 3281 high-quality education programs within law and guidelines of the
 3282 Board of Governors, the measurement of performance, the
 3283 reporting of information, and the provision of input regarding
 3284 state policy, budgeting, and education standards.

3285 (c) Each board of trustees is vested with the authority to
 3286 govern its university as necessary to provide proper governance
 3287 and improvement of the university in accordance with law and
 3288 with guidelines of the Board of Governors.

3289 (d) Each board of trustees shall perform all duties
 3290 assigned by law or by the Board of Governors.

3291 (e) Each board of trustees shall adopt rules pursuant to
 3292 chapter 120 when acting pursuant to statutory authority derived
 3293 from the Legislature. Each board of trustees may adopt rules
 3294 pursuant to chapter 120 when exercising the powers, duties, and
 3295 authority granted by s. 7, Art. IX of the State Constitution.

3296 (2) POWERS AND DUTIES RELATING TO ORGANIZATION AND
 3297 OPERATION OF STATE UNIVERSITIES.--

3298 (a) Each board of trustees constitutes the contracting
 3299 agent of the university. Each university shall comply with the
 3300 provisions of s. 287.055 for the procurement of professional
 3301 services and may approve and execute all contracts for planning,
 3302 construction, and equipment. For the purpose of a university's
 3303 contracting authority, a "continuing contract" for professional

3304 services under the provisions of s. 287.055 is one in which
3305 construction costs do not exceed \$1 million or the fee for study
3306 activity does not exceed \$100,000. Contracts executed pursuant
3307 to this paragraph are subject to the requirements of s. 1010.62.

3308 (b) Each board of trustees shall submit to the Board of
3309 Governors, for approval, all new campuses and instructional
3310 centers.

3311 (c) Each board of trustees has responsibility for
3312 requiring no more than 120 semester hours of coursework for
3313 baccalaureate degree programs unless approved by the Board of
3314 Governors. At least half of the required coursework for any
3315 baccalaureate degree must be offered at the lower-division
3316 level, except in program areas approved by the Board of
3317 Governors.

3318 (d) Each board of trustees has responsibility for ensuring
3319 that students have access to general education courses as
3320 provided in the statewide articulation agreement, pursuant to s.
3321 1007.23.

3322 (e) To the extent delegated by the Board of Governors
3323 pursuant to s. 1001.706, each board of trustees shall adopt a
3324 written antihazing policy, appropriate penalties for violations
3325 of such policy, and a program for enforcing such policy.

3326 (f) To the extent delegated by the Board of Governors
3327 pursuant to s. 1001.706, each board of trustees shall establish
3328 a uniform code of conduct and appropriate penalties for
3329 violations of its rules by students and student organizations,
3330 including rules governing student academic honesty. Such
3331 penalties, unless otherwise provided by law, may include

3332 reasonable fines, the withholding of diplomas or transcripts
 3333 pending compliance with rules or payment of fines, and the
 3334 imposition of probation, suspension, or dismissal.

3335 (g) Each board of trustees is authorized to create
 3336 divisions of sponsored research pursuant to the provisions of s.
 3337 1004.22 and guidelines of the Board of Governors to serve the
 3338 function of administration and promotion of the programs of
 3339 research.

3340 (h) Each board of trustees may develop and produce work
 3341 products relating to educational endeavors that are subject to
 3342 trademark, copyright, or patent statutes pursuant to s. 1004.23.

3343 (i) To the extent delegated by the Board of Governors
 3344 pursuant to s. 1001.706, each board of trustees shall develop
 3345 guidelines and procedures related to data and technology,
 3346 including information systems, communications systems, computer
 3347 hardware and software, and networks.

3348 (j) Each board of trustees shall govern traffic on its
 3349 campus pursuant to s. 1006.66.

3350 (k) A board of trustees has responsibility for supervising
 3351 faculty practice plans for the academic health science centers
 3352 pursuant to guidelines of the Board of Governors.

3353 (l) Each board of trustees may certify direct-support
 3354 organizations and university health services support
 3355 organizations to use university property and services in
 3356 accordance with guidelines of the Board of Governors.

3357 (m) Each board of trustees may establish educational
 3358 research centers for child development pursuant to s. 1011.48.

3359 (3) POWERS AND DUTIES RELATING TO FINANCE.--

3360 (a) To the extent delegated by the Board of Governors
 3361 pursuant to s. 1001.706, each board of trustees shall account
 3362 for expenditures of all state, local, federal, and other funds.
 3363 Such accounting systems shall have appropriate audit and
 3364 internal controls in place that will enable the university to
 3365 satisfactorily and timely perform all accounting and reporting
 3366 functions required by state and federal law and rules.

3367 (b) Each board of trustees shall submit an institutional
 3368 budget request, including a request for fixed capital outlay,
 3369 and an operating budget to the Board of Governors for approval
 3370 in accordance with guidelines established by the Board of
 3371 Governors.

3372 (c) To the extent delegated by the Board of Governors
 3373 pursuant to s. 1001.706, each board of trustees shall establish
 3374 tuition and fees pursuant to ss. 1009.24 and 1009.26.

3375 (d) To the extent delegated by the Board of Governors
 3376 pursuant to s. 1001.706, each board of trustees is authorized to
 3377 secure comprehensive general liability insurance pursuant to s.
 3378 1004.24.

3379 (e) Each board of trustees may provide for payment of the
 3380 costs of civil actions against officers, employees, or agents of
 3381 the board pursuant to s. 1012.965.

3382 (f) Each board of trustees may enter into agreements for,
 3383 and accept, credit card payments as compensation for goods,
 3384 services, tuition, and fees.

3385 (4) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.--

3386 (a) Each board of trustees shall develop a strategic plan
 3387 specifying institutional goals and objectives for the university

3388 for recommendation to and approval by the Board of Governors.

3389 (b) Each board of trustees shall develop an accountability
 3390 plan pursuant to guidelines established by the Board of
 3391 Governors.

3392 (c) Each board of trustees shall maintain an effective
 3393 information system to provide accurate, timely, and cost-
 3394 effective information about the university pursuant to
 3395 guidelines of the Board of Governors.

3396 (5) POWERS AND DUTIES RELATING TO PERSONNEL.--

3397 (a) To the extent delegated by the Board of Governors
 3398 pursuant to s. 1001.706, each board of trustees shall establish
 3399 the personnel program for all employees of the university,
 3400 including the president.

3401 (b) The Department of Management Services shall retain
 3402 authority over state university employees for programs
 3403 established in ss. 110.123, 110.161, 110.1232, 110.1234, and
 3404 110.1238 and in chapters 121, 122, and 238. Unless specifically
 3405 authorized by law, neither the Board of Governors nor a state
 3406 university may offer group insurance programs for employees as a
 3407 substitute for or as an alternative to the health insurance
 3408 programs offered pursuant to chapter 110.

3409 (c) Except as otherwise provided by law, university
 3410 employees are public employees for purposes of chapter 112 and
 3411 the payment for travel and per diem shall not exceed the level
 3412 specified in s. 112.061.

3413 (6) POWERS AND DUTIES RELATING TO PROPERTY.--

3414 (a) Each board of trustees shall have the authority to
 3415 acquire real and personal property and contract for its sale and

3416 disposal and approve and execute contracts for the purchase,
 3417 sale, lease, license, or acquisition of commodities, goods,
 3418 equipment, contractual services, leases of real and personal
 3419 property, and construction in accordance with law and guidelines
 3420 of the Board of Governors. The acquisition may include purchase
 3421 by installment or lease-purchase. Such contracts may provide for
 3422 payment of interest on the unpaid portion of the purchase price.
 3423 Title to all real property acquired prior to January 7, 2003,
 3424 and to all real property acquired with funds appropriated by the
 3425 Legislature shall be vested in the Board of Trustees of the
 3426 Internal Improvement Trust Fund and shall be transferred and
 3427 conveyed by it. Notwithstanding any other provisions of this
 3428 subsection, each board of trustees shall comply with the
 3429 provisions of s. 287.055 for the procurement of professional
 3430 services as defined therein. Any acquisition pursuant to this
 3431 paragraph is subject to the provisions of s. 1010.62.

3432 (b) Each board of trustees shall have responsibility for
 3433 the use, maintenance, protection, and control of university-
 3434 owned or university-controlled buildings and grounds, property
 3435 and equipment, name, trademarks and other proprietary marks, and
 3436 the financial and other resources of the university pursuant to
 3437 guidelines of the Board of Governors. Such authority may include
 3438 placing restrictions on activities and on access to facilities,
 3439 firearms, food, tobacco, alcoholic beverages, distribution of
 3440 printed materials, commercial solicitation, animals, and sound.
 3441 The authority vested in the board of trustees in this subsection
 3442 includes the prioritization of the use of space, property,
 3443 equipment, and resources and the imposition of charges for those

3444 items.

3445 (c) To the extent delegated by the Board of Governors
3446 pursuant to s. 1001.706, each board of trustees shall administer
3447 a program for the maintenance and construction of facilities
3448 pursuant to chapter 1013.

3449 (d) To the extent delegated by the Board of Governors
3450 pursuant to s. 1001.706, each board of trustees shall ensure
3451 compliance with the provisions of s. 287.09451 for all
3452 procurement and ss. 255.101 and 255.102 for construction
3453 contracts, and rules adopted pursuant thereto, relating to the
3454 utilization of minority business enterprises, except that
3455 procurements costing less than the amount provided for in
3456 CATEGORY FIVE as provided in s. 287.017 shall not be subject to
3457 s. 287.09451.

3458 (e) Each board of trustees may exercise the right of
3459 eminent domain pursuant to the provisions of chapter 1013. Any
3460 suits or actions brought by the board of trustees shall be
3461 brought in the name of the board of trustees, and the Department
3462 of Legal Affairs shall conduct the proceedings for, and act as
3463 the counsel of, the board of trustees.

3464 (f) Notwithstanding the provisions of s. 253.025 but
3465 subject to the provisions of s. 1010.62, each board of trustees
3466 may, to the extent delegated by the Board of Governors pursuant
3467 to s. 1001.706 and with the consent of the Board of Trustees of
3468 the Internal Improvement Trust Fund, sell, convey, transfer,
3469 exchange, trade, or purchase real property and related
3470 improvements necessary and desirable to serve the needs and
3471 purposes of the university.

3472 1. To the extent delegated by the Board of Governors
 3473 pursuant to s. 1001.706, each board of trustees may secure
 3474 appraisals and surveys. The board of trustees shall comply with
 3475 the rules of the Board of Trustees of the Internal Improvement
 3476 Trust Fund in securing appraisals. Whenever the board of
 3477 trustees finds it necessary for timely property acquisition, it
 3478 may contract, without the need for competitive selection, with
 3479 one or more appraisers whose names are contained on the list of
 3480 approved appraisers maintained by the Division of State Lands in
 3481 the Department of Environmental Protection.

3482 2. To the extent delegated by the Board of Governors
 3483 pursuant to s. 1001.706, each board of trustees may negotiate
 3484 and enter into an option contract before an appraisal is
 3485 obtained. The option contract must state that the final purchase
 3486 price may not exceed the maximum value allowed by law. The
 3487 consideration for such an option contract may not exceed 10
 3488 percent of the estimate obtained by the board of trustees or 10
 3489 percent of the value of the parcel, whichever is greater, unless
 3490 otherwise authorized by the board of trustees.

3491 3. This paragraph is not intended to abrogate in any
 3492 manner the authority delegated to the Board of Trustees of the
 3493 Internal Improvement Trust Fund or the Division of State Lands
 3494 to approve a contract for purchase of state lands or to require
 3495 policies and procedures to obtain clear legal title to parcels
 3496 purchased for state purposes. Title to property acquired by a
 3497 university board of trustees prior to January 7, 2003, and to
 3498 property acquired with funds appropriated by the Legislature
 3499 shall vest in the Board of Trustees of the Internal Improvement

3500 Trust Fund.

3501 (g) To the extent delegated by the Board of Governors
 3502 pursuant to s. 1001.706, each board of trustees shall prepare
 3503 and adopt a campus master plan pursuant to s. 1013.30.

3504 (h) To the extent delegated by the Board of Governors
 3505 pursuant to s. 1001.706, each board of trustees shall prepare,
 3506 adopt, and execute a campus development agreement pursuant to s.
 3507 1013.30.

3508 (i) Notwithstanding the provisions of s. 216.351 and to
 3509 the extent delegated by the Board of Governors pursuant to s.
 3510 1001.706, a board of trustees may authorize the rent or lease of
 3511 parking facilities, provided that such facilities are funded
 3512 through parking fees or parking fines imposed by a university.
 3513 With authorization from the Board of Governors, a board of
 3514 trustees may charge fees for parking at such rented or leased
 3515 parking facilities.

3516 (j) Each board of trustees shall adjust property records
 3517 and dispose of state-owned tangible property in the university's
 3518 custody in accordance with procedures established by the board
 3519 of trustees in accordance with the provisions of chapter 273.
 3520 Notwithstanding the provisions of s. 273.055(5), all moneys
 3521 received from the disposition of state-owned tangible personal
 3522 property shall be retained by the university and disbursed for
 3523 the acquisition of tangible personal property and for all
 3524 necessary operating expenditures. The university shall maintain
 3525 records of the accounts into which such moneys are deposited.

3526 (7) COMPLIANCE WITH LAWS, RULES, REGULATIONS, AND
 3527 REQUIREMENTS.--Each board of trustees has responsibility for

3528 compliance with state and federal laws, rules, regulations, and
 3529 requirements.

3530 (8) OTHER POWERS AND DUTIES.--A board of trustees shall
 3531 perform such other duties as are provided by law or at the
 3532 direction of the Board of Governors.

3533 (9) DELEGATION OF POWERS AND DUTIES.--If the Board of
 3534 Governors has the power to, and does, delegate a power or duty
 3535 to a university board of trustees as the designee, the
 3536 rulemaking authority of the Board of Governors for that power or
 3537 duty is included in the delegation.

3538 Section 81. Paragraph (a) of subsection (2) and subsection
 3539 (4) of section 1002.35, Florida Statutes, are amended to read:

3540 1002.35 New World School of the Arts.--

3541 (2)(a) For purposes of governance, the New World School of
 3542 the Arts is assigned to Miami-Dade ~~Community~~ College, the Dade
 3543 County School District, and one or more universities designated
 3544 by the State Board of Education. The State Board of Education,
 3545 in conjunction with the Board of Governors, shall assign to the
 3546 New World School of the Arts a university partner or partners.
 3547 In this selection, the State Board of Education and the Board of
 3548 Governors shall consider the accreditation status of the core
 3549 programs. Florida International University, in its capacity as
 3550 the provider of university services to Dade County, shall be a
 3551 partner to serve the New World School of the Arts, upon meeting
 3552 the accreditation criteria. The respective boards shall appoint
 3553 members to an executive board for administration of the school.
 3554 The executive board may include community members and shall
 3555 reflect proportionately the participating institutions. Miami-

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3556 Dade ~~Community~~ College shall serve as fiscal agent for the
3557 school.

3558 (4) The State Board of Education and the Board of
3559 Governors shall utilize resources, programs, and faculty from
3560 the various state universities in planning and providing the
3561 curriculum and courses at the New World School of the Arts,
3562 drawing on program strengths at each state university.

3563 Section 82. Subsection (8) of section 1002.41, Florida
3564 Statutes, is amended to read:

3565 1002.41 Home education programs.--

3566 (8) Home education students are eligible for admission to
3567 state universities in accordance with the policies and
3568 guidelines of the Board of Governors ~~provisions of s. 1007.261.~~

3569 Section 83. Subsections (1) and (3) of section 1004.03,
3570 Florida Statutes, are amended to read:

3571 1004.03 Program approval.--

3572 (1) The Board of Governors ~~State Board of Education~~ shall
3573 establish criteria for the approval of new programs at state
3574 universities that will receive any support from tuition and fees
3575 assessed pursuant to s. 1009.24 or from funds appropriated by
3576 the Legislature through the General Appropriations Act or other
3577 law. These, which criteria include, but are not limited to, the
3578 following:

3579 (a) New programs may not be approved unless the same
3580 objectives cannot be met through use of educational technology.

3581 (b) Unnecessary duplication of programs offered by public
3582 and independent institutions shall be avoided.

3583 (c) Cooperative programs, particularly within regions,

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3584 should be encouraged.

3585 (d) New programs shall be approved only if they are
 3586 consistent with the strategic plan ~~state master plans~~ adopted by
 3587 the Board of Governors ~~State Board of Education~~.

3588 (e) A new graduate-level program or professional-level
 3589 program may be approved if:

3590 1. The university has taken into account the offerings of
 3591 its counterparts, including institutions in other sectors,
 3592 particularly at the regional level.

3593 2. The addition of the program will not alter the emphasis
 3594 on undergraduate education.

3595 3. The regional need and demand for the ~~graduate~~ program
 3596 was addressed and the community needs are obvious.

3597 (3) New colleges, schools, or functional equivalents of
 3598 any program that leads ~~leading~~ to a degree that is offered as a
 3599 credential for a specific license granted under the Florida
 3600 Statutes or the State Constitution and that will receive any
 3601 support from tuition and fees or from funds appropriated by the
 3602 Legislature through the General Appropriations Act or other law
 3603 shall not be established without the specific approval of the
 3604 Legislature.

3605 Section 84. Paragraph (b) of subsection (5) of section
 3606 1004.04, Florida Statutes, is amended to read:

3607 1004.04 Public accountability and state approval for
 3608 teacher preparation programs.--

3609 (5) CONTINUED PROGRAM APPROVAL.--Notwithstanding
 3610 subsection (4), failure by a public or nonpublic teacher
 3611 preparation program to meet the criteria for continued program

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3612 approval shall result in loss of program approval. The
3613 Department of Education, in collaboration with the departments
3614 and colleges of education, shall develop procedures for
3615 continued program approval that document the continuous
3616 improvement of program processes and graduates' performance.

3617 (b) Additional criteria for continued program approval for
3618 public institutions may be approved by the State Board of
3619 Education. Such criteria must emphasize instruction in classroom
3620 management and must provide for the evaluation of the teacher
3621 candidates' performance in this area. The criteria shall also
3622 require instruction in working with underachieving students.
3623 Program evaluation procedures must include, but are not limited
3624 to, program graduates' satisfaction with instruction and the
3625 program's responsiveness to local school districts. Additional
3626 criteria for continued program approval for nonpublic
3627 institutions shall be developed in the same manner as for public
3628 institutions; however, such criteria must be based upon
3629 significant, objective, and quantifiable graduate performance
3630 measures. Responsibility for collecting data on outcome measures
3631 through survey instruments and other appropriate means shall be
3632 shared by the postsecondary educational institutions and the
3633 Department of Education. By January 1 of each year, the
3634 Department of Education shall report this information for each
3635 postsecondary educational institution that has state-approved
3636 programs of teacher education to the Governor, the State Board
3637 of Education, the Board of Governors, the Commissioner of
3638 Education, the President of the Senate, the Speaker of the House
3639 of Representatives, all Florida postsecondary teacher

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3640 preparation programs, and interested members of the public. This
3641 report must analyze the data and make recommendations for
3642 improving teacher preparation programs in the state.

3643 Section 85. Section 1004.07, Florida Statutes, is amended
3644 to read:

3645 1004.07 Student withdrawal from courses due to military
3646 service; effect.--

3647 (1) Each district school board, community college ~~district~~
3648 board of trustees, and state university board of trustees shall
3649 establish, ~~by rule and pursuant to guidelines of the State Board~~
3650 ~~of Education,~~ policies regarding currently enrolled students who
3651 are called to, or enlist in, active military service.

3652 (2) Such policies shall provide that any student enrolled
3653 in a postsecondary course or courses at a career center, a
3654 public community college, a public college, or a state
3655 university shall not incur academic or financial penalties by
3656 virtue of performing military service on behalf of our country.
3657 Such student shall be permitted the option of either completing
3658 the course or courses at a later date without penalty or
3659 withdrawing from the course or courses with a full refund of
3660 fees paid. If the student chooses to withdraw, the student's
3661 record shall reflect that the withdrawal is due to active
3662 military service.

3663 (3) Policies of district school boards and community
3664 college boards of trustees shall be established by rule and
3665 pursuant to guidelines of the State Board of Education.

3666 (4) Policies of state university boards of trustees shall
3667 be established by rule and pursuant to guidelines of the Board

3668 of Governors.

3669 Section 86. Section 1004.21, Florida Statutes, is amended
3670 to read:

3671 (Substantial rewording of section. See
3672 s. 1004.21, F.S., for present text.)

3673 1004.21 State universities; general provisions.--State
3674 universities are part of the executive branch of state
3675 government and are administered by a board of trustees as
3676 provided in s. 1001.74.

3677 Section 87. Subsections (1), (2), (6), and (7) of section
3678 1004.22, Florida Statutes, are amended to read:

3679 1004.22 Divisions of sponsored research at state
3680 universities.--

3681 (1) Each university is authorized to create, in accordance
3682 with guidelines of the Board of Governors ~~as it deems advisable,~~
3683 divisions of sponsored research which will serve the function of
3684 administration and promotion of the programs of research,
3685 including sponsored training programs, of the university at
3686 which they are located. ~~A division of sponsored research created~~
3687 ~~under the provisions of this section shall be under the~~
3688 ~~supervision of the president of that university.~~

3689 (2) The university shall set such policies to regulate the
3690 activities of the divisions of sponsored research as it may
3691 consider necessary ~~to effectuate the purposes of this act and to~~
3692 administer the research programs in a manner which assures
3693 efficiency and effectiveness, producing the maximum benefit for
3694 the educational programs and maximum service to the state. To
3695 this end, materials that relate to methods of manufacture or

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3696 production, potential trade secrets, potentially patentable
3697 material, actual trade secrets, business transactions, or
3698 proprietary information received, generated, ascertained, or
3699 discovered during the course of research conducted within the
3700 state universities shall be confidential and exempt from the
3701 provisions of s. 119.07(1), except that a division of sponsored
3702 research shall make available upon request the title and
3703 description of a research project, the name of the researcher,
3704 and the amount and source of funding provided for such project.

3705 (6) (a) Each university shall submit to the Board of
3706 Governors ~~State Board of Education~~ a report of the activities of
3707 each division of sponsored research together with an estimated
3708 budget for the next fiscal year.

3709 (b) Not less than 90 days prior to the convening of each
3710 regular session of the Legislature in which an appropriation
3711 shall be made, the Board of Governors ~~State Board of Education~~
3712 shall submit to the chair of the appropriations committee of
3713 each house of the Legislature a compiled report, together with a
3714 compiled estimated budget for the next fiscal year. A copy of
3715 such report and estimated budget shall be furnished to the
3716 Governor, as the chief budget officer of the state.

3717 (7) All purchases of a division of sponsored research
3718 shall be made in accordance with the policies and procedures of
3719 the university pursuant to guidelines of the Board of Governors;
3720 however, upon certification addressed to the university
3721 president that it is necessary for the efficient or expeditious
3722 prosecution of a research project, the president may exempt the
3723 purchase of material, supplies, equipment, or services for

3724 research purposes from the general purchasing requirement of the
 3725 Florida Statutes.

3726 Section 88. Section 1004.24, Florida Statutes, is amended
 3727 to read:

3728 1004.24 Board of Governors, or the board's designee, State
 3729 ~~Board of Education~~ authorized to secure liability insurance.--

3730 (1) The Board of Governors, or the board's designee, State
 3731 ~~Board of Education~~ is authorized to secure, or otherwise provide
 3732 as a self-insurer, or by a combination thereof, comprehensive
 3733 general liability insurance, including professional liability
 3734 for health care and veterinary sciences, for:

3735 (a) The Board of Governors ~~State Board of Education~~ and
 3736 its officers and members.

3737 (b) A university board of trustees and its officers and
 3738 members.

3739 (c) The faculty and other employees and agents of a
 3740 university board of trustees.

3741 (d) The students of a state university.

3742 (e) A state university or any college, school, institute,
 3743 center, or program thereof.

3744 (f) Any not-for-profit corporation organized pursuant to
 3745 chapter 617, and the directors, officers, employees, and agents
 3746 thereof, which is affiliated with a state university, if the
 3747 corporation is operated for the benefit of the state university
 3748 in a manner consistent with the best interests of the state, and
 3749 if such participation is approved by a self-insurance program
 3750 council, the university president, and the board of trustees.

3751 (2) In the event the Board of Governors, or the board's

3752 designee, ~~State Board of Education~~ adopts a self-insurance
 3753 program, a governing council chaired by the vice president for
 3754 health affairs or his or her academic equivalent shall be
 3755 established to administer the program and its duties and
 3756 responsibilities, including the administration of self-insurance
 3757 program assets and expenditure policies, which shall be defined
 3758 in rules as authorized by this section. The council shall have
 3759 an annual actuary review performed to establish funding
 3760 requirements to maintain the fiscal integrity of the self-
 3761 insurance program. The assets of a self-insurance program shall
 3762 be deposited outside the State Treasury and shall be
 3763 administered in accordance with rules as authorized by this
 3764 section.

3765 (3) Any self-insurance program created under this section
 3766 shall be funded by the entities and individuals protected by
 3767 such program. There shall be no funds appropriated to any self-
 3768 insurance program. The assets of the self-insurance program
 3769 shall be the property of the board that adopts the self-
 3770 insurance program ~~State Board of Education~~ and shall be used
 3771 only to pay the administrative expenses of the self-insurance
 3772 program and to pay any claim, judgment, or claims bill arising
 3773 out of activities for which the self-insurance program was
 3774 created. Investment income that is in excess of that income
 3775 necessary to ensure the solvency of a self-insurance program as
 3776 established by a casualty actuary may be used to defray the
 3777 annual contribution paid into the program by the entities and
 3778 individuals protected by the program.

3779 (4) No self-insurance program adopted by the Board of

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3780 Governors, or the board's designee, ~~State Board of Education~~ may
 3781 sue or be sued. The claims files of any such program are
 3782 privileged and confidential, exempt from the provisions of s.
 3783 119.07(1), and are only for the use of the program in fulfilling
 3784 its duties. Any self-insurance trust fund and revenues generated
 3785 by that fund shall only be used to pay claims and administration
 3786 expenses.

3787 (5) Each self-insurance program council shall make
 3788 provision for an annual financial audit pursuant to s. 11.45 of
 3789 its accounts to be conducted by an independent certified public
 3790 accountant. The annual audit report must include a management
 3791 letter and shall be submitted to the Board of Governors and the
 3792 university board of trustees ~~State Board of Education~~ for
 3793 review. The Board of Governors ~~State Board of Education~~ shall
 3794 have the authority to require and receive from the self-
 3795 insurance program council or from its independent auditor any
 3796 detail or supplemental data relative to the operation of the
 3797 self-insurance program.

3798 ~~(6) The State Board of Education may make such rules as~~
 3799 ~~are necessary to carry out the provisions of this section.~~

3800 Section 89. Paragraph (c) is added to subsection (1) of
 3801 section 1004.28, Florida Statutes, and paragraph (b) of
 3802 subsection (2) and subsections (5), (6), and (7) of that section
 3803 are amended, to read:

3804 1004.28 Direct-support organizations; use of property;
 3805 board of directors; activities; audit; facilities.--

3806 (1) DEFINITIONS.--For the purposes of this section:

3807 (c) "Property" does not include student fee revenues

3808 collected pursuant to s. 1009.24.

3809 (2) USE OF PROPERTY.--

3810 (b) The board of trustees, in accordance with rules and
 3811 guidelines of the Board of Governors, shall prescribe by rule
 3812 conditions with which a university direct-support organization
 3813 must comply in order to use property, facilities, or personal
 3814 services at any state university. Such rules shall provide for
 3815 budget and audit review and oversight by the board of trustees.

3816 (5) ANNUAL AUDIT.--Each direct-support organization shall
 3817 provide for an annual financial audit of its accounts and
 3818 records to be conducted by an independent certified public
 3819 accountant in accordance with rules adopted by the Auditor
 3820 General pursuant to s. 11.45(8) and by the university board of
 3821 trustees. The annual audit report shall be submitted, within 9
 3822 months after the end of the fiscal year, to the Auditor General
 3823 and the Board of Governors ~~State Board of Education~~ for review.
 3824 The Board of Governors ~~State Board of Education~~, the university
 3825 board of trustees, the Auditor General, and the Office of
 3826 Program Policy Analysis and Government Accountability shall have
 3827 the authority to require and receive from the organization or
 3828 from its independent auditor any records relative to the
 3829 operation of the organization. The identity of donors who desire
 3830 to remain anonymous shall be protected, and that anonymity shall
 3831 be maintained in the auditor's report. All records of the
 3832 organization other than the auditor's report, management letter,
 3833 and any supplemental data requested by the Board of Governors
 3834 ~~State Board of Education~~, the university board of trustees, the
 3835 Auditor General, and the Office of Program Policy Analysis and

3836 Government Accountability shall be confidential and exempt from
 3837 the provisions of s. 119.07(1).

3838 (6) FACILITIES.--~~In addition to issuance of indebtedness~~
 3839 ~~pursuant to s. 1010.60(2)~~, Each direct-support organization is
 3840 authorized to enter into agreements to finance, design and
 3841 construct, lease, lease-purchase, purchase, or operate
 3842 facilities necessary and desirable to serve the needs and
 3843 purposes of the university, as determined by the systemwide
 3844 strategic plan adopted by the Board of Governors ~~State Board of~~
 3845 ~~Education~~. Such agreements are subject to the provisions of ss.
 3846 ~~s.~~ 1013.171 and 1010.62.

3847 (7) ANNUAL BUDGETS AND REPORTS.--Each direct-support
 3848 organization shall submit to the university president and the
 3849 Board of Governors ~~State Board of Education~~ its federal Internal
 3850 Revenue Service Application for Recognition of Exemption form
 3851 (Form 1023) and its federal Internal Revenue Service Return of
 3852 Organization Exempt from Income Tax form (Form 990).

3853 Section 90. Subsections (3) and (5) of section 1004.29,
 3854 Florida Statutes, are amended to read:

3855 1004.29 University health services support
 3856 organizations.--

3857 (3) A state university board of trustees, in accordance
 3858 with rules and guidelines of the Board of Governors, may
 3859 prescribe, by rule, conditions with which a university health
 3860 services support organization must comply in order to be
 3861 certified and to use property, facilities, or personal services
 3862 at any state university. The rules must provide for budget,
 3863 audit review, and oversight by the board of trustees. Such rules

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3864 shall provide that the university health services support
 3865 organization may provide salary supplements and other
 3866 compensation or benefits for university faculty and staff
 3867 employees only as set forth in the organization's budget, which
 3868 shall be subject to approval by the university president.

3869 (5) Each university health services support organization
 3870 shall provide for an annual financial audit in accordance with
 3871 s. 1004.28(5). The auditor's report, management letter, and any
 3872 supplemental data requested by the Board of Governors ~~State~~
 3873 ~~Board of Education~~, the university board of trustees, and the
 3874 Auditor General shall be considered public records, pursuant to
 3875 s. 119.07.

3876 Section 91. Section 1004.35, Florida Statutes, is amended
 3877 to read:

3878 1004.35 Broward County campuses of Florida Atlantic
 3879 University; coordination with other institutions.--The State
 3880 Board of Education, the Board of Governors, and Florida Atlantic
 3881 University shall consult with Broward Community College and
 3882 Florida International University in coordinating course
 3883 offerings at the postsecondary level in Broward County. Florida
 3884 Atlantic University may contract with the Board of Trustees of
 3885 Broward Community College and with Florida International
 3886 University to provide instruction in courses offered at the
 3887 Southeast Campus. Florida Atlantic University shall increase
 3888 course offerings at the Southeast Campus as facilities become
 3889 available.

3890 Section 92. Subsection (4) of section 1004.36, Florida
 3891 Statutes, is amended to read:

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3892 1004.36 Florida Atlantic University campuses.--

3893 (4) The Board of Governors ~~State Board of Education~~, as a
 3894 function of its comprehensive master planning process, pursuant
 3895 to s. 1001.706, shall continue to evaluate the need for
 3896 undergraduate programs in Broward County and shall assess the
 3897 extent to which existing postsecondary programs are addressing
 3898 those needs.

3899 Section 93. Subsection (5) of section 1004.39, Florida
 3900 Statutes, is amended to read:

3901 1004.39 College of law at Florida International
 3902 University.--

3903 (5) ~~The Florida International University Board of Trustees~~
 3904 ~~shall commence the planning of a college of law at Florida~~
 3905 ~~International University. In planning the college of law, The~~
 3906 Florida International University Board of Trustees and the Board
 3907 of Governors ~~State Board of Education~~ may accept grants,
 3908 donations, gifts, and moneys available for this purpose,
 3909 including moneys for planning and constructing the college. The
 3910 Florida International University Board of Trustees may procure
 3911 and accept any federal funds that are available for the
 3912 planning, creation, and establishment of the college of law.
 3913 ~~Classes must commence by the fall semester 2003.~~ If the American
 3914 Bar Association or any other nationally recognized association
 3915 for the accreditation of colleges of law issues a third
 3916 disapproval of an application for provisional approval or for
 3917 full approval or fails to grant, within 5 years following the
 3918 graduation of the first class, a provisional approval, to the
 3919 college of law at Florida International University, the Board of

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3920 Governors State Board of Education shall make recommendations to
3921 the Governor and the Legislature as to whether the college of
3922 law will cease operations at the end of the full academic year
3923 subsequent to the receipt by the college of law of any such
3924 third disapproval, or whether the college of law will continue
3925 operations and any conditions for continued operations. If the
3926 college of law ceases operations pursuant to this section, the
3927 following conditions apply:

3928 (a) The authority for the college of law at Florida
3929 International University and the authority of the Florida
3930 International University Board of Trustees and the Board of
3931 Governors State Board of Education provided in this section
3932 shall terminate upon the cessation of operations of the college
3933 of law at Florida International University. The college of law
3934 at Florida International University shall receive no moneys
3935 allocated for the planning, construction, or operation of the
3936 college of law after its cessation of operations other than
3937 moneys to be expended for the cessation of operations of the
3938 college of law. Any moneys allocated to the college of law at
3939 Florida International University not expended prior to or
3940 scheduled to be expended after the date of the cessation of the
3941 college of law shall be appropriated for other use by the
3942 Legislature of the State of Florida.

3943 (b) Any buildings of the college of law at Florida
3944 International University constructed from the expenditure of
3945 capital outlay funds appropriated by the Legislature shall be
3946 owned by the Board of Trustees of the Internal Improvement Trust
3947 Fund and managed by the Florida International University Board

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3948 of Trustees upon the cessation of the college of law.

3949
 3950 Nothing in this section shall undermine commitments to current
 3951 students receiving support as of the date of the enactment of
 3952 this section from the law school scholarship program of the
 3953 Florida Education Fund as provided in s. 1009.70(8). Students
 3954 attending the college of law at Florida International University
 3955 shall be eligible for financial, academic, or other support from
 3956 the Florida Education Fund as provided in s. 1009.70(8) without
 3957 the college's obtaining accreditation by the American Bar
 3958 Association.

3959 Section 94. Subsection (5) of section 1004.40, Florida
 3960 Statutes, is amended to read:

3961 1004.40 College of law at Florida Agricultural and
 3962 Mechanical University.--

3963 (5) ~~The Florida Agricultural and Mechanical University~~
 3964 ~~Board of Trustees shall commence the planning of a college of~~
 3965 ~~law under the auspices of Florida Agricultural and Mechanical~~
 3966 ~~University to be located in the I-4 corridor area. In planning~~
 3967 ~~the college of law,~~ The Florida Agricultural and Mechanical
 3968 University Board of Trustees and the Board of Governors State
 3969 ~~Board of Education~~ may accept grants, donations, gifts, and
 3970 moneys available for this purpose, including moneys for planning
 3971 and constructing the college. The Florida Agricultural and
 3972 Mechanical University Board of Trustees may procure and accept
 3973 any federal funds that are available for the planning, creation,
 3974 and establishment of the college of law. ~~Classes must commence~~
 3975 ~~by the fall semester 2003.~~ If the American Bar Association or

3976 any other nationally recognized association for the
 3977 accreditation of colleges of law issues a third disapproval of
 3978 an application for provisional approval or for full approval or
 3979 fails to grant, within 5 years following the graduation of the
 3980 first class, a provisional approval, to the college of law at
 3981 Florida Agricultural and Mechanical University, the Board of
 3982 Governors ~~State Board of Education~~ shall make recommendations to
 3983 the Governor and Legislature as to whether the college of law
 3984 will cease operations at the end of the full academic year
 3985 subsequent to the receipt by the college of law of any such
 3986 third disapproval, or whether the college of law will continue
 3987 operations and any conditions for continued operations. If the
 3988 college of law ceases operations of the college of law pursuant
 3989 to this section, the following conditions apply:

3990 (a) The authority for the college of law at Florida
 3991 Agricultural and Mechanical University and the authority of the
 3992 Florida Agricultural and Mechanical University Board of Trustees
 3993 and the Board of Governors ~~State Board of Education~~ provided in
 3994 this section shall terminate upon the cessation of operations of
 3995 the college of law at Florida Agricultural and Mechanical
 3996 University. The college of law at Florida Agricultural and
 3997 Mechanical University shall receive no moneys allocated for the
 3998 planning, construction, or operation of the college of law after
 3999 its cessation of operations other than moneys to be expended for
 4000 the cessation of operations of the college of law. Any moneys
 4001 allocated to the college of law at Florida Agricultural and
 4002 Mechanical University not expended prior to or scheduled to be
 4003 expended after the date of the cessation of the college of law

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4004 shall be appropriated for other use by the Legislature of the
 4005 State of Florida.

4006 (b) Any buildings of the college of law at Florida
 4007 Agricultural and Mechanical University constructed from the
 4008 expenditure of capital outlay funds appropriated by the
 4009 Legislature shall be owned by the Board of Trustees of the
 4010 Internal Improvement Trust Fund and managed by the Florida
 4011 Agricultural and Mechanical University Board of Trustees upon
 4012 the cessation of the college of law.

4013
 4014 Nothing in this section shall undermine commitments to current
 4015 students receiving support as of the date of the enactment of
 4016 this section from the law school scholarship program of the
 4017 Florida Education Fund as provided in s. 1009.70(8). Students
 4018 attending the college of law at Florida Agricultural and
 4019 Mechanical University shall be eligible for financial, academic,
 4020 or other support from the Florida Education Fund as provided in
 4021 s. 1009.70(8) without the college's obtaining accreditation by
 4022 the American Bar Association.

4023 Section 95. Paragraph (e) of subsection (4) of section
 4024 1004.41, Florida Statutes, is amended to read:

4025 1004.41 University of Florida; J. Hillis Miller Health
 4026 Center.--

4027 (4)

4028 (e) In the event that the lease of the hospital facilities
 4029 to the not-for-profit corporation is terminated for any reason,
 4030 the University of Florida Board of Trustees shall resume
 4031 management and operation of the hospital facilities. In such

4032 event, the University of Florida Board of Trustees
 4033 ~~Administration Commission~~ is authorized to utilize appropriate
 4034 revenues generated from the operation of the hospital facilities
 4035 ~~to the University of Florida Board of Trustees~~ to pay the costs
 4036 and expenses of operating the hospital facility for the
 4037 remainder of the fiscal year in which such termination occurs.

4038 Section 96. Subsections (1) through (4), paragraphs (a),
 4039 (f), and (g) of subsection (5), and paragraph (b) of subsection
 4040 (8) of section 1004.43, Florida Statutes, are amended to read:

4041 1004.43 H. Lee Moffitt Cancer Center and Research
 4042 Institute.--There is established the H. Lee Moffitt Cancer
 4043 Center and Research Institute at the University of South
 4044 Florida.

4045 (1) The State Board of Education shall enter into an
 4046 agreement for the utilization of the facilities on the campus of
 4047 the University of South Florida to be known as the H. Lee
 4048 Moffitt Cancer Center and Research Institute, including all
 4049 furnishings, equipment, and other chattels used in the operation
 4050 of said facilities, with a Florida not-for-profit corporation
 4051 organized solely for the purpose of governing and operating the
 4052 H. Lee Moffitt Cancer Center and Research Institute. This not-
 4053 for-profit corporation, acting as an instrumentality of the
 4054 State of Florida, shall govern and operate the H. Lee Moffitt
 4055 Cancer Center and Research Institute in accordance with the
 4056 terms of the agreement between the Board of Governors State
 4057 ~~Board of Education~~ and the not-for-profit corporation. The not-
 4058 for-profit corporation may, with the prior approval of the Board
 4059 of Governors State Board of Education, create either for-profit

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4060 or not-for-profit corporate subsidiaries, or both, to fulfill
4061 its mission. For-profit subsidiaries of the not-for-profit
4062 corporation may not compete with for-profit health care
4063 providers in the delivery of radiation therapy services to
4064 patients. The not-for-profit corporation and its subsidiaries
4065 are authorized to receive, hold, invest, and administer property
4066 and any moneys received from private, local, state, and federal
4067 sources, as well as technical and professional income generated
4068 or derived from practice activities of the institute, for the
4069 benefit of the institute and the fulfillment of its mission. The
4070 affairs of the corporation shall be managed by a board of
4071 directors who shall serve without compensation. The President of
4072 the University of South Florida and the chair of the Board of
4073 Governors ~~State Board of Education~~, or his or her designee,
4074 shall be directors of the not-for-profit corporation, together
4075 with 5 representatives of the state universities and no more
4076 than 14 nor fewer than 10 directors who are not medical doctors
4077 or state employees. Each director shall have only one vote,
4078 shall serve a term of 3 years, and may be reelected to the
4079 board. Other than the President of the University of South
4080 Florida and the chair of the Board of Governors ~~State Board of~~
4081 ~~Education~~, directors shall be elected by a majority vote of the
4082 board. The chair of the board of directors shall be selected by
4083 majority vote of the directors.

4084 (2) The Board of Governors ~~State Board of Education~~ shall
4085 provide in the agreement with the not-for-profit corporation for
4086 the following:

4087 (a) Approval of the articles of incorporation of the not-

4088 for-profit corporation by the Board of Governors ~~State Board of~~
 4089 ~~Education~~.

4090 (b) Approval of the articles of incorporation of any not-
 4091 for-profit corporate subsidiary created by the not-for-profit
 4092 corporation.

4093 (c) Utilization of lands, facilities, and personnel by the
 4094 not-for-profit corporation and its subsidiaries for research,
 4095 education, treatment, prevention, and the early detection of
 4096 cancer and for mutually approved teaching and research programs
 4097 conducted by the University of South Florida or other accredited
 4098 medical schools or research institutes.

4099 (d) Preparation of an annual financial audit of the not-
 4100 for-profit corporation's accounts and records and the accounts
 4101 and records of any subsidiaries to be conducted by an
 4102 independent certified public accountant. The annual audit report
 4103 shall include a management letter, as defined in s. 11.45, and
 4104 shall be submitted to the Auditor General and the Board of
 4105 Governors ~~State Board of Education~~. The Board of Governors ~~State~~
 4106 ~~Board of Education~~, the Auditor General, and the Office of
 4107 Program Policy Analysis and Government Accountability shall have
 4108 the authority to require and receive from the not-for-profit
 4109 corporation and any subsidiaries or from their independent
 4110 auditor any detail or supplemental data relative to the
 4111 operation of the not-for-profit corporation or subsidiary.

4112 (e) Provision by the not-for-profit corporation and its
 4113 subsidiaries of equal employment opportunities to all persons
 4114 regardless of race, color, religion, sex, age, or national
 4115 origin.

4116 (3) The Board of Governors ~~State Board of Education~~ is
 4117 authorized to secure comprehensive general liability protection,
 4118 including professional liability protection, for the not-for-
 4119 profit corporation and its subsidiaries pursuant to s. 1004.24.
 4120 The not-for-profit corporation and its subsidiaries shall be
 4121 exempt from any participation in any property insurance trust
 4122 fund established by law, including any property insurance trust
 4123 fund established pursuant to chapter 284, so long as the not-
 4124 for-profit corporation and its subsidiaries maintain property
 4125 insurance protection with comparable or greater coverage limits.

4126 (4) In the event that the agreement between the not-for-
 4127 profit corporation and the Board of Governors ~~State Board of~~
 4128 ~~Education~~ is terminated for any reason, the Board of Governors
 4129 ~~State Board of Education~~ shall resume governance and operation
 4130 of such ~~said~~ facilities.

4131 (5) The institute shall be administered by a chief
 4132 executive officer who shall serve at the pleasure of the board
 4133 of directors of the not-for-profit corporation and who shall
 4134 have the following powers and duties subject to the approval of
 4135 the board of directors:

4136 (a) The chief executive officer shall establish programs
 4137 which fulfill the mission of the institute in research,
 4138 education, treatment, prevention, and the early detection of
 4139 cancer; however, the chief executive officer shall not establish
 4140 academic programs for which academic credit is awarded and which
 4141 terminate in the conference of a degree without prior approval
 4142 of the Board of Governors ~~State Board of Education~~.

4143 (f) The chief executive officer shall have a reporting

4144 relationship to the Board of Governors or its designee
 4145 ~~Commissioner of Education.~~

4146 (g) The chief executive officer shall provide a copy of
 4147 the institute's annual report to the Governor and Cabinet, the
 4148 President of the Senate, the Speaker of the House of
 4149 Representatives, and the chair of the Board of Governors ~~State~~
 4150 ~~Board of Education.~~

4151 (8)

4152 (b) Proprietary confidential business information is
 4153 confidential and exempt from the provisions of s. 119.07(1) and
 4154 s. 24(a), Art. I of the State Constitution. However, the Auditor
 4155 General, the Office of Program Policy Analysis and Government
 4156 Accountability, and the Board of Governors ~~State Board of~~
 4157 ~~Education~~, pursuant to their oversight and auditing functions,
 4158 must be given access to all proprietary confidential business
 4159 information upon request and without subpoena and must maintain
 4160 the confidentiality of information so received. As used in this
 4161 paragraph, the term "proprietary confidential business
 4162 information" means information, regardless of its form or
 4163 characteristics, which is owned or controlled by the not-for-
 4164 profit corporation or its subsidiaries; is intended to be and is
 4165 treated by the not-for-profit corporation or its subsidiaries as
 4166 private and the disclosure of which would harm the business
 4167 operations of the not-for-profit corporation or its
 4168 subsidiaries; has not been intentionally disclosed by the
 4169 corporation or its subsidiaries unless pursuant to law, an order
 4170 of a court or administrative body, a legislative proceeding
 4171 pursuant to s. 5, Art. III of the State Constitution, or a

4172 private agreement that provides that the information may be
 4173 released to the public; and which is information concerning:

- 4174 1. Internal auditing controls and reports of internal
 4175 auditors;
- 4176 2. Matters reasonably encompassed in privileged attorney-
 4177 client communications;
- 4178 3. Contracts for managed-care arrangements, including
 4179 preferred provider organization contracts, health maintenance
 4180 organization contracts, and exclusive provider organization
 4181 contracts, and any documents directly relating to the
 4182 negotiation, performance, and implementation of any such
 4183 contracts for managed-care arrangements;
- 4184 4. Bids or other contractual data, banking records, and
 4185 credit agreements the disclosure of which would impair the
 4186 efforts of the not-for-profit corporation or its subsidiaries to
 4187 contract for goods or services on favorable terms;
- 4188 5. Information relating to private contractual data, the
 4189 disclosure of which would impair the competitive interest of the
 4190 provider of the information;
- 4191 6. Corporate officer and employee personnel information;
- 4192 7. Information relating to the proceedings and records of
 4193 credentialing panels and committees and of the governing board
 4194 of the not-for-profit corporation or its subsidiaries relating
 4195 to credentialing;
- 4196 8. Minutes of meetings of the governing board of the not-
 4197 for-profit corporation and its subsidiaries, except minutes of
 4198 meetings open to the public pursuant to subsection (9);
- 4199 9. Information that reveals plans for marketing services

4200 that the corporation or its subsidiaries reasonably expect to be
 4201 provided by competitors;

4202 10. Trade secrets as defined in s. 688.002, including:

4203 a. Information relating to methods of manufacture or
 4204 production, potential trade secrets, potentially patentable
 4205 materials, or proprietary information received, generated,
 4206 ascertained, or discovered during the course of research
 4207 conducted by the not-for-profit corporation or its subsidiaries;
 4208 and

4209 b. Reimbursement methodologies or rates;

4210 11. The identity of donors or prospective donors of
 4211 property who wish to remain anonymous or any information
 4212 identifying such donors or prospective donors. The anonymity of
 4213 these donors or prospective donors must be maintained in the
 4214 auditor's report; or

4215 12. Any information received by the not-for-profit
 4216 corporation or its subsidiaries from an agency in this or
 4217 another state or nation or the Federal Government which is
 4218 otherwise exempt or confidential pursuant to the laws of this or
 4219 another state or nation or pursuant to federal law.

4220
 4221 As used in this paragraph, the term "managed care" means systems
 4222 or techniques generally used by third-party payors or their
 4223 agents to affect access to and control payment for health care
 4224 services. Managed-care techniques most often include one or more
 4225 of the following: prior, concurrent, and retrospective review of
 4226 the medical necessity and appropriateness of services or site of
 4227 services; contracts with selected health care providers;

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4228 financial incentives or disincentives related to the use of
 4229 specific providers, services, or service sites; controlled
 4230 access to and coordination of services by a case manager; and
 4231 payor efforts to identify treatment alternatives and modify
 4232 benefit restrictions for high-cost patient care.

4233 (c) Subparagraphs 10. and 12. of paragraph (b) are subject
 4234 to the Open Government Sunset Review Act of 1995 in accordance
 4235 with s. 119.15 and shall stand repealed on October 2, 2010,
 4236 unless reviewed and saved from repeal through reenactment by the
 4237 Legislature.

4238 Section 97. Paragraph (b) of subsection (3) and
 4239 subsections (4) and (5) of section 1004.435, Florida Statutes,
 4240 are amended to read:

4241 1004.435 Cancer control and research.--

4242 (3) DEFINITIONS.--The following words and phrases when
 4243 used in this section have, unless the context clearly indicates
 4244 otherwise, the meanings given to them in this subsection:

4245 (b) "Council" means the Florida Cancer Control and
 4246 Research Advisory Council, which is an advisory body appointed
 4247 to function on a continuing basis for the study of cancer and
 4248 which recommends solutions and policy alternatives to the Board
 4249 of Governors ~~State Board of Education~~ and the secretary and
 4250 which is established by this section.

4251 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL;
 4252 CREATION; COMPOSITION.--

4253 (a) There is created within the H. Lee Moffitt Cancer
 4254 Center and Research Institute, Inc., the Florida Cancer Control
 4255 and Research Advisory Council. The council shall consist of 34

4256 | ~~35~~ members, which includes the chairperson, all of whom must be
 4257 | residents of this state. All members, except those appointed by
 4258 | the Speaker of the House of Representatives and the President of
 4259 | the Senate, must be appointed by the Governor. At least one of
 4260 | the members appointed by the Governor must be 60 years of age or
 4261 | older. One member must be a representative of the American
 4262 | Cancer Society; one member must be a representative of the
 4263 | Florida Tumor Registrars Association; one member must be a
 4264 | representative of the Sylvester Comprehensive Cancer Center of
 4265 | the University of Miami; one member must be a representative of
 4266 | the Department of Health; one member must be a representative of
 4267 | the University of Florida Shands Cancer Center; one member must
 4268 | be a representative of the Agency for Health Care
 4269 | Administration; one member must be a representative of the
 4270 | Florida Nurses Association; one member must be a representative
 4271 | of the Florida Osteopathic Medical Association; one member must
 4272 | be a representative of the American College of Surgeons; one
 4273 | member must be a representative of the School of Medicine of the
 4274 | University of Miami; one member must be a representative of the
 4275 | College of Medicine of the University of Florida; one member
 4276 | must be a representative of NOVA Southeastern College of
 4277 | Osteopathic Medicine; one member must be a representative of the
 4278 | College of Medicine of the University of South Florida; one
 4279 | member must be a representative of the College of Public Health
 4280 | of the University of South Florida; one member must be a
 4281 | representative of the Florida Society of Clinical Oncology; one
 4282 | member must be a representative of the Florida Obstetric and
 4283 | Gynecologic Society who has had training in the specialty of

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4284 gynecologic oncology; one member must be a representative of the
 4285 Florida Medical Association; one member must be a member of the
 4286 Florida Pediatric Society; one member must be a representative
 4287 of the Florida Radiological Society; one member must be a
 4288 representative of the Florida Society of Pathologists; one
 4289 member must be a representative of the H. Lee Moffitt Cancer
 4290 Center and Research Institute, Inc.; three members must be
 4291 representatives of the general public acting as consumer
 4292 advocates; one member must be a member of the House of
 4293 Representatives appointed by the Speaker of the House of
 4294 Representatives; one member must be a member of the Senate
 4295 appointed by the President of the Senate; ~~one member must be a~~
 4296 ~~representative of the Department of Education;~~ one member must
 4297 be a representative of the Florida Dental Association; one
 4298 member must be a representative of the Florida Hospital
 4299 Association; one member must be a representative of the
 4300 Association of Community Cancer Centers; one member shall be a
 4301 representative from a statutory teaching hospital affiliated
 4302 with a community-based cancer center; one member must be a
 4303 representative of the Florida Association of Pediatric Tumor
 4304 Programs, Inc.; one member must be a representative of the
 4305 Cancer Information Service; one member must be a representative
 4306 of the Florida Agricultural and Mechanical University Institute
 4307 of Public Health; and one member must be a representative of the
 4308 Florida Society of Oncology Social Workers. Of the members of
 4309 the council appointed by the Governor, at least 10 must be
 4310 individuals who are minority persons as defined by s.
 4311 288.703 (3).

4312 (b) The terms of the members shall be 4 years from their
 4313 respective dates of appointment.

4314 (c) A chairperson shall be appointed by the Governor for a
 4315 term of 2 years. The chairperson shall appoint an executive
 4316 committee of no fewer than three persons to serve at the
 4317 pleasure of the chairperson. This committee will prepare
 4318 material for the council but make no final decisions.

4319 (d) The council shall meet no less than semiannually at
 4320 the call of the chairperson or, in his or her absence or
 4321 incapacity, at the call of the secretary. Sixteen members
 4322 constitute a quorum for the purpose of exercising all of the
 4323 powers of the council. A vote of the majority of the members
 4324 present is sufficient for all actions of the council.

4325 (e) The council members shall serve without pay. Pursuant
 4326 to the provisions of s. 112.061, the council members may be
 4327 entitled to be reimbursed for per diem and travel expenses.

4328 (f) No member of the council shall participate in any
 4329 discussion or decision to recommend grants or contracts to any
 4330 qualified nonprofit association or to any agency of this state
 4331 or its political subdivisions with which the member is
 4332 associated as a member of the governing body or as an employee
 4333 or with which the member has entered into a contractual
 4334 arrangement.

4335 (g) The council may prescribe, amend, and repeal bylaws
 4336 governing the manner in which the business of the council is
 4337 conducted.

4338 (h) The council shall advise the Board of Governors ~~State~~
 4339 ~~Board of Education~~, the secretary, and the Legislature with

4340 respect to cancer control and research in this state.

4341 (i) The council shall approve each year a program for
 4342 cancer control and research to be known as the "Florida Cancer
 4343 Plan" which shall be consistent with the State Health Plan and
 4344 integrated and coordinated with existing programs in this state.

4345 (j) The council shall formulate and recommend to the
 4346 secretary a plan for the care and treatment of persons suffering
 4347 from cancer and recommend the establishment of standard
 4348 requirements for the organization, equipment, and conduct of
 4349 cancer units or departments in hospitals and clinics in this
 4350 state. The council may recommend to the secretary the
 4351 designation of cancer units following a survey of the needs and
 4352 facilities for treatment of cancer in the various localities
 4353 throughout the state. The secretary shall consider the plan in
 4354 developing departmental priorities and funding priorities and
 4355 standards under chapter 395.

4356 (k) The council is responsible for including in the
 4357 Florida Cancer Plan recommendations for the coordination and
 4358 integration of medical, nursing, paramedical, lay, and other
 4359 plans concerned with cancer control and research. Committees
 4360 shall be formed by the council so that the following areas will
 4361 be established as entities for actions:

- 4362 1. Cancer plan evaluation: tumor registry, data retrieval
 4363 systems, and epidemiology of cancer in the state and its
 4364 relation to other areas.
- 4365 2. Cancer prevention.
- 4366 3. Cancer detection.
- 4367 4. Cancer patient management: treatment, rehabilitation,

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4368 terminal care, and other patient-oriented activities.
 4369 5. Cancer education: lay and professional.
 4370 6. Unproven methods of cancer therapy: quackery and
 4371 unorthodox therapies.
 4372 7. Investigator-initiated project research.
 4373 (l) In order to implement in whole or in part the Florida
 4374 Cancer Plan, the council shall recommend to the Board of
 4375 Governors ~~State Board of Education~~ or the secretary the awarding
 4376 of grants and contracts to qualified profit or nonprofit
 4377 associations or governmental agencies in order to plan,
 4378 establish, or conduct programs in cancer control or prevention,
 4379 cancer education and training, and cancer research.
 4380 (m) If funds are specifically appropriated by the
 4381 Legislature, the council shall develop or purchase standardized
 4382 written summaries, written in layperson's terms and in language
 4383 easily understood by the average adult patient, informing actual
 4384 and high-risk breast cancer patients, prostate cancer patients,
 4385 and men who are considering prostate cancer screening of the
 4386 medically viable treatment alternatives available to them in the
 4387 effective management of breast cancer and prostate cancer;
 4388 describing such treatment alternatives; and explaining the
 4389 relative advantages, disadvantages, and risks associated
 4390 therewith. The breast cancer summary, upon its completion,
 4391 shall be printed in the form of a pamphlet or booklet and made
 4392 continuously available to physicians and surgeons in this state
 4393 for their use in accordance with s. 458.324 and to osteopathic
 4394 physicians in this state for their use in accordance with s.
 4395 459.0125. The council shall periodically update both summaries

4396 to reflect current standards of medical practice in the
 4397 treatment of breast cancer and prostate cancer. The council
 4398 shall develop and implement educational programs, including
 4399 distribution of the summaries developed or purchased under this
 4400 paragraph, to inform citizen groups, associations, and voluntary
 4401 organizations about early detection and treatment of breast
 4402 cancer and prostate cancer.

4403 (n) The council shall have the responsibility to advise
 4404 the Board of Governors ~~State Board of Education~~ and the
 4405 secretary on methods of enforcing and implementing laws already
 4406 enacted and concerned with cancer control, research, and
 4407 education.

4408 (o) The council may recommend to the Board of Governors
 4409 ~~State Board of Education~~ or the secretary rules not inconsistent
 4410 with law as it may deem necessary for the performance of its
 4411 duties and the proper administration of this section.

4412 (p) The council shall formulate and put into effect a
 4413 continuing educational program for the prevention of cancer and
 4414 its early diagnosis and disseminate to hospitals, cancer
 4415 patients, and the public information concerning the proper
 4416 treatment of cancer.

4417 (q) The council shall be physically located at the H. Lee
 4418 Moffitt Cancer Center and Research Institute, Inc., at the
 4419 University of South Florida.

4420 (r) On February 15 of each year, the council shall report
 4421 to the Governor and to the Legislature.

4422 (5) RESPONSIBILITIES OF THE BOARD OF GOVERNORS ~~STATE BOARD~~
 4423 ~~OF EDUCATION~~, THE H. LEE MOFFITT CANCER CENTER AND RESEARCH

4424 INSTITUTE, INC., AND THE SECRETARY.--

4425 (a) The Board of Governors ~~State Board of Education~~ or the
 4426 secretary, after consultation with the council, shall award
 4427 grants and contracts to qualified nonprofit associations and
 4428 governmental agencies in order to plan, establish, or conduct
 4429 programs in cancer control and prevention, cancer education and
 4430 training, and cancer research.

4431 (b) The H. Lee Moffitt Cancer Center and Research
 4432 Institute, Inc., shall provide such staff, information, and
 4433 other assistance as reasonably necessary for the completion of
 4434 the responsibilities of the council.

4435 (c) The Board of Governors ~~State Board of Education~~ or the
 4436 secretary, after consultation with the council, may adopt rules
 4437 necessary for the implementation of this section.

4438 (d) The secretary, after consultation with the council,
 4439 shall make rules specifying to what extent and on what terms and
 4440 conditions cancer patients of the state may receive financial
 4441 aid for the diagnosis and treatment of cancer in any hospital or
 4442 clinic selected. The department may furnish to citizens of this
 4443 state who are afflicted with cancer financial aid to the extent
 4444 of the appropriation provided for that purpose in a manner which
 4445 in its opinion will afford the greatest benefit to those
 4446 afflicted and may make arrangements with hospitals,
 4447 laboratories, or clinics to afford proper care and treatment for
 4448 cancer patients in this state.

4449 Section 98. Subsections (2) through (5), paragraphs (a),
 4450 (f), (g), and (h) of subsection (6), and subsection (10) of
 4451 section 1004.445, Florida Statutes, are amended to read:

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4452 1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and
4453 Research Institute.--

4454 (2) (a) The State Board of Education shall enter into an
4455 agreement for the utilization of the facilities on the campus of
4456 the University of South Florida to be known as the Johnnie B.
4457 Byrd, Sr., Alzheimer's Center and Research Institute, including
4458 all furnishings, equipment, and other chattels used in the
4459 operation of those facilities, with a Florida not-for-profit
4460 corporation organized solely for the purpose of governing and
4461 operating the Johnnie B. Byrd, Sr., Alzheimer's Center and
4462 Research Institute. This not-for-profit corporation, acting as
4463 an instrumentality of the state, shall govern and operate the
4464 Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute
4465 in accordance with the terms of the agreement between the State
4466 Board of Education and the not-for-profit corporation. The not-
4467 for-profit corporation may, with the prior approval of the Board
4468 of Governors ~~State Board of Education~~, create either for-profit
4469 or not-for-profit corporate subsidiaries, or both, to fulfill
4470 its mission. The not-for-profit corporation and its subsidiaries
4471 are authorized to receive, hold, invest, and administer property
4472 and any moneys acquired from private, local, state, and federal
4473 sources, as well as technical and professional income generated
4474 or derived from practice activities of the institute, for the
4475 benefit of the institute and the fulfillment of its mission.
4476 Effective July 1, 2007, the agreement authority provided to the
4477 State Board of Education is transferred to the Board of
4478 Governors.

4479 (b) The affairs of the not-for-profit corporation shall be

4480 managed by a board of directors who shall serve without
 4481 compensation. The board of directors shall consist of the
 4482 President of the University of South Florida and the chair of
 4483 the Board of Governors ~~State Board of Education~~, or their
 4484 designees, five representatives of the state universities, and
 4485 nine representatives of the public who are neither medical
 4486 doctors nor state employees. Each director who is a
 4487 representative of a state university or of the public shall be
 4488 appointed to serve a term of 3 years. The chair of the board of
 4489 directors shall be selected by a majority vote of the directors.
 4490 Each director shall have only one vote. Of the five university
 4491 representatives, one shall be appointed by the Governor, two by
 4492 the President of the Senate, and two by the Speaker of the House
 4493 of Representatives; and of the nine public representatives,
 4494 three shall be appointed by the Governor, three by the President
 4495 of the Senate, and three by the Speaker of the House of
 4496 Representatives. Any vacancy in office shall be filled in the
 4497 same manner as the original appointment. Any director may be
 4498 reappointed.

4499 (3) The Board of Governors ~~State Board of Education~~ shall
 4500 provide in the agreement with the not-for-profit corporation for
 4501 the following:

4502 (a) Approval by the Board of Governors ~~State Board of~~
 4503 ~~Education~~ of the articles of incorporation of the not-for-profit
 4504 corporation.

4505 (b) Approval by the Board of Governors ~~State Board of~~
 4506 ~~Education~~ of the articles of incorporation of any not-for-profit
 4507 corporate subsidiary created by the not-for-profit corporation.

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4508 (c) Utilization of lands, facilities, and personnel by the
4509 not-for-profit corporation and its subsidiaries for research,
4510 education, treatment, prevention, and the early detection of
4511 Alzheimer's disease and for mutually approved teaching and
4512 research programs conducted by the University of South Florida
4513 or other accredited medical schools or research institutes.

4514 (d) Preparation of an annual financial audit pursuant to
4515 s. 11.45 of the not-for-profit corporation's accounts and the
4516 accounts of any subsidiaries to be conducted by an independent
4517 certified public accountant. The annual audit report shall
4518 include management letters and shall be submitted to the Auditor
4519 General and the Board of Governors ~~State Board of Education~~ for
4520 review. The Board of Governors ~~State Board of Education~~, the
4521 Auditor General, and the Office of Program Policy Analysis and
4522 Government Accountability shall have the authority to require
4523 and receive from the not-for-profit corporation and any
4524 subsidiaries, or from their independent auditor, any detail or
4525 supplemental data relative to the operation of the not-for-
4526 profit corporation or subsidiary.

4527 (e) Provision by the not-for-profit corporation and its
4528 subsidiaries of equal employment opportunities for all persons
4529 regardless of race, color, religion, gender, age, or national
4530 origin.

4531 (4) The Board of Governors ~~State Board of Education~~ is
4532 authorized to secure comprehensive general liability protection,
4533 including professional liability protection, for the not-for-
4534 profit corporation and its subsidiaries, pursuant to s. 1004.24.
4535 The not-for-profit corporation and its subsidiaries shall be

4536 exempt from any participation in any property insurance trust
 4537 fund established by law, including any property insurance trust
 4538 fund established pursuant to chapter 284, so long as the not-
 4539 for-profit corporation and its subsidiaries maintain property
 4540 insurance protection with comparable or greater coverage limits.

4541 (5) In the event that the agreement between the not-for-
 4542 profit corporation and the Board of Governors ~~State Board of~~
 4543 ~~Education~~ is terminated for any reason, the Board of Governors
 4544 ~~State Board of Education~~ shall assume governance and operation
 4545 of the facilities.

4546 (6) The institute shall be administered by a chief
 4547 executive officer, who shall be appointed by and serve at the
 4548 pleasure of the board of directors of the not-for-profit
 4549 corporation, and who shall exercise the following powers and
 4550 duties, subject to the approval of the board of directors:

4551 (a) The chief executive officer shall establish programs
 4552 that fulfill the mission of the institute in research,
 4553 education, treatment, prevention, and early detection of
 4554 Alzheimer's disease; however, the chief executive officer may
 4555 not establish academic programs for which academic credit is
 4556 awarded and which culminate in the conferring of a degree,
 4557 without prior approval of the Board of Governors ~~State Board of~~
 4558 ~~Education~~.

4559 (f) The chief executive officer shall have a reporting
 4560 relationship to the Board of Governors or its designee
 4561 ~~Commissioner of Education~~.

4562 (g) The chief executive officer shall provide a copy of
 4563 the institute's annual report to the Governor and Cabinet, the

4564 President of the Senate, the Speaker of the House of
 4565 Representatives, and the chair of the Board of Governors ~~State~~
 4566 ~~Board of Education~~. The annual report shall describe the
 4567 expenditure of all funds and shall provide information regarding
 4568 research that has been conducted or funded by the center, as
 4569 well as the expected and actual results of such research.

4570 (h) By August 1 of each year, the chief executive officer
 4571 shall develop and submit to the Governor and Cabinet, the
 4572 President of the Senate, the Speaker of the House of
 4573 Representatives, and the chair of the Board of Governors ~~State~~
 4574 ~~Board of Education~~ an annual operating budget detailing the
 4575 planned use of state, federal, and private funds for the fiscal
 4576 year.

4577 (10) The following information is confidential and exempt
 4578 from s. 119.07(1) and s. 24, Art. I of the State Constitution:

4579 (a) Personal identifying information relating to clients
 4580 of programs created or funded through the Johnnie B. Byrd, Sr.,
 4581 Alzheimer's Center and Research Institute that is held by the
 4582 institute, the University of South Florida, the Board of
 4583 Governors, or the State Board of Education;

4584 (b) Medical or health records relating to patients held by
 4585 the institute;

4586 (c) Materials that relate to methods of manufacture or
 4587 production, potential trade secrets, potentially patentable
 4588 material, actual trade secrets as defined in s. 688.002, or
 4589 proprietary information received, generated, ascertained, or
 4590 discovered during the course of research conducted by or through
 4591 the institute and business transactions resulting from such

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4592 research;

4593 (d) The personal identifying information of a donor or
 4594 prospective donor to the institute who wishes to remain
 4595 anonymous; and

4596 (e) Any information received by the institute from a
 4597 person from another state or nation or the Federal Government
 4598 that is otherwise confidential or exempt pursuant to the laws of
 4599 that state or nation or pursuant to federal law.

4600

4601 Any governmental entity that demonstrates a need to access such
 4602 confidential and exempt information in order to perform its
 4603 duties and responsibilities shall have access to such
 4604 information.

4605 Section 99. Paragraph (f) of subsection (7) of section
 4606 1004.447, Florida Statutes, is amended to read:

4607 1004.447 Florida Institute for Human and Machine
 4608 Cognition, Inc.--

4609 (7) The corporation shall employ a chief executive officer
 4610 to administer the affairs of the Florida Institute for Human and
 4611 Machine Cognition, Inc. The chief executive officer shall be
 4612 appointed by and serve at the pleasure of the board of
 4613 directors. The chief executive officer shall exercise the
 4614 following powers and duties, subject to the approval of the
 4615 board of directors:

4616 (f) Annually report in writing to the Board of Governors
 4617 ~~Commissioner of Education~~ on the activities of the institute and
 4618 state budget allocation expenditures.

4619 Section 100. Section 1004.47, Florida Statutes, is amended

4620 to read:

4621 1004.47 Research activities relating to solid and

4622 hazardous waste management.--Research, training, and service

4623 activities related to solid and hazardous waste management

4624 conducted by state universities shall be coordinated by the

4625 Board of Governors ~~State Board of Education~~. Proposals for

4626 research contracts and grants; public service assignments; and

4627 responses to requests for information and technical assistance

4628 by state and local government, business, and industry shall be

4629 addressed by a formal ~~Type I Center~~ process involving an

4630 advisory board of university personnel appointed by the

4631 Chancellor of the State University System ~~Commissioner of~~

4632 ~~Education~~ and chaired and directed by an individual appointed by

4633 the Chancellor of the State University System ~~Commissioner of~~

4634 ~~Education~~. The Board of Governors ~~State Board of Education~~ shall

4635 consult with the Department of Environmental Protection in

4636 developing the research programs and provide the department with

4637 a copy of the proposed research program for review and comment

4638 before the research is undertaken. Research contracts shall be

4639 awarded to independent nonprofit colleges and universities

4640 within the state which are accredited by the Southern

4641 Association of Colleges and Schools on the same basis as those

4642 research contracts awarded to the state universities. Research

4643 activities shall include, but are not limited to, the following

4644 areas:

4645 (1) Methods and processes for recycling solid and

4646 hazardous waste.

4647 (2) Methods of treatment for detoxifying hazardous waste.

4648 (3) Technologies for disposing of solid and hazardous
 4649 waste.

4650 Section 101. Paragraph (b) of subsection (1), paragraphs
 4651 (a) and (i) of subsection (2), and subsection (3) of section
 4652 1004.58, Florida Statutes, are amended to read:

4653 1004.58 Leadership Board for Applied Research and Public
 4654 Service.--

4655 (1) There is created the Leadership Board for Applied
 4656 Research and Public Service to be staffed by the Institute of
 4657 Science and Public Affairs at Florida State University. The
 4658 purpose of the board is to focus, coordinate, and maximize
 4659 university resources on current issues and events affecting
 4660 Florida's residents and elected officials. Emphasis shall be
 4661 placed on being responsive to and providing accurate, timely,
 4662 useful, and relevant information to decisionmakers in state and
 4663 local governments. The board shall set forth a process to
 4664 provide comprehensive guidance and advice for improving the
 4665 types and quality of services to be delivered by the state
 4666 universities. Specifically, the board shall better identify and
 4667 define the missions and roles of existing institutes and centers
 4668 at each state university, work to eliminate duplication and
 4669 confusion over conflicting roles and missions, involve more
 4670 students in learning with applied research and public service
 4671 activities, and be organizationally separate from academic
 4672 departments. The board shall meet at least quarterly. The board
 4673 may create internal management councils that may include working
 4674 institute and center directors. The board is responsible for,
 4675 but is not limited to:

4676 (b) Addressing state university policy matters and making
 4677 recommendations to the Board of Governors ~~State Board of~~
 4678 ~~Education~~ as they relate to applied public service and research.

4679 (2) Membership of the board shall be:

4680 (a) The Chancellor of the State University System
 4681 ~~Commissioner of Education~~, or the chancellor's commissioner's
 4682 designee, who shall serve as chair.

4683 (i) Five additional university president members,
 4684 designated by the chancellor ~~commissioner~~, to rotate annually.

4685 (3) The board shall prepare a report for the Board of
 4686 ~~Governors State Board of Education~~ to be submitted to the
 4687 Governor and the Legislature by January 1 of each year which
 4688 summarizes the work and recommendations of the board in meeting
 4689 its purpose and mission.

4690 Section 102. Paragraph (d) of subsection (1) of section
 4691 1005.03, Florida Statutes, is amended to read:

4692 1005.03 Designation "college" or "university".--

4693 (1) The use of the designation "college" or "university"
 4694 in combination with any series of letters, numbers, or words is
 4695 restricted in this state to colleges or universities as defined
 4696 in s. 1005.02 that offer degrees as defined in s. 1005.02 and
 4697 fall into at least one of the following categories:

4698 (d) A college that is under the jurisdiction of ~~the~~
 4699 ~~Division of Colleges and Universities~~ of the Department of
 4700 Education, ~~whose students are eligible to participate in~~ for the
 4701 William L. Boyd, IV, Florida Resident Access Grant Program, and
 4702 that is a nonprofit independent college or university located
 4703 and chartered in this state and accredited by the Commission on

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4704 Colleges of the Southern Association of Colleges and Schools to
 4705 grant baccalaureate degrees.

4706 Section 103. Paragraph (c) of subsection (1) of section
 4707 1005.06, Florida Statutes, is amended to read:

4708 1005.06 Institutions not under the jurisdiction or purview
 4709 of the commission.--

4710 (1) Except as otherwise provided in law, the following
 4711 institutions are not under the jurisdiction or purview of the
 4712 commission and are not required to obtain licensure:

4713 (c) Any institution that is under the jurisdiction of ~~the~~
 4714 ~~Division of Colleges and Universities of~~ the Department of
 4715 Education, ~~whose students are eligible to participate in for~~ the
 4716 William L. Boyd, IV, Florida Resident Access Grant Program, and
 4717 that is a nonprofit independent college or university located
 4718 and chartered in this state and accredited by the Commission on
 4719 Colleges of the Southern Association of Colleges and Schools to
 4720 grant baccalaureate degrees.

4721 Section 104. Paragraph (e) of subsection (2) of section
 4722 1005.22, Florida Statutes, is amended to read:

4723 1005.22 Powers and duties of commission.--

4724 (2) The commission may:

4725 (e) Advise the Governor, the Legislature, the State Board
 4726 of Education, ~~the Council for Education Policy Research and~~
 4727 ~~Improvement~~, and the Commissioner of Education on issues
 4728 relating to private postsecondary education.

4729 Section 105. Section 1006.53, Florida Statutes, is amended
 4730 to read:

4731 1006.53 Religious observances.--Each public postsecondary

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4732 educational institution shall adopt a policy ~~in accordance with~~
 4733 ~~rules of the State Board of Education~~ which reasonably
 4734 accommodates the religious observance, practice, and belief of
 4735 individual students in regard to admissions, class attendance,
 4736 and the scheduling of examinations and work assignments. Each
 4737 policy shall include a grievance procedure by which a student
 4738 who believes that he or she has been unreasonably denied an
 4739 educational benefit due to his or her religious belief or
 4740 practices may seek redress. Such policy shall be made known to
 4741 faculty and students annually in inclusion in the institution's
 4742 handbook, manual, or other similar document regularly provided
 4743 to faculty and students.

4744 Section 106. Subsection (3) of section 1006.60, Florida
 4745 Statutes, is amended to read:

4746 1006.60 Codes of conduct; disciplinary measures;
 4747 rulemaking authority.--

4748 (3) Sanctions authorized by such codes of conduct may be
 4749 imposed only for acts or omissions in violation of rules adopted
 4750 by the institution, including rules adopted under this section,
 4751 rules of the State Board of Education or the Board of Governors
 4752 regarding the State University System, county and municipal
 4753 ordinances, and the laws of this state, the United States, or
 4754 any other state.

4755 Section 107. Subsection (1) of section 1006.61, Florida
 4756 Statutes, is amended to read:

4757 1006.61 Participation by students in disruptive activities
 4758 at public postsecondary educational institution; penalties.--

4759 (1) Any person who accepts the privilege extended by the

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4760 laws of this state of attendance at any public postsecondary
4761 educational institution shall, by attending such institution, be
4762 deemed to have given his or her consent to the policies of that
4763 institution, the State Board of Education, and the Board of
4764 Governors regarding the State University System, and the laws of
4765 this state. Such policies shall include prohibition against
4766 disruptive activities at public postsecondary educational
4767 institutions.

4768 Section 108. Subsections (1) and (3) of section 1006.62,
4769 Florida Statutes, are amended to read:

4770 1006.62 Expulsion and discipline of students of community
4771 colleges and state universities.--

4772 (1) Each student in a community college or state
4773 university is subject to federal and state law, respective
4774 county and municipal ordinances, and all rules and regulations
4775 of the State Board of Education, the Board of Governors
4776 regarding the State University System, or the board of trustees
4777 of the institution.

4778 (3) Each president of a community college or state
4779 university may, after notice to the student of the charges and
4780 after a hearing thereon, ~~to~~ expel, suspend, or otherwise
4781 discipline any student who is found to have violated any law,
4782 ordinance, or rule or regulation of the State Board of
4783 Education, the Board of Governors regarding the State University
4784 System, or ~~of~~ the board of trustees of the institution. A
4785 student may be entitled to waiver of expulsion:

4786 (a) If the student provides substantial assistance in the
4787 identification, arrest, or conviction of any of his or her

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4788 accomplices, accessories, coconspirators, or principals or of
 4789 any other person engaged in violations of chapter 893 within a
 4790 state university or community college;

4791 (b) If the student voluntarily discloses his or her
 4792 violations of chapter 893 prior to his or her arrest; or

4793 (c) If the student commits himself or herself, or is
 4794 referred by the court in lieu of sentence, to a state-licensed
 4795 drug abuse program and successfully completes the program.

4796 Section 109. Section 1006.65, Florida Statutes, is amended
 4797 to read:

4798 1006.65 Safety issues in courses offered by public
 4799 postsecondary educational institutions.--

4800 (1) The State Board of Education shall adopt rules to
 4801 ensure that policies and procedures are in place to protect the
 4802 health and safety of students, instructional personnel, and
 4803 visitors who participate in courses offered by a community
 4804 college ~~public postsecondary educational institution~~.

4805 (2) The Board of Governors shall adopt rules to ensure
 4806 that policies and procedures are in place to protect the health
 4807 and safety of students, instructional personnel, and visitors
 4808 who participate in courses offered by a state university.

4809 (3)~~(2)~~ Such policies and procedures shall be guided by
 4810 industry standards for practices in the course content area and
 4811 shall conform with all related and relevant state and federal
 4812 health and safety requirements.

4813 Section 110. Section 1006.71, Florida Statutes, is amended
 4814 to read:

4815 1006.71 Gender equity in intercollegiate athletics.--

4816 (1) GENDER EQUITY PLAN.--

4817 (a) Each community college and state university shall
 4818 develop a gender equity plan pursuant to s. 1000.05.

4819 (b) The plan shall include consideration of equity in
 4820 sports offerings, participation, availability of facilities,
 4821 scholarship offerings, and funds allocated for administration,
 4822 recruitment, comparable coaching, publicity and promotion, and
 4823 other support costs.

4824 (c) The Commissioner of Education shall annually assess
 4825 the progress of each community college's institution's plan and
 4826 advise the State Board of Education and the Legislature
 4827 regarding compliance.

4828 (d) The Chancellor of the State University System shall
 4829 annually assess the progress of each state university's plan and
 4830 advise the Board of Governors and the Legislature regarding
 4831 compliance.

4832 (e)~~(d)~~ Each board of trustees of a public community
 4833 college or state university shall annually evaluate the
 4834 presidents on the extent to which the gender equity goals have
 4835 been achieved.

4836 (f)~~(e)~~ To determine the proper level of support for
 4837 women's athletic scholarships, an equity plan may determine,
 4838 where appropriate, that support for women's scholarships may be
 4839 disproportionate to the support of scholarships for men.

4840 (g)1.~~(f)~~ If a community college ~~or state university~~ is not
 4841 in compliance with Title IX of the Education Amendments of 1972
 4842 and the Florida Educational Equity Act, the State Board of
 4843 Education shall:

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4844 a.1. Declare the community college ~~institution~~ ineligible
 4845 for competitive state grants.

4846 b.2. Withhold funds sufficient to obtain compliance.
 4847

4848 The community college ~~institution~~ shall remain ineligible and
 4849 the funds shall not be paid until the community college
 4850 ~~institution~~ comes into compliance or the Commissioner of
 4851 Education approves a plan for compliance.

4852 2. If a state university is not in compliance with Title
 4853 IX of the Education Amendments of 1972 and the Florida
 4854 Educational Equity Act, the Board of Governors shall:

4855 a. Declare the state university ineligible for competitive
 4856 state grants.

4857 b. Withhold funds sufficient to obtain compliance.
 4858

4859 The state university shall remain ineligible and the funds shall
 4860 not be paid until the state university comes into compliance or
 4861 the Board of Governors approves a plan for compliance.

4862 (2) FUNDING.--

4863 (a) An equitable portion of all separate athletic fees
 4864 shall be designated for women's intercollegiate athletics.

4865 (b) The level of funding and percentage share of support
 4866 for women's intercollegiate athletics for community colleges
 4867 shall be determined by the State Board of Education. The level
 4868 of funding and percentage share of support for women's
 4869 intercollegiate athletics for state universities shall be
 4870 determined by the Board of Governors. The level of funding and
 4871 percentage share attained in the 1980-1981 fiscal year shall be

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4872 the minimum level and percentage maintained by each institution,
 4873 except as the State Board of Education or the Board of Governors
 4874 otherwise directs its respective institutions for the purpose of
 4875 assuring equity. Consideration shall be given by the State Board
 4876 of Education or the Board of Governors to emerging athletic
 4877 programs at institutions which may not have the resources to
 4878 secure external funds to provide athletic opportunities for
 4879 women. It is the intent that the effect of any redistribution of
 4880 funds among institutions shall not negate the requirements as
 4881 set forth in this section.

4882 (c) In addition to the above amount, an amount equal to
 4883 the sales taxes collected from admission to athletic events
 4884 sponsored by a state university shall be retained and utilized
 4885 by each university to support women's athletics.

4886 (3) STATE BOARD OF EDUCATION.--The State Board of
 4887 Education shall assure equal opportunity for female athletes at
 4888 community colleges and establish:

4889 (a) Guidelines for reporting of intercollegiate athletics
 4890 data concerning financial, program, and facilities information
 4891 for review by the State Board of Education annually.

4892 (b) Systematic audits for the evaluation of such data.

4893 (c) Criteria for determining and assuring equity.

4894 (4) BOARD OF GOVERNORS.--The Board of Governors shall
 4895 ensure equal opportunity for female athletes at state
 4896 universities and establish:

4897 (a) Guidelines for reporting of intercollegiate athletics
 4898 data concerning financial, program, and facilities information
 4899 for review by the Board of Governors annually.

4900 (b) Systematic audits for the evaluation of such data.

4901 (c) Criteria for determining and ensuring equity.

4902 Section 111. Section 1007.01, Florida Statutes, is amended
4903 to read:

4904 1007.01 Articulation; legislative intent; purpose; role of
4905 the State Board of Education and the Board of Governors.--

4906 (1) It is the intent of the Legislature to facilitate
4907 articulation and seamless integration of the K-20 education
4908 system by building and sustaining relationships among K-20
4909 public organizations, between public and private organizations,
4910 and between the education system as a whole and Florida's
4911 communities. The purpose of building and sustaining these
4912 relationships is to provide for the efficient and effective
4913 progression and transfer of students within the education system
4914 and to allow students to proceed toward their educational
4915 objectives as rapidly as their circumstances permit.

4916 (2) To improve and facilitate articulation systemwide, the
4917 State Board of Education and the Board of Governors shall
4918 recommend ~~develop~~ policies and guidelines to the Legislature
4919 with input from statewide K-20 advisory groups established by
4920 the Commissioner of Education relating to:

4921 (a) The alignment between the exit requirements of one
4922 system and the admissions requirements of another system into
4923 which students typically transfer.

4924 (b) The identification of common courses, the level of
4925 courses, institutional participation in a statewide course
4926 numbering system, and the transferability of credits among such
4927 institutions.

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4928 (c) Identification of courses that meet general education
 4929 or common degree program prerequisite requirements at public
 4930 postsecondary educational institutions.

4931 (d) Dual enrollment course equivalencies.

4932 (e) Articulation agreements.

4933 Section 112. Subsection (1) of section 1007.22, Florida
 4934 Statutes, is amended to read:

4935 1007.22 Articulation; postsecondary institution
 4936 coordination and collaboration.--

4937 (1) The university boards of trustees, community college
 4938 boards of trustees, and district school boards are encouraged to
 4939 ~~may~~ establish intrainstitutional and interinstitutional programs
 4940 to maximize articulation. Programs may include upper-division-
 4941 level courses offered at the community college, distance
 4942 learning, transfer agreements that facilitate the transfer of
 4943 credits between public and nonpublic postsecondary institutions,
 4944 and the concurrent enrollment of students at a community college
 4945 and a state university to enable students to take any level of
 4946 baccalaureate degree coursework.

4947 Section 113. Subsections (1), (2), and (5) of section
 4948 1007.23, Florida Statutes, are amended to read:

4949 1007.23 Statewide articulation agreement.--

4950 (1) The State Board of Education and the Board of
 4951 Governors shall enter into ~~establish in rule~~ a statewide
 4952 articulation agreement which the State Board of Education shall
 4953 adopt by rule. The agreement must preserve Florida's "2 + 2"
 4954 system of articulation, facilitate the seamless articulation of
 4955 student credit across and among Florida's educational entities,

4956 and reinforce the provisions of this chapter by governing that
 4957 governs:

4958 (a) Articulation between secondary and postsecondary
 4959 education;

4960 (b) Admission of associate in arts degree graduates from
 4961 community colleges and state universities;

4962 (c) Admission of applied technology diploma program
 4963 graduates from community colleges or career centers;

4964 (d) Admission of associate in science degree and associate
 4965 in applied science degree graduates from community colleges;

4966 (e) The use of acceleration mechanisms, including
 4967 nationally standardized examinations through which students may
 4968 earn credit;

4969 (f) General education requirements and statewide course
 4970 numbers as provided for in ss. 1007.24 and 1007.25; and

4971 (g) Articulation among programs in nursing.

4972 (2) The articulation agreement must specifically provide
 4973 that every associate in arts graduate of a community college
 4974 shall have met all general education requirements and must be
 4975 granted admission to the upper division of a state university
 4976 except to a limited access or teacher certification program or a
 4977 major program requiring an audition. ~~After admission has been~~
 4978 ~~granted to students under provisions of this section and to~~
 4979 ~~university students who have successfully completed 60 credit~~
 4980 ~~hours of coursework, including 36 hours of general education,~~
 4981 ~~and met the requirements of s. 1008.29, admission shall be~~
 4982 ~~granted to state university and community college students who~~
 4983 ~~have successfully completed 60 credit hours of work, including~~

4984 ~~36 hours of general education.~~ Community college associate in
 4985 arts graduates shall receive priority for admission to a state
 4986 university over out-of-state students. Orientation programs and
 4987 student handbooks provided to freshman enrollees and transfer
 4988 students at state universities must include an explanation of
 4989 this provision of the articulation agreement.

4990 (5) The articulation agreement must guarantee the
 4991 articulation of 9 credit hours toward a postsecondary degree in
 4992 early childhood education for programs approved by the State
 4993 Board of Education and the Board of Governors which:

4994 (a) Award a child development associate credential issued
 4995 by the National Credentialing Program of the Council for
 4996 Professional Recognition or award a credential approved under s.
 4997 1002.55(3)(c)1.b. or s. 402.305(3)(c) as being equivalent to the
 4998 child development associate credential; and

4999 (b) Include training in emergent literacy which meets or
 5000 exceeds the minimum standards for training courses for
 5001 prekindergarten instructors of the Voluntary Prekindergarten
 5002 Education Program in s. 1002.59.

5003 Section 114. Subsections (1), (2), (3), and (4) of section
 5004 1007.24, Florida Statutes, are amended to read:

5005 1007.24 Statewide course numbering system.--

5006 (1) The Department of Education, in conjunction with the
 5007 Board of Governors, shall develop, coordinate, and maintain a
 5008 statewide course numbering system for postsecondary and dual
 5009 enrollment education in school districts, public postsecondary
 5010 educational institutions, and participating nonpublic
 5011 postsecondary educational institutions that will improve program

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5012 | planning, increase communication among all delivery systems, and
 5013 | facilitate student acceleration and the transfer of students and
 5014 | credits between public school districts, public postsecondary
 5015 | educational institutions, and participating nonpublic
 5016 | educational institutions. The continuing maintenance of the
 5017 | system shall be accomplished with the assistance of appropriate
 5018 | faculty committees representing public and participating
 5019 | nonpublic educational institutions.

5020 | (2) The Commissioner of Education, in conjunction with the
 5021 | Chancellor of the State University System, shall appoint faculty
 5022 | committees representing faculties of participating institutions
 5023 | to recommend a single level for each course, including
 5024 | postsecondary career education courses, included in the
 5025 | statewide course numbering system.

5026 | (a) Any course designated as an upper-division-level
 5027 | course must be characterized by a need for advanced academic
 5028 | preparation and skills that a student would be unlikely to
 5029 | achieve without significant prior coursework.

5030 | (b) A course that is offered as part of an associate in
 5031 | science degree program and as an upper-division course for a
 5032 | baccalaureate degree shall be designated for both the lower and
 5033 | upper division.

5034 | (c) A course designated as lower-division may be offered
 5035 | by any community college.

5036 | (3) The Commissioner of Education shall recommend to the
 5037 | State Board of Education the levels for the courses. The State
 5038 | Board of Education, with input from the Board of Governors,
 5039 | shall approve the levels for the courses.

5040 (4) The statewide course numbering system shall include
 5041 the courses at the recommended levels.

5042 Section 115. Subsections (5), (6), (8), (9), and (11) of
 5043 section 1007.25, Florida Statutes, are amended to read:

5044 1007.25 General education courses; common prerequisites;
 5045 and other degree requirements.--

5046 (5) The department shall identify common prerequisite
 5047 courses and course substitutions for degree programs across all
 5048 institutions. Common degree program prerequisites shall be
 5049 offered and accepted by all state universities and community
 5050 colleges, except in cases approved by the State Board of
 5051 Education for community colleges and the Board of Governors for
 5052 state universities pursuant to s. 1001.02(2)(x). The department
 5053 shall develop a centralized database containing the list of
 5054 courses and course substitutions that meet the prerequisite
 5055 requirements for each baccalaureate degree program.

5056 (6) The boards of trustees of the community colleges ~~and~~
 5057 ~~state universities~~ shall identify their core curricula, which
 5058 shall include courses required by the State Board of Education.
 5059 The boards of trustees of the state universities shall identify
 5060 their core curricula, which shall include courses required by
 5061 the Board of Governors. The universities and community colleges
 5062 shall work with their school districts to assure that high
 5063 school curricula coordinate with the core curricula and to
 5064 prepare students for college-level work. Core curricula for
 5065 associate in arts programs shall be adopted in rule by the State
 5066 Board of Education and shall include 36 semester hours of
 5067 general education courses in the subject areas of communication,

5068 mathematics, social sciences, humanities, and natural sciences.

5069 (8) A baccalaureate degree program shall require no more
 5070 than 120 semester hours of college credit, including 36 semester
 5071 hours of general education coursework, unless prior approval has
 5072 been granted by the Board of Governors for baccalaureate degree
 5073 programs offered by state universities and by the State Board of
 5074 Education for baccalaureate degree programs offered by community
 5075 colleges.

5076 (9) A student who received an associate in arts degree for
 5077 successfully completing 60 semester credit hours may continue to
 5078 earn additional credits at a community college. The university
 5079 must provide credit toward the student's baccalaureate degree
 5080 for an additional community college course if, according to the
 5081 statewide course numbering, the community college course is a
 5082 course listed in the university catalog as required for the
 5083 degree or as prerequisite to a course required for the degree.
 5084 Of the courses required for the degree, at least half of the
 5085 credit hours required for the degree shall be achievable through
 5086 courses designated as lower division, except in degree programs
 5087 approved by the State Board of Education for programs offered by
 5088 community colleges and by the Board of Governors for programs
 5089 offered by state universities.

5090 (11) The Commissioner of Education shall appoint faculty
 5091 committees representing both community college and public school
 5092 faculties to recommend to the commissioner for approval by the
 5093 State Board of Education a standard program length and
 5094 appropriate occupational completion points for each
 5095 postsecondary career certificate program, diploma, and degree

5096 offered by a school district or a community college.

5097 Section 116. Paragraph (b) of subsection (2) and paragraph
 5098 (d) of subsection (3) of section 1007.2615, Florida Statutes,
 5099 are amended to read:

5100 1007.2615 American Sign Language; findings; foreign-
 5101 language credits authorized; teacher licensing.--

5102 (2) AMERICAN SIGN LANGUAGE; FOREIGN-LANGUAGE CREDIT.--

5103 (b) Any public or independent school may offer American
 5104 Sign Language for foreign-language credit. Students taking
 5105 American Sign Language for foreign-language credit must be
 5106 advised by the school board prior to enrollment in such course
 5107 that state universities and postsecondary institutions outside
 5108 of Florida may not accept such credits as satisfying foreign-
 5109 language requirements.

5110 (3) DUTIES OF COMMISSIONER OF EDUCATION AND STATE BOARD OF
 5111 EDUCATION; LICENSING OF AMERICAN SIGN LANGUAGE TEACHERS; PLAN
 5112 FOR POSTSECONDARY EDUCATION PROVIDERS.--

5113 (d) The Commissioner of Education shall work with
 5114 providers of postsecondary education, except for state
 5115 universities, to develop and implement a plan to ensure that
 5116 these ~~postsecondary~~ institutions in this state will accept
 5117 secondary school credits in ASL as credits in a foreign language
 5118 and to encourage postsecondary institutions to offer ASL courses
 5119 to students as a fulfillment of the requirement for studying a
 5120 foreign language.

5121 Section 117. Section 1007.262, Florida Statutes, is
 5122 amended to read:

5123 1007.262 Foreign language competence; equivalence

5124 determinations.--The Department of Education shall identify the
 5125 competencies demonstrated by students upon the successful
 5126 completion of 2 credits of sequential high school foreign
 5127 language instruction. For the purpose of determining
 5128 postsecondary equivalence ~~pursuant to s. 1007.261(1)(b)~~, the
 5129 department shall develop rules through which community colleges
 5130 correlate such competencies to the competencies required of
 5131 students in the colleges' respective courses. Based on this
 5132 correlation, each community college shall identify the minimum
 5133 number of postsecondary credits that students must earn in order
 5134 to demonstrate a level of competence in a foreign language at
 5135 least equivalent to that of students who have completed 2
 5136 credits of such instruction in high school. The department may
 5137 also specify alternative means by which students can demonstrate
 5138 equivalent foreign language competence, including means by which
 5139 a student whose native language is not English may demonstrate
 5140 proficiency in the native language. A student who demonstrates
 5141 proficiency in a native language other than English is exempt
 5142 from a ~~the~~ requirement of completing foreign language courses at
 5143 the secondary or community college ~~postsecondary~~ level.

5144 Section 118. Section 1007.264, Florida Statutes, is
 5145 amended to read:

5146 1007.264 Impaired and learning disabled persons; admission
 5147 to postsecondary educational institutions; substitute
 5148 requirements; rules.--

5149 (1) Any student with a disability, as defined in s.
 5150 1007.02(2), except those students who have been documented as
 5151 having mental retardation, shall be eligible for reasonable

5152 substitution for any requirement for admission into a public
 5153 postsecondary educational institution where documentation can be
 5154 provided that the person's failure to meet the admission
 5155 requirement is related to the disability.

5156 (2) The State Board of Education, in consultation with the
 5157 Board of Governors, shall adopt rules to implement this section
 5158 for community colleges and shall develop substitute admission
 5159 requirements where appropriate.

5160 (3) The Board of Governors, in consultation with the State
 5161 Board of Education, shall adopt rules to implement this section
 5162 for state universities and shall develop substitute admission
 5163 requirements where appropriate.

5164 Section 119. Section 1007.265, Florida Statutes, is
 5165 amended to read:

5166 1007.265 Impaired and learning disabled persons;
 5167 graduation, study program admission, and upper-division entry;
 5168 substitute requirements; rules.--

5169 (1) Any student with a disability, as defined in s.
 5170 1007.02(2), in a public postsecondary educational institution,
 5171 except those students who have been documented as having mental
 5172 retardation, shall be eligible for reasonable substitution for
 5173 any requirement for graduation, for admission into a program of
 5174 study, or for entry into the upper division where documentation
 5175 can be provided that the person's failure to meet the
 5176 requirement is related to the disability and where failure to
 5177 meet the graduation requirement or program admission requirement
 5178 does not constitute a fundamental alteration in the nature of
 5179 the program.

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5180 (2) The State Board of Education, in consultation with the
 5181 Board of Governors, shall adopt rules to implement this section
 5182 for community colleges and shall develop substitute requirements
 5183 where appropriate.

5184 (3) The Board of Governors, in consultation with the State
 5185 Board of Education, shall adopt rules to implement this section
 5186 for state universities and shall develop substitute requirements
 5187 where appropriate.

5188 Section 120. Subsections (6), (7), (8), (9), and (11) of
 5189 section 1007.27, Florida Statutes, are amended to read:

5190 1007.27 Articulated acceleration mechanisms.--

5191 (6) Advanced placement shall be the enrollment of an
 5192 eligible secondary student in a course offered through the
 5193 Advanced Placement Program administered by the College Board.
 5194 Postsecondary credit for an advanced placement course shall be
 5195 limited to students who score a minimum of 3, on a 5-point
 5196 scale, on the corresponding Advanced Placement Examination. The
 5197 specific courses for which students receive such credit shall be
 5198 identified in the statewide articulation agreement required by
 5199 s. 1007.23(1) ~~determined by the department.~~ Students of Florida
 5200 public secondary schools enrolled pursuant to this subsection
 5201 shall be exempt from the payment of any fees for administration
 5202 of the examination regardless of whether or not the student
 5203 achieves a passing score on the examination.

5204 (7) Credit by examination shall be the program through
 5205 which secondary and postsecondary students generate
 5206 postsecondary credit based on the receipt of a specified minimum
 5207 score on nationally standardized general or subject-area

5208 examinations. For the purpose of statewide application, such
 5209 examinations and the corresponding minimum scores required for
 5210 an award of credit shall be delineated by the State Board of
 5211 Education and the Board of Governors in the statewide
 5212 articulation agreement required by s. 1007.23(1). The maximum
 5213 credit generated by a student pursuant to this subsection shall
 5214 be mitigated by any related postsecondary credit earned by the
 5215 student prior to the administration of the examination. This
 5216 subsection shall not preclude community colleges and
 5217 universities from awarding credit by examination based on
 5218 student performance on examinations developed within and
 5219 recognized by the individual postsecondary institutions.

5220 (8) The International Baccalaureate Program shall be the
 5221 curriculum in which eligible secondary students are enrolled in
 5222 a program of studies offered through the International
 5223 Baccalaureate Program administered by the International
 5224 Baccalaureate Office. The State Board of Education and the Board
 5225 of Governors shall ~~establish rules which~~ specify in the
 5226 statewide articulation agreement required by s. 1007.23(1) the
 5227 cutoff scores and International Baccalaureate Examinations which
 5228 will be used to grant postsecondary credit at community colleges
 5229 and universities. Any changes to the articulation agreement ~~such~~
 5230 ~~rules~~, which have the effect of raising the required cutoff
 5231 score or of changing the International Baccalaureate
 5232 Examinations which will be used to grant postsecondary credit,
 5233 shall only apply to students taking International Baccalaureate
 5234 Examinations after such changes ~~rules~~ are adopted by the State
 5235 Board of Education and the Board of Governors. Students shall be

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5236 awarded a maximum of 30 semester credit hours pursuant to this
 5237 subsection. The specific course for which a student may receive
 5238 ~~receives~~ such credit shall be specified in the statewide
 5239 articulation agreement required by s. 1007.23(1) ~~determined by~~
 5240 ~~the department~~. Students enrolled pursuant to this subsection
 5241 shall be exempt from the payment of any fees for administration
 5242 of the examinations regardless of whether or not the student
 5243 achieves a passing score on the examination.

5244 (9) The Advanced International Certificate of Education
 5245 Program and the International General Certificate of Secondary
 5246 Education (pre-AICE) Program shall be the curricula in which
 5247 eligible secondary students are enrolled in programs of study
 5248 offered through the Advanced International Certificate of
 5249 Education Program or the International General Certificate of
 5250 Secondary Education (pre-AICE) Program administered by the
 5251 University of Cambridge Local Examinations Syndicate. The State
 5252 Board of Education and the Board of Governors shall ~~establish~~
 5253 ~~rules which~~ specify in the statewide articulation agreement
 5254 required by s. 1007.23(1) the cutoff scores and Advanced
 5255 International Certificate of Education examinations which will
 5256 be used to grant postsecondary credit at community colleges and
 5257 universities. Any changes to the cutoff scores ~~such rules~~, which
 5258 changes have the effect of raising the required cutoff score or
 5259 of changing the Advanced International Certification of
 5260 Education examinations which will be used to grant postsecondary
 5261 credit, shall apply to students taking Advanced International
 5262 Certificate of Education examinations after such changes ~~rules~~
 5263 are adopted by the State Board of Education and the Board of

5264 Governors. Students shall be awarded a maximum of 30 semester
5265 credit hours pursuant to this subsection. The specific course
5266 for which a student may receive ~~receives~~ such credit shall be
5267 determined by the community college or university that accepts
5268 the student for admission. Students enrolled in either program
5269 of study pursuant to this subsection shall be exempt from the
5270 payment of any fees for administration of the examinations
5271 regardless of whether the student achieves a passing score on
5272 the examination.

5273 ~~(11) (a) The State Board of Education shall conduct a~~
5274 ~~review of the extent to which the acceleration mechanisms~~
5275 ~~authorized by this section are currently utilized by school~~
5276 ~~districts and public postsecondary educational institutions and~~
5277 ~~shall submit a report to the Governor and the Legislature by~~
5278 ~~December 31, 2003.~~

5279 ~~(b) The report must include a summary of ongoing~~
5280 ~~activities and a plan to increase and enhance the use of~~
5281 ~~acceleration mechanisms as a way to shorten the length of time~~
5282 ~~as well as the funding required for a student, including a~~
5283 ~~student with a documented disability, to obtain a postsecondary~~
5284 ~~degree.~~

5285 ~~(c) The review and plan shall address, but are not limited~~
5286 ~~to, the following issues:~~

5287 ~~1. The manner in which students, including students with~~
5288 ~~documented disabilities, are advised regarding the availability~~
5289 ~~of acceleration mechanism options.~~

5290 ~~2. The availability of acceleration mechanism options to~~
5291 ~~eligible students, including students with documented~~

5292 ~~disabilities, who wish to participate.~~

5293 ~~3. The grading practices, including weighting of courses,~~
 5294 ~~of school districts and public postsecondary educational~~
 5295 ~~institutions with regard to credit earned through acceleration~~
 5296 ~~mechanisms.~~

5297 ~~4. The extent to which credit earned through an~~
 5298 ~~acceleration mechanism is used to meet the general education~~
 5299 ~~requirements of a public postsecondary educational institution.~~

5300 ~~5. The extent to which the secondary instruction~~
 5301 ~~associated with acceleration mechanism options could be offered~~
 5302 ~~at sites other than public K through 12 school sites to assist~~
 5303 ~~in meeting class size reduction needs.~~

5304 ~~6. The manner in which funding for instruction associated~~
 5305 ~~with acceleration mechanism options is provided.~~

5306 ~~7. The feasibility of providing students, including~~
 5307 ~~students with documented disabilities, the option of choosing~~
 5308 ~~Advanced Placement credit or College Level Examination Program~~
 5309 ~~(CLEP) credit as an alternative to dual enrollment credit upon~~
 5310 ~~completion of a dual enrollment course.~~

5311 Section 121. Section 1007.28, Florida Statutes, is amended
 5312 to read:

5313 1007.28 Computer-assisted student advising system.--The
 5314 Department State Board of Education, in conjunction with the
 5315 Board of Governors, shall establish and maintain ~~within the~~
 5316 ~~Department of Education~~ a single, statewide computer-assisted
 5317 student advising system, which must be an integral part of the
 5318 process of advising, registering, and certifying students for
 5319 graduation. ~~It is intended that an advising system be the~~

5320 ~~primary advising and tracking tool for students enrolled in~~
 5321 ~~public postsecondary educational institutions~~ and must be
 5322 accessible to all Florida students. The state universities and
 5323 community colleges shall interface institutional systems with
 5324 the computer-assisted advising system required by this section.
 5325 The State Board of Education and the Board of Governors shall
 5326 specify in the statewide articulation agreement required by s.
 5327 1007.23(1) ~~prescribe by rule~~ the roles and responsibilities of
 5328 the department, the state universities, and the community
 5329 colleges in the design, implementation, promotion, development,
 5330 and analysis of the system. The system shall consist of a degree
 5331 audit and an articulation component that includes the following
 5332 characteristics:

5333 (1) The system shall constitute an integral part of the
 5334 process of advising students and assisting them in course
 5335 selection. The system shall be accessible to students in the
 5336 following ways:

5337 (a) A student must be able to access the system, at any
 5338 time, to identify course options that will meet the requirements
 5339 of a selected path toward a degree.

5340 (b) A status report from the system shall be generated and
 5341 sent with each grade report to each student enrolled in public
 5342 postsecondary educational institutions with a declared major.

5343 (2) The system shall be an integral part of the
 5344 registration process at public postsecondary educational
 5345 institutions. As part of the process, the system shall:

5346 (a) Provide reports that document each student's status
 5347 toward completion of a degree.

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5348 (b) Verify that a student has completed requirements for
5349 graduation.

5350 (3) The system must provide students information related
5351 to career descriptions and corresponding educational
5352 requirements, admissions requirements, and available sources of
5353 student financial assistance. Such advising must enable students
5354 to examine their interests and aptitudes for the purpose of
5355 curricular and career planning.

5356 (4) The system must provide management information to
5357 decisionmakers, including information relating student
5358 enrollment patterns and course demands to plans for
5359 corresponding course offerings and information useful in
5360 planning the student registration process.

5361 Section 122. Subsection (3) of section 1007.33, Florida
5362 Statutes, is amended to read:

5363 1007.33 Site-determined baccalaureate degree access.--

5364 (3) A community college may develop a proposal to deliver
5365 specified baccalaureate degree programs in its district to meet
5366 local workforce needs. The proposal must be submitted to the
5367 State Board of Education for approval. The community college's
5368 proposal must include the following information:

5369 (a) Demand for the baccalaureate degree program is
5370 identified by the workforce development board, local businesses
5371 and industry, local chambers of commerce, and potential
5372 students.

5373 (b) Unmet need for graduates of the proposed degree
5374 program is substantiated.

5375 (c) The community college has the facilities and academic

5376 resources to deliver the program.

5377

5378 ~~The proposal must be submitted to the Council for Education~~
 5379 ~~Policy Research and Improvement for review and comment.~~ Upon
 5380 approval of the State Board of Education for the specific degree
 5381 program or programs, the community college shall pursue regional
 5382 accreditation by the Commission on Colleges of the Southern
 5383 Association of Colleges and Schools. Any additional
 5384 baccalaureate degree programs the community college wishes to
 5385 offer must be approved by the State Board of Education.

5386 Section 123. Subsections (4), (8), and (9) of section
 5387 1008.29, Florida Statutes, are amended to read:

5388 1008.29 College-level communication and mathematics skills
 5389 examination (CLAST).--

5390 (4) The State Board of Education, in conjunction with the
 5391 Board of Governors ~~by rule~~, shall set the minimum scores that
 5392 constitute successful completion of the examination. In
 5393 establishing the minimum scores that constitute successful
 5394 completion of the examination, the boards ~~State Board of~~
 5395 ~~Education~~ shall consider any possible negative impact of the
 5396 tests on minority students. Determinations regarding a student's
 5397 successful completion of the examination shall be based on the
 5398 minimum standards ~~prescribed by rule~~ for the date the student
 5399 initially takes the examination.

5400 (8) (a) The State Board of Education, by rule, shall
 5401 establish fees for the administration of the examination by
 5402 community colleges at times other than regularly scheduled dates
 5403 to accommodate examinees who are unable to be tested on those

5404 | dates. The state board shall establish the conditions under
 5405 | which examinees may be admitted to the special administrations.

5406 | (b) The Board of Governors may establish fees for the
 5407 | administration of the examination by state universities at times
 5408 | other than regularly scheduled dates to accommodate examinees
 5409 | who are unable to be tested on those dates. The Board of
 5410 | Governors may establish the conditions under which examinees may
 5411 | be admitted to the special administrations.

5412 | (9) Any student fulfilling one or both of the following
 5413 | requirements before completion of associate in arts degree
 5414 | requirements or baccalaureate degree requirements is exempt from
 5415 | the testing requirements of this section:

5416 | (a) Achieves a score that meets or exceeds a minimum score
 5417 | on a nationally standardized examination, as established by the
 5418 | State Board of Education in conjunction with the Board of
 5419 | Governors; or

5420 | (b) Demonstrates successful remediation of any academic
 5421 | deficiencies identified by the college placement test and
 5422 | achieves a cumulative grade point average of 2.5 or above, on a
 5423 | 4.0 scale, in postsecondary-level coursework identified by the
 5424 | State Board of Education in conjunction with the Board of
 5425 | Governors. The Department of Education shall specify the means
 5426 | by which a student may demonstrate successful remediation.

5427 |
 5428 | Any student denied a degree prior to January 1, 1996, based on
 5429 | the failure of at least one subtest of the CLAST may use either
 5430 | of the alternatives specified in this subsection for receipt of
 5431 | a degree if such student meets all degree program requirements

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5432 at the time of application for the degree under the exemption
 5433 provisions of this subsection. This section does not require a
 5434 student to take the CLAST before being given the opportunity to
 5435 use any of the alternatives specified in this subsection. The
 5436 exemptions provided herein do not apply to requirements for
 5437 certification as provided in s. 1012.56.

5438 Section 124. Subsections (1) and (4) of section 1008.30,
 5439 Florida Statutes, are amended to read:

5440 1008.30 Common placement testing for public postsecondary
 5441 education.--

5442 (1) The State Board of Education, in conjunction with the
 5443 Board of Governors, shall develop and implement a common
 5444 placement test for the purpose of assessing the basic
 5445 computation and communication skills of students who intend to
 5446 enter a degree program at any public postsecondary educational
 5447 institution. ~~The State Board of Education shall adopt rules~~
 5448 ~~which enable~~ Public postsecondary educational institutions shall
 5449 provide to implement appropriate modifications of the test
 5450 instruments or test procedures for students with disabilities.

5451 (4) (a) Public postsecondary educational institution
 5452 students who have been identified as requiring additional
 5453 preparation pursuant to subsection (1) shall enroll in college-
 5454 preparatory or other adult education pursuant to s. 1004.93 in
 5455 community colleges to develop needed college-entry skills. These
 5456 students shall be permitted to take courses within their degree
 5457 program concurrently in other curriculum areas for which they
 5458 are qualified while enrolled in college-preparatory instruction
 5459 courses. A student enrolled in a college-preparatory course may

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5460 concurrently enroll only in college credit courses that do not
5461 require the skills addressed in the college-preparatory course.
5462 The State Board of Education, in conjunction with the Board of
5463 Governors, shall specify the college credit courses that are
5464 acceptable for students enrolled in each college-preparatory
5465 skill area, ~~pursuant to s. 1001.02(7)(g)~~. A student who wishes
5466 to earn an associate in arts or a baccalaureate degree, but who
5467 is required to complete a college-preparatory course, must
5468 successfully complete the required college-preparatory studies
5469 by the time the student has accumulated 12 hours of lower-
5470 division college credit degree coursework; however, a student
5471 may continue enrollment in degree-earning coursework provided
5472 the student maintains enrollment in college-preparatory
5473 coursework for each subsequent semester until college-
5474 preparatory coursework requirements are completed, and the
5475 student demonstrates satisfactory performance in degree-earning
5476 coursework. A passing score on a standardized, institutionally
5477 developed test must be achieved before a student is considered
5478 to have met basic computation and communication skills
5479 requirements; however, no student shall be required to retake
5480 any test or subtest that was previously passed by said student.
5481 Credit awarded for college-preparatory instruction may not be
5482 counted toward fulfilling the number of credits required for a
5483 degree.

5484 (b) A ~~The~~ university board of trustees may contract with a
5485 community college board of trustees for the community college to
5486 provide such instruction on the state university campus. Any
5487 state university in which the percentage of incoming students

5488 requiring college-preparatory instruction equals or exceeds the
 5489 average percentage of such students for the community college
 5490 system may offer college-preparatory instruction without
 5491 contracting with a community college; however, any state
 5492 university offering college-preparatory instruction as of
 5493 January 1, 1996, may continue to provide such services.

5494 Section 125. Section 1008.32, Florida Statutes, is amended
 5495 to read:

5496 1008.32 State Board of Education oversight enforcement
 5497 authority.--The State Board of Education shall oversee the
 5498 performance of district school boards and community college
 5499 boards of trustees ~~public postsecondary educational institution~~
 5500 ~~boards~~ in enforcement of all laws and rules. District school
 5501 boards and community college boards of trustees ~~public~~
 5502 ~~postsecondary educational institution boards~~ shall be primarily
 5503 responsible for compliance with law and state board rule.

5504 (1) In order to ensure compliance with law or state board
 5505 rule, the State Board of Education shall have the authority to
 5506 request and receive information, data, and reports from school
 5507 districts and community colleges ~~public postsecondary~~
 5508 ~~educational institutions~~. District school superintendents and
 5509 community college ~~public postsecondary educational institution~~
 5510 presidents are responsible for the accuracy of the information
 5511 and data reported to the state board.

5512 (2) The Commissioner of Education may investigate
 5513 allegations of noncompliance with law or state board rule and
 5514 determine probable cause. The commissioner shall report
 5515 determinations of probable cause to the State Board of Education

5516 which shall require the district school board or community
 5517 college board of trustees ~~public postsecondary educational~~
 5518 ~~institution board~~ to document compliance with law or state board
 5519 rule.

5520 (3) If the district school board or community college
 5521 board of trustees ~~public postsecondary educational institution~~
 5522 ~~board~~ cannot satisfactorily document compliance, the State Board
 5523 of Education may order compliance within a specified timeframe.

5524 (4) If the State Board of Education determines that a
 5525 district school board or community college board of trustees
 5526 ~~public postsecondary educational institution board~~ is unwilling
 5527 or unable to comply with law or state board rule within the
 5528 specified time, the state board shall have the authority to
 5529 initiate any of the following actions:

5530 (a) Report to the Legislature that the school district or
 5531 community college ~~public postsecondary educational institution~~
 5532 has been unwilling or unable to comply with law or state board
 5533 rule and recommend action to be taken by the Legislature.

5534 (b) Reduce the discretionary lottery appropriation until
 5535 the school district or community college ~~public postsecondary~~
 5536 ~~education institution~~ complies with the law or state board rule.

5537 (c) Withhold the transfer of state funds, discretionary
 5538 grant funds, or any other funds specified as eligible for this
 5539 purpose by the Legislature until the school district or
 5540 community college ~~public postsecondary educational institution~~
 5541 complies with the law or state board rule.

5542 (d) Declare the school district or community college
 5543 ~~public postsecondary educational institution~~ ineligible for

5544 competitive grants.

5545 (e) Require monthly or periodic reporting on the situation
5546 related to noncompliance until it is remedied.

5547 (5) Nothing in this section shall be construed to create a
5548 private cause of action or create any rights for individuals or
5549 entities in addition to those provided elsewhere in law or rule.

5550 Section 126. Paragraphs (e) through (i) of subsection (8)
5551 of section 1008.345, Florida Statutes, are amended to read:

5552 1008.345 Implementation of state system of school
5553 improvement and education accountability.--

5554 (8) As a part of the system of educational accountability,
5555 the Department of Education shall:

5556 (e) Maintain a listing of college-level communication and
5557 mathematics skills defined pursuant to s. 1008.29 ~~by the State~~
5558 ~~Board of Education~~ as being associated with successful student
5559 performance through the baccalaureate level and submit it ~~the~~
5560 ~~same~~ to the State Board of Education and the Board of Governors
5561 for approval.

5562 (f) Maintain a listing of tests and other assessment
5563 procedures which measure and diagnose student achievement of
5564 college-level communication and computation skills and submit it
5565 ~~the same~~ to the State Board of Education and the Board of
5566 Governors for approval.

5567 (g) Maintain for the information of the State Board of
5568 Education, the Board of Governors, and the Legislature a file of
5569 data to reflect achievement of college-level communication and
5570 mathematics competencies by students in state universities and
5571 community colleges.

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5572 (h) Develop or contract for, and submit to the State Board
 5573 of Education and the Board of Governors for approval, tests
 5574 which measure and diagnose student achievement of college-level
 5575 communication and mathematics skills. Any tests and related
 5576 documents developed are exempt from the provisions of s.
 5577 119.07(1). The commissioner shall maintain statewide
 5578 responsibility for the administration of such tests and may
 5579 assign administrative responsibilities for the tests to any
 5580 state university or community college. The state board, upon
 5581 recommendation of the commissioner, may enter into contracts for
 5582 such services beginning in one fiscal year and continuing into
 5583 the next year which are paid from the appropriation for either
 5584 or both fiscal years.

5585 (i) Perform any other functions that may be involved in
 5586 educational planning, research, and evaluation or that may be
 5587 required by the commissioner, the State Board of Education, the
 5588 Board of Governors, or law.

5589 Section 127. Subsections (1) and (2) of section 1008.37,
 5590 Florida Statutes, are amended to read:

5591 1008.37 Postsecondary feedback of information to high
 5592 schools.--

5593 (1) ~~The State Board of Education shall adopt rules that~~
 5594 ~~require the~~ Commissioner of Education shall ~~to~~ report to the
 5595 State Board of Education, the Board of Governors, the
 5596 Legislature, and the district school boards on the performance
 5597 of each first-time-in-postsecondary education student from each
 5598 public high school in this state who is enrolled in a public
 5599 postsecondary institution or public career center. Such reports

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5600 must be based on information databases maintained by the
 5601 Department of Education. In addition, the public postsecondary
 5602 educational institutions and career centers shall provide
 5603 district school boards access to information on student
 5604 performance in regular and preparatory courses and shall
 5605 indicate students referred for remediation pursuant to s.
 5606 1004.91 or s. 1008.30.

5607 (2) The Commissioner of Education shall report, by high
 5608 school, to the State Board of Education, the Board of Governors,
 5609 and the Legislature, no later than November 30 of each year, on
 5610 the number of prior year Florida high school graduates who
 5611 enrolled for the first time in public postsecondary education in
 5612 this state during the previous summer, fall, or spring term,
 5613 indicating the number of students whose scores on the common
 5614 placement test indicated the need for remediation through
 5615 college-preparatory or vocational-preparatory instruction
 5616 pursuant to s. 1004.91 or s. 1008.30.

5617 Section 128. Section 1008.38, Florida Statutes, is amended
 5618 to read:

5619 1008.38 Articulation accountability process.--The State
 5620 Board of Education, in conjunction with the Board of Governors,
 5621 shall develop articulation accountability measures which assess
 5622 the status of systemwide articulation processes authorized under
 5623 s. 1007.23 and. ~~The State Board of Education shall~~ establish an
 5624 articulation accountability process which at a minimum shall
 5625 address:

5626 (1) The impact of articulation processes on ensuring
 5627 educational continuity and the orderly and unobstructed

5628 transition of students between public secondary and
 5629 postsecondary education systems and facilitating the transition
 5630 of students between the public and private sectors.

5631 (2) The adequacy of preparation of public secondary
 5632 students to smoothly articulate to a public postsecondary
 5633 institution.

5634 (3) The effectiveness of articulated acceleration
 5635 mechanisms available to secondary students.

5636 (4) The smooth transfer of community college associate in
 5637 arts degree graduates to a state university.

5638 (5) An examination of degree requirements that exceed the
 5639 parameters of 60 credit hours for an associate degree and 120
 5640 hours for a baccalaureate degree in public postsecondary
 5641 programs.

5642 (6) The relationship between the College Level Academic
 5643 Skills Test Program and articulation to the upper division in
 5644 public postsecondary institutions.

5645 Section 129. Paragraph (h) of subsection (1) of section
 5646 1008.45, Florida Statutes, is amended to read:

5647 1008.45 Community college accountability process.--

5648 (1) It is the intent of the Legislature that a management
 5649 and accountability process be implemented which provides for the
 5650 systematic, ongoing improvement and assessment of the
 5651 improvement of the quality and efficiency of the Florida
 5652 community colleges. Accordingly, the State Board of Education
 5653 and the community college boards of trustees shall develop and
 5654 implement an accountability plan to improve and evaluate the
 5655 instructional and administrative efficiency and effectiveness of

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5656 the Florida Community College System. This plan shall be
 5657 designed in consultation with staff of the Governor and the
 5658 Legislature and must address the following issues:

5659 (h) Other measures ~~as identified by the Council for~~
 5660 ~~Education Policy Research and Improvement~~ and approved by the
 5661 State Board of Education.

5662 Section 130. Section 1008.46, Florida Statutes, is amended
 5663 to read:

5664 1008.46 State university accountability process.--It is
 5665 the intent of the Legislature that an accountability process be
 5666 implemented that provides for the systematic, ongoing evaluation
 5667 of quality and effectiveness of state universities. It is
 5668 further the intent of the Legislature that this accountability
 5669 process monitor performance at the system level in each of the
 5670 major areas of instruction, research, and public service, while
 5671 recognizing the differing missions of each of the state
 5672 universities. The accountability process shall provide for the
 5673 adoption of systemwide performance standards and performance
 5674 goals for each standard identified through a collaborative
 5675 effort involving state universities, the Board of Governors, the
 5676 Legislature, and the Governor's Office. These standards and
 5677 goals shall be consistent with s. 216.011(1) to maintain
 5678 congruity with the performance-based budgeting process. This
 5679 process requires that university accountability reports reflect
 5680 measures defined through performance-based budgeting. The
 5681 performance-based budgeting measures must also reflect the
 5682 elements of teaching, research, and service inherent in the
 5683 missions of the state universities.

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5684 (1) By December 31 of each year, the Board of Governors
 5685 ~~State Board of Education~~ shall submit an annual accountability
 5686 report providing information on the implementation of
 5687 performance standards, actions taken to improve university
 5688 achievement of performance goals, the achievement of performance
 5689 goals during the prior year, and initiatives to be undertaken
 5690 during the next year. The accountability reports shall be
 5691 designed in consultation with the Governor's Office, the Office
 5692 of Program Policy Analysis and Government Accountability, and
 5693 the Legislature.

5694 (2) The Board of Governors ~~State Board of Education~~ shall
 5695 recommend in the annual accountability report any appropriate
 5696 modifications to this section.

5697 Section 131. Subsection (2) of section 1009.01, Florida
 5698 Statutes, is amended to read:

5699 1009.01 Definitions.--The term:

5700 (2) "Out-of-state fee" means the additional fee for
 5701 instruction provided by a public postsecondary educational
 5702 institution in this state, which fee is charged to a student who
 5703 does not qualify for the in-state tuition rate pursuant to s.
 5704 1009.21 non-Florida student as defined in rules of the State
 5705 ~~Board of Education~~. A charge for any other purpose shall not be
 5706 included within this fee.

5707 Section 132. Subsection (11) of section 1009.21, Florida
 5708 Statutes, is amended to read:

5709 1009.21 Determination of resident status for tuition
 5710 purposes.--Students shall be classified as residents or
 5711 nonresidents for the purpose of assessing tuition in community

5712 colleges and state universities.

5713 (11) The State Board of Education and the Board of
 5714 Governors shall adopt rules to implement this section ~~by rule~~
 5715 ~~designate classifications of students as residents or~~
 5716 ~~nonresidents for tuition purposes at community colleges and~~
 5717 ~~state universities.~~

5718 Section 133. Present subsections (3) through (14) of
 5719 section 1009.24, Florida Statutes, are renumbered subsections
 5720 (4) through (15), respectively, new subsections (3) and (16) are
 5721 added to that section, and present subsections (6), (9), (10),
 5722 and (11) of that section are amended to read:

5723 1009.24 State university student fees.--

5724 (3) All moneys from tuition and fees shall be deposited
 5725 pursuant to s. 1011.42.

5726 (7)~~(6)~~ A university board of trustees is authorized to
 5727 collect for financial aid purposes an amount not to exceed 5
 5728 percent of the tuition and out-of-state fee. The revenues from
 5729 fees are to remain at each campus and replace existing financial
 5730 aid fees. Such funds shall be disbursed to students as quickly
 5731 as possible. A minimum of 75 percent of funds from the student
 5732 financial aid fee for new financial aid awards shall be used to
 5733 provide financial aid based on absolute need. A student who has
 5734 received an award prior to July 1, 1984, shall have his or her
 5735 eligibility assessed on the same criteria that were used at the
 5736 time of his or her original award. The Board of Governors State
 5737 ~~Board of Education~~ shall develop criteria for making financial
 5738 aid awards. Each university shall report annually to the Board
 5739 of Governors and the Department of Education on the revenue

5740 collected pursuant to this subsection, the amount carried
5741 forward, the criteria used to make awards, the amount and number
5742 of awards for each criterion, and a delineation of the
5743 distribution of such awards. The report shall include an
5744 assessment by category of the financial need of every student
5745 who receives an award, regardless of the purpose for which the
5746 award is received. Awards which are based on financial need
5747 shall be distributed in accordance with a nationally recognized
5748 system of need analysis approved by the Board of Governors ~~State~~
5749 ~~Board of Education~~. An award for academic merit shall require a
5750 minimum overall grade point average of 3.0 on a 4.0 scale or the
5751 equivalent for both initial receipt of the award and renewal of
5752 the award.

5753 (10)~~(9)~~(a) Each university board of trustees shall
5754 establish a student activity and service fee on the main campus
5755 of the university. The university board may also establish a
5756 student activity and service fee on any branch campus or center.
5757 Any subsequent increase in the activity and service fee must be
5758 recommended by an activity and service fee committee, at least
5759 one-half of whom are students appointed by the student body
5760 president. The remainder of the committee shall be appointed by
5761 the university president. A chairperson, appointed jointly by
5762 the university president and the student body president, shall
5763 vote only in the case of a tie. The recommendations of the
5764 committee shall take effect only after approval by the
5765 university president, after consultation with the student body
5766 president, with final approval by the university board of
5767 trustees. An increase in the activity and service fee may occur

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5768 | only once each fiscal year and must be implemented beginning
 5769 | with the fall term. The Board of Governors ~~State Board of~~
 5770 | ~~Education~~ is responsible for adopting ~~promulgating~~ the rules and
 5771 | timetables necessary to implement this fee.

5772 | (b) The student activity and service fees shall be
 5773 | expended for lawful purposes to benefit the student body in
 5774 | general. This shall include, but shall not be limited to,
 5775 | student publications and grants to duly recognized student
 5776 | organizations, the membership of which is open to all students
 5777 | at the university without regard to race, sex, or religion. The
 5778 | fund may not benefit activities for which an admission fee is
 5779 | charged to students, except for student-government-association-
 5780 | sponsored concerts. The allocation and expenditure of the fund
 5781 | shall be determined by the student government association of the
 5782 | university, except that the president of the university may veto
 5783 | any line item or portion thereof within the budget when
 5784 | submitted by the student government association legislative
 5785 | body. The university president shall have 15 school days from
 5786 | the date of presentation of the budget to act on the allocation
 5787 | and expenditure recommendations, which shall be deemed approved
 5788 | if no action is taken within the 15 school days. If any line
 5789 | item or portion thereof within the budget is vetoed, the student
 5790 | government association legislative body shall within 15 school
 5791 | days make new budget recommendations for expenditure of the
 5792 | vetoed portion of the fund. If the university president vetoes
 5793 | any line item or portion thereof within the new budget
 5794 | revisions, the university president may reallocate by line item
 5795 | that vetoed portion to bond obligations guaranteed by activity

5796 and service fees. Unexpended funds and undisbursed funds
 5797 remaining at the end of a fiscal year shall be carried over and
 5798 remain in the student activity and service fund and be available
 5799 for allocation and expenditure during the next fiscal year.

5800 (11)~~(10)~~ Each university board of trustees shall establish
 5801 a student health fee on the main campus of the university. The
 5802 university board of trustees may also establish a student health
 5803 fee on any branch campus or center. Any subsequent increase in
 5804 the health fee must be recommended by a health committee, at
 5805 least one-half of whom are students appointed by the student
 5806 body president. The remainder of the committee shall be
 5807 appointed by the university president. A chairperson, appointed
 5808 jointly by the university president and the student body
 5809 president, shall vote only in the case of a tie. The
 5810 recommendations of the committee shall take effect only after
 5811 approval by the university president, after consultation with
 5812 the student body president, with final approval by the
 5813 university board of trustees. An increase in the health fee may
 5814 occur only once each fiscal year and must be implemented
 5815 beginning with the fall term. The Board of Governors ~~State Board~~
 5816 ~~of Education~~ is responsible for adopting ~~promulgating~~ the rules
 5817 and timetables necessary to implement this fee.

5818 (12)~~(11)~~ Each university board of trustees shall establish
 5819 a separate athletic fee on the main campus of the university.
 5820 The university board may also establish a separate athletic fee
 5821 on any branch campus or center. Any subsequent increase in the
 5822 athletic fee must be recommended by an athletic fee committee,
 5823 at least one-half of whom are students appointed by the student

5824 body president. The remainder of the committee shall be
5825 appointed by the university president. A chairperson, appointed
5826 jointly by the university president and the student body
5827 president, shall vote only in the case of a tie. The
5828 recommendations of the committee shall take effect only after
5829 approval by the university president, after consultation with
5830 the student body president, with final approval by the
5831 university board of trustees. An increase in the athletic fee
5832 may occur only once each fiscal year and must be implemented
5833 beginning with the fall term. The Board of Governors ~~State Board~~
5834 ~~of Education~~ is responsible for adopting ~~promulgating~~ the rules
5835 and timetables necessary to implement this fee.

5836 (16) A state university may not charge any fee except as
5837 specifically authorized by law.

5838 Section 134. Subsections (4) and (6) of section 1009.26,
5839 Florida Statutes, are amended, and subsection (10) is added to
5840 that section, to read:

5841 1009.26 Fee waivers.--

5842 (4) A state university may waive any or all application,
5843 tuition, and related fees for persons 60 years of age or older
5844 who are residents of this state and who attend classes for
5845 credit. No academic credit shall be awarded for attendance in
5846 classes for which fees are waived under this subsection. This
5847 privilege may be granted only on a space-available basis, if
5848 such classes are not filled as of the close of registration. A
5849 university may limit or deny the privilege for courses which are
5850 in programs for which the Board of Governors ~~State Board of~~
5851 ~~Education~~ has established selective admissions criteria. Persons

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5852 paying full fees and state employees taking courses on a space-
5853 available basis shall have priority over those persons whose
5854 fees are waived in all cases where classroom spaces are limited.

5855 (6) A university board of trustees may waive the State
5856 ~~Board of Education may establish rules to allow for the waiver~~
5857 ~~of~~ out-of-state fees for nondegree-seeking students enrolled at
5858 a state university if the earned student credit hours generated
5859 by such students are nonfundable and the direct cost for the
5860 program of study is recovered from the fees charged to all
5861 students.

5862 (10) Each university board of trustees is authorized to
5863 waive tuition and out-of-state fees for purposes that support
5864 and enhance the mission of the university. All fees waived must
5865 be based on policies that are adopted by university boards of
5866 trustees pursuant to rules adopted by the Board of Governors.
5867 Each university shall report the purpose, number, and value of
5868 all fee waivers granted annually in a format prescribed by the
5869 Board of Governors.

5870 Section 135. Subsection (1) of section 1009.27, Florida
5871 Statutes, is amended to read:

5872 1009.27 Deferral of fees.--

5873 (1) School districts, community colleges, and state
5874 universities may defer ~~The State Board of Education shall adopt~~
5875 ~~rules to allow the deferral of~~ tuition and ~~registration~~ fees for
5876 students receiving financial aid from a federal or state
5877 assistance program when the aid is delayed in being transmitted
5878 to the student through circumstances beyond the control of the
5879 student. The failure to make timely application for the aid is

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5880 an insufficient reason to receive a deferral of fees. ~~The rules~~
5881 ~~must provide for the enforcement and collection or other~~
5882 ~~settlement of delinquent accounts.~~

5883 Section 136. Section 1009.285, Florida Statutes, is
5884 amended to read:

5885 1009.285 Fees for repeated enrollment in college-credit
5886 courses.--A student enrolled in the same undergraduate college-
5887 credit course more than twice shall pay tuition at 100 percent
5888 of the full cost of instruction and shall not be included in
5889 calculations of full-time equivalent enrollments for state
5890 funding purposes. However, students who withdraw or fail a class
5891 due to extenuating circumstances may be granted an exception
5892 only once for each class, provided that approval is granted
5893 according to policy established by the community college board
5894 of trustees or the university board of trustees. Each community
5895 college and state university may review and reduce fees paid by
5896 students due to continued enrollment in a college-credit class
5897 on an individual basis contingent upon the student's financial
5898 hardship, ~~pursuant to definitions and fee levels established by~~
5899 ~~the State Board of Education.~~ For purposes of this section,
5900 first-time enrollment in a class shall mean enrollment in a
5901 class beginning fall semester 1997, and calculations of the full
5902 cost of instruction shall be based on the systemwide average of
5903 the prior year's cost of undergraduate programs for the
5904 community colleges and the state universities. Boards of
5905 trustees may make exceptions to this section for individualized
5906 study, elective coursework, courses that are repeated as a
5907 requirement of a major, and courses that are intended as

5908 continuing over multiple semesters, excluding the repeat of
 5909 coursework more than two times to increase grade point average
 5910 or meet minimum course grade requirements.

5911 Section 137. Subsection (1) of section 1009.29, Florida
 5912 Statutes, is amended to read:

5913 1009.29 Increased fees for funding financial aid
 5914 program.--

5915 (1) Student tuition and registration fees at each state
 5916 university and community college shall include up to \$4.68 per
 5917 quarter, or \$7.02 per semester, per full-time student, or the
 5918 per-student credit hour equivalents of such amounts. The fees
 5919 provided for by this section shall be adjusted from time to
 5920 time, as necessary, to comply with the debt service coverage
 5921 requirements of the student loan revenue bonds issued pursuant
 5922 to s. 1009.79. If the Division of Bond Finance of the State
 5923 Board of Administration ~~State Board of Education~~ and the
 5924 Commissioner of Education determine that such fees are no longer
 5925 required as security for revenue bonds issued pursuant to ss.
 5926 1009.78-1009.88, moneys previously collected pursuant to this
 5927 section which are held in escrow, after administrative expenses
 5928 have been met and up to \$150,000 has been used to establish a
 5929 financial aid data processing system for the state universities
 5930 incorporating the necessary features to meet the needs of all 11
 5931 universities for application through disbursement processing,
 5932 shall be reallocated to the generating institutions to be used
 5933 for student financial aid programs, including, but not limited
 5934 to, scholarships and grants for educational purposes. Upon such
 5935 determination, such fees shall no longer be assessed and

5936 collected.

5937 Section 138. Section 1009.40, Florida Statutes, is amended
5938 to read:

5939 1009.40 General requirements for student eligibility for
5940 state financial aid awards and tuition assistance grants.--

5941 (1) (a) The general requirements for eligibility of
5942 students for state financial aid awards and tuition assistance
5943 grants consist of the following:

5944 1. Achievement of the academic requirements of and
5945 acceptance at a state university or community college; a nursing
5946 diploma school approved by the Florida Board of Nursing; a
5947 Florida college, university, or community college which is
5948 accredited by an accrediting agency recognized by the State
5949 Board of Education; any Florida institution the credits of which
5950 are acceptable for transfer to state universities; any career
5951 center; or any private career institution accredited by an
5952 accrediting agency recognized by the State Board of Education.

5953 2. Residency in this state for no less than 1 year
5954 preceding the award of aid or a tuition assistance grant for a
5955 program established pursuant to s. 1009.50, s. 1009.51, s.
5956 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s. 1009.57, s.
5957 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s. 1009.72, s.
5958 1009.73, s. 1009.76, s. 1009.77, ~~or~~ s. 1009.89, or s. 1009.891.

5959 Residency in this state must be for purposes other than to
5960 obtain an education. Resident status for purposes of receiving
5961 state financial aid awards shall be determined in the same
5962 manner as resident status for tuition purposes pursuant to s.
5963 1009.21 ~~and rules of the State Board of Education.~~

5964 3. Submission of certification attesting to the accuracy,
5965 completeness, and correctness of information provided to
5966 demonstrate a student's eligibility to receive state financial
5967 aid awards or tuition assistance grants. Falsification of such
5968 information shall result in the denial of any pending
5969 application and revocation of any award or grant currently held
5970 to the extent that no further payments shall be made.
5971 Additionally, students who knowingly make false statements in
5972 order to receive state financial aid awards or tuition
5973 assistance grants ~~commit shall be guilty of~~ a misdemeanor of the
5974 second degree subject to the provisions of s. 837.06 and shall
5975 be required to return all state financial aid awards or tuition
5976 assistance grants wrongfully obtained.

5977 (b)1. Eligibility for the renewal of undergraduate
5978 financial aid awards shall be evaluated at the end of the second
5979 semester or third quarter of each academic year. As a condition
5980 for renewal, a student shall:

5981 a. Have earned a minimum cumulative grade point average of
5982 2.0 on a 4.0 scale; and

5983 b. Have earned, for full-time study, 12 credits per term
5984 or the equivalent for the number of terms for which aid was
5985 received.

5986 2. A student who earns the minimum number of credits
5987 required for renewal, but who fails to meet the minimum 2.0
5988 cumulative grade point average, may be granted a probationary
5989 award for up to the equivalent of 1 academic year and shall be
5990 required to earn a cumulative grade point average of 2.0 on a
5991 4.0 scale by the end of the probationary period to be eligible

5992 for subsequent renewal. A student who receives a probationary
5993 award and who fails to meet the conditions for renewal by the
5994 end of his or her probationary period shall be ineligible to
5995 receive additional awards for the equivalent of 1 academic year
5996 following his or her probationary period. Each such student may,
5997 however, reapply for assistance during a subsequent application
5998 period and may be eligible for an award if he or she has earned
5999 a cumulative grade point average of 2.0 on a 4.0 scale.

6000 3. A student who fails to earn the minimum number of
6001 credits required for renewal shall lose his or her eligibility
6002 for renewal for a period equivalent to 1 academic year.
6003 However, the student may reapply during a subsequent application
6004 period and may be eligible for an award if he or she has earned
6005 a minimum cumulative grade point average of 2.0 on a 4.0 scale.

6006 4. Students who receive state student aid and subsequently
6007 fail to meet state academic progress requirements due to
6008 verifiable illness or other emergencies may be granted an
6009 exception from the academic requirements. Such students shall
6010 make a written appeal to the institution. The appeal shall
6011 include a description and verification of the circumstances.
6012 Verification of illness or other emergencies may include but not
6013 be limited to a physician's statement or written statement of a
6014 parent or college official. The institution shall recommend
6015 exceptions with necessary documentation to the department. The
6016 department may accept or deny such recommendations for exception
6017 from the institution.

6018 (2) These requirements do not preclude higher standards
6019 specified in other sections of this part, in rules of the state

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6020 board, or in rules of a participating institution.

6021 (3) Undergraduate students are eligible to receive
 6022 financial aid for a maximum of 8 semesters or 12 quarters.
 6023 However, undergraduate students participating in college-
 6024 preparatory instruction, students requiring additional time to
 6025 complete the college-level communication and computation skills
 6026 testing programs, or students enrolled in a 5-year undergraduate
 6027 degree program are eligible to receive financial aid for a
 6028 maximum of 10 semesters or 15 quarters.

6029 (4) No student is eligible to receive more than one state
 6030 scholarship that is based on academic merit. Students who
 6031 qualify for more than one such scholarship shall be notified of
 6032 all awards for which they qualify and shall be provided the
 6033 opportunity to accept one of their choosing.

6034 Section 139. Subsections (9) and (12) of section 1009.90,
 6035 Florida Statutes, are amended to read:

6036 1009.90 Duties of the Department of Education.--The duties
 6037 of the department shall include:

6038 (9) Development and submission of a report, annually, to
 6039 the State Board of Education, the Board of Governors, the
 6040 President of the Senate, and the Speaker of the House of
 6041 Representatives, which shall include, but not be limited to,
 6042 recommendations for the distribution of state financial aid
 6043 funds.

6044 (12) Calculation of the amount of need-based student
 6045 financial aid required to offset fee increases recommended by
 6046 the State Board of Education and the Board of Governors and
 6047 inclusion of such amount within the legislative budget request

6048 | for student assistance grant programs.

6049 | Section 140. Subsection (4) of section 1009.91, Florida
6050 | Statutes, is amended to read:

6051 | 1009.91 Assistance programs and activities of the
6052 | department.--

6053 | (4) The department shall maintain records on the student
6054 | loan default rate of each Florida postsecondary institution and
6055 | report that information annually to both the institution and the
6056 | State Board of Education. Information relating to state
6057 | universities shall also be reported annually to the Board of
6058 | Governors.

6059 | Section 141. Subsection (2) of section 1009.971, Florida
6060 | Statutes, is amended to read:

6061 | 1009.971 Florida Prepaid College Board.--

6062 | (2) FLORIDA PREPAID COLLEGE BOARD; MEMBERSHIP.--The board
6063 | shall consist of seven members to be composed of the Attorney
6064 | General, the Chief Financial Officer, the Chancellor of the
6065 | State University System ~~Deputy Commissioner of Colleges and~~
6066 | ~~Universities~~, the Deputy Commissioner of Community Colleges, and
6067 | three members appointed by the Governor and subject to
6068 | confirmation by the Senate. Each member appointed by the
6069 | Governor shall possess knowledge, skill, and experience in the
6070 | areas of accounting, actuary, risk management, or investment
6071 | management. Each member of the board not appointed by the
6072 | Governor may name a designee to serve on the board on behalf of
6073 | the member; however, any designee so named shall meet the
6074 | qualifications required of gubernatorial appointees to the
6075 | board. Members appointed by the Governor shall serve terms of 3

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6076 | years. Any person appointed to fill a vacancy on the board shall
 6077 | be appointed in a like manner and shall serve for only the
 6078 | unexpired term. Any member shall be eligible for reappointment
 6079 | and shall serve until a successor qualifies. Members of the
 6080 | board shall serve without compensation but shall be reimbursed
 6081 | for per diem and travel in accordance with s. 112.061. Each
 6082 | member of the board shall file a full and public disclosure of
 6083 | his or her financial interests pursuant to s. 8, Art. II of the
 6084 | State Constitution and corresponding statute.

6085 | Section 142. Section 1010.01, Florida Statutes, is amended
 6086 | to read:

6087 | 1010.01 Uniform records and accounts.--

6088 | (1) (a) The financial records and accounts of each school
 6089 | district, community college, ~~university,~~ and other institution
 6090 | or agency under the supervision of the State Board of Education
 6091 | shall be prepared and maintained as prescribed by law and rules
 6092 | of the State Board of Education.

6093 | (b) The financial records and accounts of each state
 6094 | university under the supervision of the Board of Governors shall
 6095 | be prepared and maintained as prescribed by law and rules of the
 6096 | Board of Governors.

6097 | (2) Rules of the State Board of Education and rules of the
 6098 | Board of Governors shall incorporate the requirements of law and
 6099 | accounting principles generally accepted in the United States
 6100 | ~~the appropriate requirements of the Governmental Accounting~~
 6101 | ~~Standards Board (GASB) for State and Local Government. Such~~
 6102 | rules shall include a uniform classification of accounts.

6103 | (3) Each state university shall annually file with the

6104 Board of Governors financial statements prepared in conformity
 6105 with accounting principles generally accepted by the United
 6106 States and the uniform classification of accounts prescribed by
 6107 the Board of Governors. The Board of Governors' rules shall
 6108 prescribe the filing deadline for the financial statements.

6109 (4)~~(3)~~ Required financial accounts and reports shall
 6110 include provisions that are unique to each of the following: K-
 6111 12 school districts, community colleges, and state universities,
 6112 and shall provide for the data to be reported to the National
 6113 Center of Educational Statistics and other governmental and
 6114 professional educational data information services as
 6115 appropriate.

6116 Section 143. Section 1010.011, Florida Statutes, is
 6117 amended to read:

6118 1010.011 Definition.--For purposes of this chapter and
 6119 chapter 1011, the ~~following~~ terms: "university," "universities,"
 6120 and "university board of trustees" include all state
 6121 universities ~~New College~~ under the supervision of the Board of
 6122 Governors ~~State Board of Education.~~

6123 Section 144. Section 1010.02, Florida Statutes, is amended
 6124 to read:

6125 1010.02 Financial accounting and expenditures.--

6126 (1) All funds accruing to a school district or ~~a~~
 6127 ~~community college, or a university~~ must be received, accounted
 6128 for, and expended in accordance with law and rules of the State
 6129 Board of Education.

6130 (2) All funds accruing to a state university must be
 6131 received, accounted for, and expended in accordance with law and

6132 rules of the Board of Governors.

6133 Section 145. Subsections (1) and (4) of section 1010.04,
6134 Florida Statutes, are amended to read:

6135 1010.04 Purchasing.--

6136 (1) (a) Purchases and leases by school districts and
6137 ~~community colleges, and universities~~ shall comply with the
6138 requirements of law and rules of the State Board of Education.

6139 (b) Purchases and leases by state universities shall
6140 comply with the requirements of law and rules of the Board of
6141 Governors.

6142 (4) (a) The State Board of Education may, by rule, provide
6143 for alternative procedures for school districts and community
6144 colleges for bidding or purchasing in cases in which the
6145 character of the item requested renders competitive bidding
6146 impractical.

6147 (b) The Board of Governors may, by rule, provide for
6148 alternative procedures for state universities for bidding or
6149 purchasing in cases in which the character of the item requested
6150 renders competitive bidding impractical.

6151 Section 146. Subsection (2) of section 1010.07, Florida
6152 Statutes, is amended to read:

6153 1010.07 Bonds or insurance required.--

6154 (2) (a) Contractors paid from school district or community
6155 college, ~~or university~~ funds shall give bond for the faithful
6156 performance of their contracts in such amount and for such
6157 purposes as prescribed by s. 255.05 or by rules of the State
6158 Board of Education relating to the type of contract involved. It
6159 shall be the duty of the district school board or community

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6160 college board of trustees, ~~and university board of trustees~~ to
 6161 require from construction contractors a bond adequate to protect
 6162 the board and the board's funds involved.

6163 (b) Contractors paid from university funds shall give bond
 6164 for the faithful performance of their contracts in such amount
 6165 and for such purposes as prescribed by s. 255.05 or by rules of
 6166 the Board of Governors relating to the type of contract
 6167 involved. It shall be the duty of the university board of
 6168 trustees to require from construction contractors a bond
 6169 adequate to protect the board and the board's funds involved.

6170 Section 147. Section 1010.09, Florida Statutes, is amended
 6171 to read:

6172 1010.09 Direct-support organizations.--

6173 (1) School district and, ~~community college, and university~~
 6174 direct-support organizations shall be organized and conducted
 6175 under the provisions of ss. 1001.453, ~~1004.28,~~ and 1004.70 and
 6176 rules of the State Board of Education, as applicable.

6177 (2) State university direct-support organizations shall be
 6178 organized and conducted under the provisions of s. 1004.28 and
 6179 rules of the Board of Governors, as applicable.

6180 Section 148. Section 1010.30, Florida Statutes, is amended
 6181 to read:

6182 1010.30 Audits required.--School districts, community
 6183 colleges, ~~universities,~~ and other institutions and agencies
 6184 under the supervision of the State Board of Education and state
 6185 universities under the supervision of the Board of Governors are
 6186 subject to the audit provisions under ss. 11.45 and 218.39.

6187 Section 149. Section 1011.01, Florida Statutes, is amended

6188 to read:

6189 1011.01 Budget system established.--

6190 (1) The State Board of Education shall prepare and submit
 6191 a coordinated K-20 education annual legislative budget request
 6192 to the Governor and the Legislature on or before the date
 6193 provided by the Governor and the Legislature. The board's
 6194 legislative budget request must clearly define the needs of
 6195 school districts, community colleges, universities, other
 6196 institutions, organizations, programs, and activities under the
 6197 supervision of the board and that are assigned by law or the
 6198 General Appropriations Act to the Department of Education.

6199 (2) (a) There shall be established in each school district
 6200 and, ~~community college, and university~~ a budget system as
 6201 prescribed by law and rules of the State Board of Education.

6202 (b) There shall be established in each state university a
 6203 budget system as prescribed by law and rules of the Board of
 6204 Governors.

6205 (3) (a) Each district school board and, ~~each community~~
 6206 ~~college board of trustees, and each state university board of~~
 6207 ~~trustees~~ shall prepare, adopt, and submit to the Commissioner of
 6208 Education for review an annual operating budget. Operating
 6209 budgets shall be prepared and submitted in accordance with the
 6210 provisions of law, rules of the State Board of Education, the
 6211 General Appropriations Act, and for district school boards in
 6212 accordance with the provisions of ss. 200.065 and 1011.64.

6213 (b) Each state university board of trustees shall prepare,
 6214 adopt, and submit to the Chancellor of the State University
 6215 System for review an annual operating budget in accordance with

6216 provisions of law, rules of the Board of Governors, and the
 6217 General Appropriations Act.

6218 (4) The State Board of Education shall coordinate with the
 6219 Board of Governors to facilitate the budget system requirements
 6220 of this section. The Board of Governors exclusively retains the
 6221 review and approval powers of this section for state
 6222 universities.

6223 Section 150. Section 1011.011, Florida Statutes, is
 6224 amended to read:

6225 1011.011 Legislative capital outlay budget request.--The
 6226 State Board of Education shall submit an integrated,
 6227 comprehensive budget request for educational facilities
 6228 construction and fixed capital outlay needs for school
 6229 districts, community colleges, and, in conjunction with the
 6230 Board of Governors, universities pursuant to this section and s.
 6231 1013.46 and applicable provisions of chapter 216.

6232 Section 151. Section 1011.40, Florida Statutes, is amended
 6233 to read:

6234 1011.40 Budgets for universities.--

6235 (1) LEGISLATIVE BUDGET REQUEST.--The Board of Governors
 6236 ~~State Board of Education~~ shall provide instructions, guidelines,
 6237 and standard formats to be used by each university that will
 6238 provide to the Board of Governors ~~State Board of Education~~ and
 6239 the Legislature adequate information to support and justify the
 6240 legislative budget requests submitted pursuant to ss. 216.023,
 6241 1011.90, and 1013.60 for each university.

6242 (2) OPERATING BUDGET.--Each university board of trustees
 6243 shall adopt an operating budget for the operation of the

6244 university as prescribed by law and rules of the Board of
 6245 Governors ~~State Board of Education~~. Each university president
 6246 shall prepare and implement the operating budget of the
 6247 university as prescribed by law, rules of the Board of Governors
 6248 ~~State Board of Education~~, policies of the university board of
 6249 trustees, and provisions of the General Appropriations Act. The
 6250 proposed expenditures, plus transfers, and balances shall not
 6251 exceed the estimated income, transfers, and balances. The budget
 6252 and each part thereof shall balance. If at any time the
 6253 unencumbered balance in the education and general fund of the
 6254 university board of trustees approved operating budget goes
 6255 below 5 percent, the president shall provide written
 6256 notification to the Board of Governors ~~State Board of Education~~.

6257 (3) EXPENDITURES.--Expenditures from any source of funds
 6258 by any university shall not exceed the funds available.
 6259 Expenditures shall not exceed the amount budgeted under each
 6260 classification of accounts for each fund and the total amount of
 6261 the budget, as amended as prescribed by rules of the Board of
 6262 Governors ~~State Board of Education~~. No expenditure of funds,
 6263 contract, or agreement of any nature shall be made that requires
 6264 additional appropriation of funds by the Legislature unless
 6265 specifically authorized in advance by law or the General
 6266 Appropriations Act.

6267 (4) DISTRIBUTION OF APPROPRIATION.--Funds appropriated in
 6268 the General Appropriations Act for the operation of state
 6269 universities shall be distributed ~~by the State Board of~~
 6270 ~~Education~~ to the universities twice monthly. The Executive
 6271 Office of the Governor may modify this schedule if required to

6272 meet specific needs of a university.

6273 Section 152. Section 1011.41, Florida Statutes, is amended
6274 to read:

6275 1011.41 University appropriations.--Funds for the general
6276 operations of universities shall be requested and appropriated
6277 as Aid to Local Governments Grants and Aids, subject to
6278 provisions of the General Appropriations Act. Funds provided to
6279 state universities in the General Appropriations Act are
6280 contingent upon each university complying with the tuition and
6281 fee policies established in the proviso language and with the
6282 tuition and fee policies for state universities included in part
6283 II of chapter 1009. However, the funds appropriated to a
6284 specific university shall not be affected by the failure of
6285 another university to comply with this provision.

6286 Section 153. Section 1011.4106, Florida Statutes, is
6287 amended to read:

6288 1011.4106 Trust fund dissolution and local account
6289 appropriations.--

6290 (1) Notwithstanding the provisions of ss. 215.3206(2) and
6291 215.3208(2), and pursuant to s. 216.351, all unexpended balances
6292 as of June 30, 2002, in the following State University System
6293 trust funds are hereby appropriated to the appropriate accounts
6294 of each university based upon the original source of the trust
6295 fund revenue and any accrued interest: the Education/General
6296 Student and Other Fees Trust Fund, the Experiment Station
6297 Federal Grant Trust Fund, the Experiment Station Incidental
6298 Trust Fund, the Extension Service Federal Grant Trust Fund, the
6299 Extension Service Incidental Trust Fund, the Incidental Trust

6300 Fund, the UF Health Center Operations and Maintenance Trust
 6301 Fund, the Operations and Maintenance Trust Fund, and all other
 6302 trust funds in the State Treasury for universities. Expenditure
 6303 of these funds by each university must be based on the laws,
 6304 rules, grant agreements, or other legal controlling factors
 6305 associated with all trust fund balances which are appropriated
 6306 to local accounts pursuant to this section, and included in each
 6307 university board of trustees' approved operating budget. Each
 6308 university shall be responsible for the payment of outstanding
 6309 debts or obligations associated with these funds.

6310 (2) Any appropriations provided in the General
 6311 Appropriations Act from the Education/General Student and Other
 6312 Fees Trust Fund are the only budget authority for the fiscal
 6313 year to the named universities to expend tuition and out-of-
 6314 state fees that are collected during the fiscal year and carried
 6315 forward from the prior fiscal year. The expenditure of tuition
 6316 and fee revenues from local accounts by each university shall
 6317 not exceed the authority provided in the General Appropriations
 6318 Act unless approved pursuant to the provisions of chapter 216.
 6319 If a court of competent jurisdiction finds that the restriction
 6320 in this subsection is invalid, the moneys described in this
 6321 section shall be deposited in the State Treasury.

6322 Section 154. Section 1011.411, Florida Statutes, is
 6323 amended to read:

6324 1011.411 Budgets for sponsored research at
 6325 universities.--Funds for sponsored research at each university
 6326 shall be budgeted and expended pursuant to ss. 1004.22 ~~1010.30~~
 6327 and 1011.42.

6328 Section 155. Subsection (6) of section 1011.42, Florida
 6329 Statutes, is amended to read:

6330 1011.42 University depositories; deposits into and
 6331 withdrawals from depositories.--

6332 (6) The university president or his or her designee, after
 6333 having been specifically authorized by the university board of
 6334 trustees, may transfer funds from one depository to another,
 6335 within a depository, to another institution, or from another
 6336 institution to a depository for investment purposes and may
 6337 transfer funds to pay expenses, expenditures, or other
 6338 disbursements, evidenced by an invoice or other appropriate
 6339 documentation ~~in a similar manner when the transfer does not~~
 6340 ~~represent an expenditure, advance, or reduction of cash assets.~~

6341 Section 156. Subsections (3), (4), and (5) of section
 6342 1011.48, Florida Statutes, are amended to read:

6343 1011.48 Establishment of educational research centers for
 6344 child development.--

6345 (3) Each center is authorized to charge fees for the care
 6346 and services it provides. Such fees must be approved by the
 6347 Board of Governors ~~State Board of Education~~ and may be imposed
 6348 on a sliding scale based on ability to pay or any other factors
 6349 deemed relevant by the board.

6350 (4) The Board of Governors may adopt ~~State Board of~~
 6351 ~~Education is authorized and directed to promulgate~~ rules for the
 6352 establishment, operation, and supervision of educational
 6353 research centers for child development. Such rules shall
 6354 include, but need not be limited to: a defined method of
 6355 establishment of and participation in the operation of centers

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6356 by the appropriate student government associations; guidelines
 6357 for the establishment of an intern program in each center; and
 6358 guidelines for the receipt and monitoring of funds from grants
 6359 and other sources of funds consistent with existing laws.

6360 (5) Each educational research center for child development
 6361 shall be funded by a portion of the Capital Improvement Trust
 6362 Fund fee established by the Board of Governors ~~State Board of~~
 6363 ~~Education~~ pursuant to s. 1009.24(7). Each university that
 6364 establishes a center shall receive a portion of such fees
 6365 collected from the students enrolled at that university, usable
 6366 only at that university, equal to 22.5 cents per student per
 6367 credit hour taken per term, based on the summer term and fall
 6368 and spring semesters. This allocation shall be used by the
 6369 university only for the establishment and operation of a center
 6370 as provided by this section and rules adopted ~~promulgated~~
 6371 hereunder. Said allocation may be made only after all bond
 6372 obligations required to be paid from such fees have been met.

6373 Section 157. Subsection (1) of section 1011.82, Florida
 6374 Statutes, is amended to read:

6375 1011.82 Requirements for participation in Community
 6376 College Program Fund.--Each community college district which
 6377 participates in the state appropriations for the Community
 6378 College Program Fund shall provide evidence of its effort to
 6379 maintain an adequate community college program which shall:

6380 (1) Meet the minimum standards prescribed by the State
 6381 Board of Education in accordance with s.1001.02(6) ~~s.~~
 6382 ~~1001.02(9)~~.

6383 Section 158. Subsection (4) of section 1011.90, Florida

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6384 Statutes, is amended to read:

6385 1011.90 State university funding.--

6386 (4) The Board of Governors ~~State Board of Education~~ shall
 6387 establish and validate a cost-estimating system consistent with
 6388 the requirements of subsection (1) and shall report as part of
 6389 its legislative budget request the actual expenditures for the
 6390 fiscal year ending the previous June 30. Expenditure analysis,
 6391 operating budgets, and annual financial statements of each
 6392 university must be prepared using the standard financial
 6393 reporting procedures and formats prescribed by the Board of
 6394 Governors ~~State Board of Education~~. These formats shall be the
 6395 same as used for the 2000-2001 fiscal year reports. Any
 6396 revisions to these financial and reporting procedures and
 6397 formats must be approved by the Executive Office of the Governor
 6398 and the appropriations committees of the Legislature jointly
 6399 under the provisions of s. 216.023(3). The Board of Governors
 6400 ~~State Board of Education~~ shall continue to collect and maintain
 6401 at a minimum the management information databases existing on
 6402 June 30, 2002. The expenditure analysis report shall include
 6403 total expenditures from all sources for the general operation of
 6404 the university and shall be in such detail as needed to support
 6405 the legislative budget request.

6406 Section 159. Subsections (1) and (2) of section 1011.91,
 6407 Florida Statutes, are amended to read:

6408 1011.91 Additional appropriation.--

6409 (1) Except as otherwise provided in the General
 6410 Appropriations Act, all moneys received by universities, ~~other~~
 6411 ~~than from state and federal sources~~, from student building and

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6412 ~~capital improvement fees~~ authorized in s. 1009.24, from federal
 6413 sources, from private sources, and from vending machine
 6414 collections, are hereby appropriated to the use of the
 6415 respective universities collecting same, to be expended as the
 6416 university board of trustees may direct; however, the funds
 6417 shall not be expended except in pursuance of detailed budgets
 6418 filed with the Board of Governors ~~State Board of Education~~ and
 6419 shall not be expended for the construction or reconstruction of
 6420 buildings except as provided under s. 1013.74.

6421 (2) All moneys received from vending machine collections
 6422 by a state university ~~universities~~ shall be expended only as set
 6423 forth in detailed budgets approved by the university's board of
 6424 trustees ~~State Board of Education~~.

6425 Section 160. Section 1011.94, Florida Statutes, is amended
 6426 to read:

6427 1011.94 ~~Trust Fund for~~ University Major Gifts Program.--

6428 (1) There is established the ~~a Trust Fund for~~ University
 6429 Major Gifts Program. The purpose of the program ~~trust fund~~ is to
 6430 enable each university ~~and New College~~ to provide donors with an
 6431 incentive in the form of matching grants for donations for the
 6432 establishment of permanent endowments and sales tax exemption
 6433 matching funds received pursuant to s. 212.08(5)(j), which must
 6434 be invested, with the proceeds of the investment used to support
 6435 libraries and instruction and research programs, as defined by
 6436 the Board of Governors ~~State Board of Education~~. ~~All funds~~
 6437 ~~appropriated for the challenge grants, new donors, major gifts,~~
 6438 ~~sales tax exemption matching funds pursuant to s. 212.08(5)(j),~~
 6439 ~~or eminent scholars program may be deposited into the trust fund~~

6440 ~~and invested pursuant to s. 17.61 until the State Board of~~
6441 ~~Education allocates the funds to universities to match private~~
6442 ~~donations. Notwithstanding s. 216.301 and pursuant to s.~~
6443 ~~216.351, any undisbursed balance remaining in the trust fund and~~
6444 ~~interest income accruing to the portion of the trust fund which~~
6445 ~~is not matched and distributed to universities must remain in~~
6446 ~~the trust fund and be used to increase the total funds available~~
6447 ~~for challenge grants. Funds deposited in the trust fund for the~~
6448 ~~sales tax exemption matching program authorized in s.~~
6449 ~~212.08(5)(j), and interest earnings thereon, shall be maintained~~
6450 ~~in a separate account within the Trust Fund for University Major~~
6451 ~~Gifts, and may be used only to match qualified sales tax~~
6452 ~~exemptions that a certified business designates for use by state~~
6453 ~~universities and community colleges to support research and~~
6454 ~~development projects requested by the certified business. The~~
6455 ~~State Board of Education may authorize any university to~~
6456 ~~encumber the state matching portion of a challenge grant from~~
6457 ~~funds available under s. 1011.45.~~

6458 (2) The Board of Governors ~~State Board of Education~~ shall
6459 specify the process for submission, documentation, and approval
6460 of requests for matching funds, accountability for endowments
6461 and proceeds of endowments, allocations to universities,
6462 restrictions on the use of the proceeds from endowments, and
6463 criteria used in determining the value of donations.

6464 (3) (a) The Board of Governors ~~State Board of Education~~
6465 shall allocate the amount appropriated to ~~the trust fund to~~ each
6466 university ~~and New College~~ based on the amount of the donation
6467 and the restrictions applied to the donation.

6468 (b) Donations for a specific purpose must be matched in
 6469 the following manner:

6470 1. Each university that raises at least \$100,000 but no
 6471 more than \$599,999 from a private source must receive a matching
 6472 grant equal to 50 percent of the private contribution.

6473 2. Each university that raises a contribution of at least
 6474 \$600,000 but no more than \$1 million from a private source must
 6475 receive a matching grant equal to 70 percent of the private
 6476 contribution.

6477 3. Each university that raises a contribution in excess of
 6478 \$1 million but no more than \$1.5 million from a private source
 6479 must receive a matching grant equal to 75 percent of the private
 6480 contribution.

6481 4. Each university that raises a contribution in excess of
 6482 \$1.5 million but no more than \$2 million from a private source
 6483 must receive a matching grant equal to 80 percent of the private
 6484 contribution.

6485 5. Each university that raises a contribution in excess of
 6486 \$2 million from a private source must receive a matching grant
 6487 equal to 100 percent of the private contribution.

6488 (c) The Board of Governors ~~State Board of Education~~ shall
 6489 encumber state matching funds for any pledged contributions, pro
 6490 rata, based on the requirements for state matching funds as
 6491 specified for the particular challenge grant and the amount of
 6492 the private donations actually received by the university for
 6493 the respective challenge grant.

6494 (4) Matching funds may be provided for contributions
 6495 encumbered or pledged under the Eminent Scholars Act prior to

6496 July 1, 1994, and for donations or pledges of any amount equal
 6497 to or in excess of the prescribed minimums which are pledged for
 6498 the purpose of this section.

6499 (5) (a) Each university foundation ~~and New College~~
 6500 ~~Foundation~~ shall establish a challenge grant account for each
 6501 challenge grant as a depository for private contributions and
 6502 state matching funds to be administered on behalf of the Board
 6503 of Governors or State Board of Education, the university, ~~or New~~
 6504 ~~College~~. State matching funds must be transferred to a
 6505 university foundation ~~or New College Foundation~~ upon
 6506 notification that the university ~~or New College~~ has received and
 6507 deposited the amount specified in this section in a foundation
 6508 challenge grant account.

6509 (b) The foundation serving a university ~~and New College~~
 6510 ~~Foundation~~ each has the responsibility for the maintenance and
 6511 investment of its challenge grant account and for the
 6512 administration of the program on behalf of the university ~~or New~~
 6513 ~~College~~, pursuant to procedures specified by the Board of
 6514 Governors State Board of Education. Each foundation shall
 6515 include in its annual report to the Board of Governors State
 6516 ~~Board of Education~~ information concerning collection and
 6517 investment of matching gifts and donations and investment of the
 6518 account.

6519 (c) A donation of at least \$600,000 and associated state
 6520 matching funds may be used to designate an Eminent Scholar
 6521 Endowed Chair pursuant to procedures specified by the Board of
 6522 Governors State Board of Education.

6523 (6) The donations, state matching funds, or proceeds from

6524 | endowments established under this section may not be expended
 6525 | for the construction, renovation, or maintenance of facilities
 6526 | or for the support of intercollegiate athletics.

6527 | Section 161. Section 1012.01, Florida Statutes, is amended
 6528 | to read:

6529 | 1012.01 Definitions.--As used in this chapter, the
 6530 | following terms have the following meanings ~~Specific definitions~~
 6531 | ~~shall be as follows, and wherever such defined words or terms~~
 6532 | ~~are used in the Florida K-20 Education Code, they shall be used~~
 6533 | ~~as follows:~~

6534 | (1) SCHOOL OFFICERS.--The officers of the state system of
 6535 | public K-12 and community college education shall be the
 6536 | Commissioner of Education and the members of the State Board of
 6537 | Education; ~~and,~~ for each district school system, the officers
 6538 | shall be the district school superintendent and members of the
 6539 | district school board; and for each community college, the
 6540 | officers shall be the community college president and members of
 6541 | the community college board of trustees.

6542 | (2) INSTRUCTIONAL PERSONNEL.--"Instructional personnel"
 6543 | means any K-12 staff member whose function includes the
 6544 | provision of direct instructional services to students.
 6545 | Instructional personnel also includes K-12 personnel whose
 6546 | functions provide direct support in the learning process of
 6547 | students. Included in the classification of instructional
 6548 | personnel are the following K-12 personnel:

6549 | (a) Classroom teachers.--Classroom teachers are staff
 6550 | members assigned the professional activity of instructing
 6551 | students in courses in classroom situations, including basic

6552 instruction, exceptional student education, career education,
6553 and adult education, including substitute teachers.

6554 (b) Student personnel services.--Student personnel
6555 services include staff members responsible for: advising
6556 students with regard to their abilities and aptitudes,
6557 educational and occupational opportunities, and personal and
6558 social adjustments; providing placement services; performing
6559 educational evaluations; and similar functions. Included in this
6560 classification are guidance counselors, social workers, career
6561 specialists, and school psychologists.

6562 (c) Librarians/media specialists.--Librarians/media
6563 specialists are staff members responsible for providing school
6564 library media services. These employees are responsible for
6565 evaluating, selecting, organizing, and managing media and
6566 technology resources, equipment, and related systems;
6567 facilitating access to information resources beyond the school;
6568 working with teachers to make resources available in the
6569 instructional programs; assisting teachers and students in media
6570 productions; and instructing students in the location and use of
6571 information resources.

6572 (d) Other instructional staff.--Other instructional staff
6573 are staff members who are part of the instructional staff but
6574 are not classified in one of the categories specified in
6575 paragraphs (a)-(c). Included in this classification are primary
6576 specialists, learning resource specialists, instructional
6577 trainers, adjunct educators certified pursuant to s. 1012.57,
6578 and similar positions.

6579 (e) Education paraprofessionals.--Education

6580 paraprofessionals are individuals who are under the direct
6581 supervision of an instructional staff member, aiding the
6582 instructional process. Included in this classification are
6583 classroom paraprofessionals in regular instruction, exceptional
6584 education paraprofessionals, career education paraprofessionals,
6585 adult education paraprofessionals, library paraprofessionals,
6586 physical education and playground paraprofessionals, and other
6587 school-level paraprofessionals.

6588 (3) ADMINISTRATIVE PERSONNEL.--"Administrative personnel"
6589 includes K-12 personnel who perform management activities such
6590 as developing broad policies for the school district and
6591 executing those policies through the direction of personnel at
6592 all levels within the district. Administrative personnel are
6593 generally high-level, responsible personnel who have been
6594 assigned the responsibilities of systemwide or schoolwide
6595 functions, such as district school superintendents, assistant
6596 superintendents, deputy superintendents, school principals,
6597 assistant principals, career center directors, and others who
6598 perform management activities. Broad classifications of K-12
6599 administrative personnel are as follows:

6600 (a) District-based instructional administrators.--Included
6601 in this classification are persons with district-level
6602 administrative or policymaking duties who have broad authority
6603 for management policies and general school district operations
6604 related to the instructional program. Such personnel often
6605 report directly to the district school superintendent and
6606 supervise other administrative employees. This classification
6607 includes assistant, associate, or deputy superintendents and

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6608 | directors of major instructional areas, such as curriculum,
 6609 | federal programs such as Title I, specialized instructional
 6610 | program areas such as exceptional student education, career
 6611 | education, and similar areas.

6612 | (b) District-based noninstructional
 6613 | administrators.--Included in this classification are persons
 6614 | with district-level administrative or policymaking duties who
 6615 | have broad authority for management policies and general school
 6616 | district operations related to the noninstructional program.
 6617 | Such personnel often report directly to the district school
 6618 | superintendent and supervise other administrative employees.
 6619 | This classification includes assistant, associate, or deputy
 6620 | superintendents and directors of major noninstructional areas,
 6621 | such as personnel, construction, facilities, transportation,
 6622 | data processing, and finance.

6623 | (c) School administrators.--Included in this
 6624 | classification are:

6625 | 1. School principals or school directors who are staff
 6626 | members performing the assigned activities as the administrative
 6627 | head of a school and to whom have been delegated responsibility
 6628 | for the coordination and administrative direction of the
 6629 | instructional and noninstructional activities of the school.
 6630 | This classification also includes career center directors.

6631 | 2. Assistant principals who are staff members assisting
 6632 | the administrative head of the school. This classification also
 6633 | includes assistant principals for curriculum and administration.

6634 | (4) YEAR OF SERVICE.--The minimum time which may be
 6635 | recognized in administering K-12 ~~the state program of~~ education,

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6636 not including retirement, as a year of service by a school
6637 employee shall be full-time actual service; and, beginning July
6638 1963, such service shall also include sick leave and holidays
6639 for which compensation was received but shall exclude all other
6640 types of leave and holidays for a total of more than one-half of
6641 the number of days required for the normal contractual period of
6642 service for the position held, which shall be 196 days or
6643 longer, or the minimum required for the district to participate
6644 in the Florida Education Finance Program in the year service was
6645 rendered, or the equivalent for service performed on a daily or
6646 hourly basis; provided, further, that absence from duty after
6647 the date of beginning service shall be covered by leave duly
6648 authorized and granted; further, the school board shall have
6649 authority to establish a different minimum for local district
6650 school purposes.

6651 (5) SCHOOL VOLUNTEER.--A K-12 school volunteer is any
6652 nonpaid person who may be appointed by a district school board
6653 or its designee. School volunteers may include, but may not be
6654 limited to, parents, senior citizens, students, and others who
6655 assist the teacher or other members of the school staff.

6656 (6) EDUCATIONAL SUPPORT EMPLOYEES.--"Educational support
6657 employees" means K-12 employees whose job functions are neither
6658 administrative nor instructional, yet whose work supports the
6659 educational process.

6660 (a) Other professional staff or
6661 nonadministrative/noninstructional employees are staff members
6662 who perform professional job functions which are
6663 nonadministrative/noninstructional in nature and who are not

6664 otherwise classified in this section. Included in this
 6665 classification are employees such as doctors, nurses, attorneys,
 6666 certified public accountants, and others appropriate to the
 6667 classification.

6668 (b) Technicians are individuals whose occupations require
 6669 a combination of knowledge and manual skill which can be
 6670 obtained through about 2 years of post-high school education,
 6671 such as is offered in many career centers and community
 6672 colleges, or through equivalent on-the-job training.

6673 (c) Clerical/secretarial workers are individuals whose job
 6674 requires skills and training in clerical-type work, including
 6675 activities such as preparing, transcribing, systematizing, or
 6676 preserving written communications and reports or operating
 6677 equipment performing those functions. Included in this
 6678 classification are secretaries, bookkeepers, messengers, and
 6679 office machine operators.

6680 (d) Skilled crafts workers are individuals who perform
 6681 jobs which require special manual skill and a thorough and
 6682 comprehensive knowledge of the processes involved in the work
 6683 which is acquired through on-the-job training and experience or
 6684 through apprenticeship or other formal training programs. Lead
 6685 workers for the various skilled crafts areas shall be included
 6686 in this classification.

6687 (e) Service workers are staff members performing a service
 6688 for which there are no formal qualifications, including those
 6689 responsible for: cleaning the buildings, school plants, or
 6690 supporting facilities; maintenance and operation of such
 6691 equipment as heating and ventilation systems; preserving the

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6692 security of school property; and keeping the school plant safe
 6693 for occupancy and use. Lead workers in the various service areas
 6694 shall be included in this broad classification.

6695 (7) MANAGERS.--"Managers" includes those K-12 staff
 6696 members who perform managerial and supervisory functions while
 6697 usually also performing general operations functions. Managers
 6698 may be either instructional or noninstructional in their
 6699 responsibility. They may direct employees' work, plan the work
 6700 schedule, control the flow and distribution of work or
 6701 materials, train employees, handle complaints, authorize
 6702 payments, and appraise productivity and efficiency of employees.
 6703 This classification includes coordinators and supervisors
 6704 working under the general direction of those staff identified as
 6705 district-based instructional or noninstructional administrators.

6706 Section 162. Subsection (1) of section 1012.80, Florida
 6707 Statutes, is amended to read:

6708 1012.80 Participation by employees in disruptive
 6709 activities at public postsecondary educational institutions;
 6710 penalties.--

6711 (1) (a) Any person who accepts the privilege extended by
 6712 the laws of this state of employment at any community college
 6713 ~~public postsecondary educational institution~~ shall, by ~~so~~
 6714 working at such institution, be deemed to have given his or her
 6715 consent to the policies of that institution, the policies of the
 6716 State Board of Education, and the laws of this state. Such
 6717 policies shall include prohibition against disruptive activities
 6718 at community colleges ~~public postsecondary educational~~
 6719 ~~institutions~~.

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6720 (b) Any person who accepts the privilege extended by the
 6721 laws of this state of employment at any state university shall,
 6722 by working at such institution, be deemed to have given his or
 6723 her consent to the policies of that institution, the policies of
 6724 the Board of Governors, and the laws of this state. Such
 6725 policies shall include prohibition against disruptive activities
 6726 at state universities.

6727 Section 163. Section 1012.801, Florida Statutes, is
 6728 amended to read:

6729 1012.801 Employees of the Board of Governors ~~Division of~~
 6730 ~~Colleges and Universities.~~ --Employees of the Board of Governors
 6731 ~~Division of Colleges and Universities of the Department of~~
 6732 ~~Education~~ who were ~~are~~ participating in the State University
 6733 Optional Retirement Program prior to June 30, 2002, shall be
 6734 eligible to continue such participation as long as they remain
 6735 employees of the Board of Governors ~~Department of Education~~ or a
 6736 state university without a break in continuous service.

6737 Section 164. Section 1012.93, Florida Statutes, is amended
 6738 to read:

6739 1012.93 Faculty members; test of spoken English. ---~~The~~
 6740 ~~State Board of Education shall adopt rules requiring that~~ All
 6741 faculty members in each state university ~~and New College~~, other
 6742 than those persons who teach courses that are conducted
 6743 primarily in a foreign language, shall be proficient in the oral
 6744 use of English, as determined by a satisfactory grade on the
 6745 "Test of Spoken English" of the Educational Testing Service or a
 6746 similar test approved by the Board of Governors ~~state board~~.

6747 Section 165. Paragraph (c) of subsection (4) of section

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6748 1012.98, Florida Statutes, is amended to read:

6749 1012.98 School Community Professional Development Act.--

6750 (4) The Department of Education, school districts,
6751 schools, community colleges, and state universities share the
6752 responsibilities described in this section. These
6753 responsibilities include the following:

6754 ~~(c) The Department of Education shall approve a public~~
6755 ~~state university having an approved physical education teacher~~
6756 ~~preparation program within its college of education to develop~~
6757 ~~and implement an Internet-based clearinghouse for physical~~
6758 ~~education professional development programs that may be accessed~~
6759 ~~and used by all instructional personnel. The development of~~
6760 ~~these programs shall be financed primarily by private funds and~~
6761 ~~shall be available for use no later than August 1, 2005.~~

6762 Section 166. Subsection (3) of section 1013.01, Florida
6763 Statutes, is amended to read:

6764 1013.01 Definitions.--The following terms shall be defined
6765 as follows for the purpose of this chapter:

6766 (3) "Board," unless otherwise specified, means a district
6767 school board, a community college board of trustees, a
6768 university board of trustees, and the Board of Trustees for the
6769 Florida School for the Deaf and the Blind. The term "board" does
6770 not include the State Board of Education or the Board of
6771 Governors.

6772 Section 167. Subsection (2) of section 1013.02, Florida
6773 Statutes, is amended to read:

6774 1013.02 Purpose; rules.--

6775 (2) (a) The State Board of Education shall adopt rules

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6776 pursuant to ss. 120.536(1) and 120.54 to implement the
 6777 provisions of this chapter for school districts and community
 6778 colleges.

6779 (b) The Board of Governors shall adopt rules pursuant to
 6780 ss. 120.536(1) and 120.54 to implement the provisions of this
 6781 chapter for state universities.

6782 Section 168. Section 1013.03, Florida Statutes, is amended
 6783 to read:

6784 1013.03 Functions of the department and the Board of
 6785 Governors.--The functions of the Department of Education as it
 6786 pertains to educational facilities of school districts and
 6787 community colleges and of the Board of Governors as it pertains
 6788 to educational facilities of state universities shall include,
 6789 but not be limited to, the following:

6790 (1) Establish recommended minimum and maximum square
 6791 footage standards for different functions and areas and
 6792 procedures for determining the gross square footage for each
 6793 educational facility to be funded in whole or in part by the
 6794 state, including public broadcasting stations but excluding
 6795 postsecondary special purpose laboratory space. The gross square
 6796 footage determination standards may be exceeded when the core
 6797 facility space of an educational facility is constructed or
 6798 renovated to accommodate the future addition of classrooms to
 6799 meet projected increases in student enrollment. The department
 6800 and the Board of Governors shall encourage multiple use of
 6801 facilities and spaces in educational plants.

6802 (2) Establish, for the purpose of determining need,
 6803 equitably uniform utilization standards for all types of like

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6804 space, regardless of the level of education. These standards
6805 shall also establish, for postsecondary education classrooms, a
6806 minimum room utilization rate of 40 hours per week and a minimum
6807 station utilization rate of 60 percent. These rates shall be
6808 subject to increase based on national norms for utilization of
6809 postsecondary education classrooms.

6810 (3) Require boards to submit other educational plant
6811 inventories data and statistical data or information relevant to
6812 construction, capital improvements, and related costs.

6813 (4) Require each board and other appropriate agencies to
6814 submit complete and accurate financial data as to the amounts of
6815 funds from all sources that are available and spent for
6816 construction and capital improvements. The commissioner shall
6817 prescribe the format and the date for the submission of this
6818 data and any other educational facilities data. If any district
6819 does not submit the required educational facilities fiscal data
6820 by the prescribed date, the Commissioner of Education shall
6821 notify the district school board of this fact and, if
6822 appropriate action is not taken to immediately submit the
6823 required report, the district school board shall be directed to
6824 proceed pursuant to the provisions of s. 1001.42(11)(b). If any
6825 community college or university does not submit the required
6826 educational facilities fiscal data by the prescribed date, the
6827 same policy prescribed in this subsection for school districts
6828 shall be implemented.

6829 (5) Administer, under the supervision of the Commissioner
6830 of Education, the Public Education Capital Outlay and Debt
6831 Service Trust Fund and the School District and Community College

6832 District Capital Outlay and Debt Service Trust Fund.

6833 (6) Develop, review, update, revise, and recommend a
 6834 mandatory portion of the Florida Building Code for educational
 6835 facilities construction and capital improvement by community
 6836 college boards and district school boards.

6837 (7) Provide training, technical assistance, and building
 6838 code interpretation for requirements of the mandatory Florida
 6839 Building Code for the educational facilities construction and
 6840 capital improvement programs of the community college boards and
 6841 district school boards and, upon request, approve phase III
 6842 construction documents for remodeling, renovation, or new
 6843 construction of educational plants or ancillary facilities,
 6844 except that university boards of trustees shall approve
 6845 specifications and construction documents for their respective
 6846 institutions pursuant to guidelines of the Board of Governors.

6847 The Department of Management Services may, upon request, provide
 6848 similar services for the Florida School for the Deaf and the
 6849 Blind and shall use the Florida Building Code and the Florida
 6850 Fire Prevention Code.

6851 (8) Provide minimum criteria, procedures, and training to
 6852 boards to conduct educational plant surveys and document the
 6853 determination of future needs.

6854 (9) Make available to boards technical assistance,
 6855 awareness training, and research and technical publications
 6856 relating to lifesafety, casualty, sanitation, environmental,
 6857 maintenance, and custodial issues; and, as needed, technical
 6858 assistance for survey, planning, design, construction,
 6859 operation, and evaluation of educational and ancillary

6860 facilities and plants, facilities administrative procedures
6861 review, and training for new administrators.

6862 (10) (a) Review and validate surveys proposed or amended by
6863 the boards and recommend to the Commissioner of Education or the
6864 Chancellor of the State University System, as appropriate, for
6865 approval, surveys that meet the requirements of this chapter.

6866 1. The term "validate" as applied to surveys by school
6867 districts means to review inventory data as submitted to the
6868 department by district school boards; provide for review and
6869 inspection, where required, of student stations and aggregate
6870 square feet of inventory changed from satisfactory to
6871 unsatisfactory or changed from unsatisfactory to satisfactory;
6872 compare new school inventory to allocation limits provided by
6873 this chapter; review cost projections for conformity with cost
6874 limits set by s. 1013.64(6); compare total capital outlay full-
6875 time equivalent enrollment projections in the survey with the
6876 department's projections; review facilities lists to verify that
6877 student station and auxiliary facility space allocations do not
6878 exceed the limits provided by this chapter and related rules;
6879 review and confirm the application of uniform facility
6880 utilization factors, where provided by this chapter or related
6881 rules; utilize the documentation of programs offered per site,
6882 as submitted by the board, to analyze facility needs; confirm
6883 that need projections for career and adult educational programs
6884 comply with needs documented by the Department of Education
6885 ~~Office of Workforce and Economic Development~~; and confirm the
6886 assignment of full-time student stations to all space except
6887 auxiliary facilities, which, for purposes of exemption from

6888 student station assignment, include the following:

6889 a. Cafeterias.

6890 b. Multipurpose dining areas.

6891 c. Media centers.

6892 d. Auditoriums.

6893 e. Administration.

6894 f. Elementary, middle, and high school resource rooms, up

6895 to the number of such rooms recommended for the applicable

6896 occupant and space design capacity of the educational plant in

6897 the State Requirements for Educational Facilities, beyond which

6898 student stations must be assigned.

6899 g. Elementary school skills labs, up to the number of such

6900 rooms recommended for the applicable occupant and space design

6901 capacity of the educational plant in the State Requirements for

6902 Educational Facilities, beyond which student stations must be

6903 assigned.

6904 h. Elementary school art and music rooms.

6905 2. The term "validate" as applied to surveys by community

6906 colleges and universities means to review and document the

6907 approval of each new site and official designation, where

6908 applicable; review the inventory database as submitted by each

6909 board to the department, including noncareer, and total capital

6910 outlay full-time equivalent enrollment projections per site and

6911 per college; provide for the review and inspection, where

6912 required, of student stations and aggregate square feet of space

6913 changed from satisfactory to unsatisfactory; utilize and review

6914 the documentation of programs offered per site submitted by the

6915 boards as accurate for analysis of space requirements and needs;

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6916 confirm that needs projected for career and adult educational
6917 programs comply with needs documented by the Department of
6918 Education ~~Office of Workforce and Economic Development~~; compare
6919 new facility inventory to allocations limits as provided in this
6920 chapter; review cost projections for conformity with state
6921 averages or limits designated by this chapter; compare student
6922 enrollment projections in the survey to the department's
6923 projections; review facilities lists to verify that area
6924 allocations and space factors for generating space needs do not
6925 exceed the limits as provided by this chapter and related rules;
6926 confirm the application of facility utilization factors as
6927 provided by this chapter and related rules; and review, as
6928 submitted, documentation of how survey recommendations will
6929 implement the detail of current campus master plans and
6930 integrate with local comprehensive plans and development
6931 regulations.

6932 (b) Recommend priority of projects to be funded ~~for~~
6933 ~~approval by the state board, when required by law.~~

6934 (11) Prepare the commissioner's comprehensive fixed
6935 capital outlay legislative budget request and provide annually
6936 an estimate of the funds available for developing required 3-
6937 year priority lists. This amount shall be based upon the average
6938 percentage for the 5 prior years of funds appropriated by the
6939 Legislature for fixed capital outlay to each level of public
6940 education: public schools, community colleges, and universities.

6941 (12) Perform any other functions that may be involved in
6942 educational facilities construction and capital improvement
6943 which shall ensure that the intent of the Legislature is

6944 implemented.

6945 ~~(13) By October 1, 2003, review all rules related to~~
 6946 ~~school construction to identify requirements that are outdated,~~
 6947 ~~obsolete, unnecessary, or otherwise could be amended in order to~~
 6948 ~~provide additional flexibility to school districts to comply~~
 6949 ~~with the constitutional class size maximums described in s.~~
 6950 ~~1003.03(1) and make recommendations concerning such rules to the~~
 6951 ~~State Board of Education. The State Board of Education shall act~~
 6952 ~~on such recommendations by December 31, 2003.~~

6953 Section 169. Section 1013.11, Florida Statutes, is amended
 6954 to read:

6955 1013.11 Postsecondary institutions assessment of physical
 6956 plant safety.--The president of each postsecondary institution
 6957 shall conduct or cause to be conducted an annual assessment of
 6958 physical plant safety. An annual report shall incorporate the
 6959 findings obtained through such assessment and recommendations
 6960 for the improvement of safety on each campus. The annual report
 6961 shall be submitted to the respective governing or licensing
 6962 board of jurisdiction no later than January 1 of each year. Each
 6963 board shall compile the individual institutional reports and
 6964 convey the aggregate institutional reports to the Commissioner
 6965 of Education or the Chancellor of the State University System,
 6966 as appropriate. The Commissioner of Education and the Chancellor
 6967 of the State University System shall convey these reports and
 6968 the reports required in s. 1008.48 to the President of the
 6969 Senate and the Speaker of the House of Representatives no later
 6970 than March 1 of each year.

6971 Section 170. Section 1013.12, Florida Statutes, is amended

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6972 to read:

6973 1013.12 Casualty, safety, sanitation, and firesafety
6974 standards and inspection of property.--

6975 (1) FIRESAFETY.--The State Board of Education shall adopt
6976 and administer rules prescribing standards for the safety and
6977 health of occupants of educational and ancillary plants as a
6978 part of State Requirements for Educational Facilities or the
6979 Florida Building Code for educational facilities construction as
6980 provided in s. 1013.37, except that the State Fire Marshal in
6981 consultation with the Department of Education shall adopt
6982 uniform firesafety standards for educational and ancillary
6983 plants and educational facilities, as provided in s.
6984 633.022(1)(b), and a firesafety evaluation system to be used as
6985 an alternate firesafety inspection standard for existing
6986 educational and ancillary plants and educational facilities. The
6987 uniform firesafety standards and the alternate firesafety
6988 evaluation system shall be administered and enforced by local
6989 fire officials. These standards must be used by all public
6990 agencies when inspecting public educational and ancillary
6991 plants, and the firesafety standards must be used by local fire
6992 officials when performing firesafety inspections of public
6993 educational and ancillary plants and educational facilities. In
6994 accordance with such standards, each board shall prescribe
6995 policies and procedures establishing a comprehensive program of
6996 safety and sanitation for the protection of occupants of public
6997 educational and ancillary plants. Such policies must contain
6998 procedures for periodic inspections as prescribed in this
6999 section herein and for withdrawal of any educational and

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7000 ancillary plant, or portion thereof, from use until unsafe or
 7001 unsanitary conditions are corrected or removed.

7002 (2)~~(1)~~ PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL
 7003 BOARDS.--

7004 (a) Each board shall provide for periodic inspection,
 7005 other than firesafety inspection, of each educational and
 7006 ancillary plant at least once during each fiscal year to
 7007 determine compliance with standards of sanitation and casualty
 7008 safety prescribed in the rules of the State Board of Education.

7009 (b) Firesafety inspections of each educational and
 7010 ancillary plant must be made annually by persons certified by
 7011 the Division of State Fire Marshal to be eligible to conduct
 7012 firesafety inspections in public educational and ancillary
 7013 plants. The board shall submit a copy of the firesafety
 7014 inspection report to the State Fire Marshal and, if there is a
 7015 local fire official who conducts firesafety inspections, to the
 7016 local fire official.

7017 (c) In each firesafety inspection report, the board shall
 7018 include a plan of action and a schedule for the correction of
 7019 each deficiency which have been formulated in consultation with
 7020 the local fire control authority. If immediate life-threatening
 7021 deficiencies are noted in any inspection, the board shall either
 7022 take action to promptly correct the deficiencies or withdraw the
 7023 educational or ancillary plant from use until such time as the
 7024 deficiencies are corrected.

7025 (3)~~(2)~~ INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC
 7026 AGENCIES.--

7027 (a) A safety or sanitation inspection of any educational

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7028 or ancillary plant may be made at any time by the Department of
 7029 Education or any other state or local agency authorized or
 7030 required to conduct such inspections by either general or
 7031 special law. Each agency conducting inspections shall use the
 7032 standards adopted by the Commissioner of Education in lieu of,
 7033 and to the exclusion of, any other inspection standards
 7034 prescribed either by statute or administrative rule. The agency
 7035 shall submit a copy of the inspection report to the board.

7036 (b) One firesafety inspection of each educational or
 7037 ancillary plant must be conducted each fiscal year by the
 7038 county, municipality, or special fire control district in which
 7039 the plant is located using the standards adopted by the State
 7040 Fire Marshal. The board shall cooperate with the inspecting
 7041 authority when a firesafety inspection is made by a governmental
 7042 authority under this paragraph.

7043 (c) In each firesafety inspection report, the local fire
 7044 official in conjunction with the board shall include a plan of
 7045 action and a schedule for the correction of each deficiency. If
 7046 immediate life-threatening deficiencies are noted in any
 7047 inspection, the local fire official shall either take action to
 7048 require the board to promptly correct the deficiencies or
 7049 withdraw the educational facility from use until the
 7050 deficiencies are corrected, subject to review by the State Fire
 7051 Marshal who shall act within 10 days to ensure that the
 7052 deficiencies are corrected or withdraw the facility from use.

7053 (4)~~(3)~~ CORRECTIVE ACTION; DEFICIENCIES OTHER THAN
 7054 FIRESAFETY DEFICIENCIES.--Upon failure of the board to take
 7055 corrective action within a reasonable time, the agency making

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7056 the inspection, other than a local fire official, may request
7057 the commissioner to:

7058 (a) Order that appropriate action be taken to correct all
7059 deficiencies in accordance with a schedule determined jointly by
7060 the inspecting authority and the board; in developing the
7061 schedule, consideration must be given to the seriousness of the
7062 deficiencies and the ability of the board to obtain the
7063 necessary funds; or

7064 (b) After 30 calendar days' notice to the board, order all
7065 or a portion of the educational or ancillary plant withdrawn
7066 from use until the deficiencies are corrected.

7067 (5)~~(4)~~ INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION
7068 FACILITIES.--

7069 (a) Firesafety inspections of community college ~~and~~
7070 ~~university~~ facilities shall comply with State Board of Education
7071 rules.

7072 (b) Firesafety inspections of state universities shall
7073 comply with rules of the Board of Governors.

7074 (6)~~(5)~~ CORRECTIVE ACTION; FIRESAFETY DEFICIENCIES.--Upon
7075 failure of the board to take corrective action within the time
7076 designated in the plan of action to correct any firesafety
7077 deficiency noted under paragraph (2) ~~(1)~~(c) or paragraph (3)
7078 ~~(2)~~(c), the local fire official shall immediately report the
7079 deficiency to the State Fire Marshal, who shall have enforcement
7080 authority with respect to educational and ancillary plants and
7081 educational facilities as provided in chapter 633 for any other
7082 building or structure.

7083 (7)~~(6)~~ ADDITIONAL STANDARDS.--In addition to any other

7084 rules adopted under this section or s. 633.022, the State Fire
 7085 Marshal in consultation with the Department of Education shall
 7086 adopt and administer rules prescribing the following standards
 7087 for the safety and health of occupants of educational and
 7088 ancillary plants:

7089 (a) The designation of serious life-safety hazards,
 7090 including, but not limited to, nonfunctional fire alarm systems,
 7091 nonfunctional fire sprinkler systems, doors with padlocks or
 7092 other locks or devices that preclude egress at any time,
 7093 inadequate exits, hazardous electrical system conditions,
 7094 potential structural failure, and storage conditions that create
 7095 a fire hazard.

7096 (b) The proper placement of functional smoke and heat
 7097 detectors and accessible, unexpired fire extinguishers.

7098 (c) The maintenance of fire doors without doorstops or
 7099 wedges improperly holding them open.

7100 (8)~~(7)~~ ANNUAL REPORT.--The State Fire Marshal shall
 7101 publish an annual report to be filed with the substantive
 7102 committees of the state House of Representatives and Senate
 7103 having jurisdiction over education, the Commissioner of
 7104 Education or his or her successor, the State Board of Education,
 7105 the Board of Governors, and the Governor documenting the status
 7106 of each board's firesafety program, including the improvement or
 7107 lack thereof.

7108 Section 171. Subsection (3) of section 1013.15, Florida
 7109 Statutes, is amended to read:

7110 1013.15 Lease, rental, and lease-purchase of educational
 7111 facilities and sites.--

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7112 (3) Lease or lease-purchase agreements entered into by
 7113 university boards of trustees shall comply with the provisions
 7114 of ss. ~~s.~~ 1013.171 and 1010.62.

7115 Section 172. Subsection (3) is added to section 1013.16,
 7116 Florida Statutes, to read:

7117 1013.16 Construction of facilities on leased property;
 7118 conditions.--

7119 (3) Leases executed by a university board of trustees
 7120 pursuant to this section are subject to s. 1010.62.

7121 Section 173. Section 1013.17, Florida Statutes, is amended
 7122 to read:

7123 1013.17 University leasing in affiliated research and
 7124 development park.--A university is exempt from the requirements
 7125 of s. 255.25(3), (4), and (8) when leasing educational
 7126 facilities in a research and development park with which the
 7127 university is affiliated and when the Board of Governors ~~State~~
 7128 ~~Board of Education~~ certifies in writing that the leasing of such
 7129 ~~said~~ educational facilities is in the best interests of the
 7130 university and that the exemption from competitive bid
 7131 requirements would not be detrimental to the state. Leases
 7132 entered into pursuant to this section are subject to the
 7133 provisions of s. 1010.62.

7134 Section 174. Subsections (1) and (2) of section 1013.171,
 7135 Florida Statutes, are amended, and subsection (6) is added to
 7136 that section, to read:

7137 1013.171 University lease agreements; land, facilities.--

7138 (1) Each university board of trustees is authorized to
 7139 negotiate and enter into agreements to lease land under its

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7140 jurisdiction to for-profit and nonprofit corporations,
7141 registered by the Secretary of State to do business in this
7142 state, for the purpose of erecting thereon facilities and
7143 accommodations necessary and desirable to serve the needs and
7144 purposes of the university, as determined by the systemwide
7145 strategic plan adopted by the Board of Governors ~~State Board of~~
7146 ~~Education~~. Such agreement will be for a term not in excess of 99
7147 years or the life expectancy of the permanent facilities
7148 constructed thereon, whichever is shorter, and shall include as
7149 a part of the consideration provisions for the eventual
7150 ownership of the completed facilities by the state. The Board of
7151 Trustees of the Internal Improvement Trust Fund upon request of
7152 the university board of trustees shall lease any such property
7153 to the university for sublease as heretofore provided.

7154 (2) Each university board of trustees is authorized to
7155 enter into agreements with for-profit and nonprofit
7156 corporations, registered by the Secretary of State to do
7157 business in this state, whereby income-producing buildings,
7158 improvements, and facilities necessary and desirable to serve
7159 the needs and purposes of the university, as determined by the
7160 systemwide strategic plan adopted by the Board of Governors
7161 ~~State Board of Education~~, are acquired by purchase or lease-
7162 purchase by the university. When such agreements provide for
7163 lease-purchase of facilities erected on land that is not under
7164 the jurisdiction of the university, the agreement shall include
7165 as a part of the consideration provisions for the eventual
7166 ownership of the land and facility by the state. Agreements for
7167 lease-purchase shall not exceed 30 years or the life expectancy

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7168 of the permanent facility constructed, whichever is shorter.
 7169 ~~Notwithstanding the provisions of any other law,~~ The university
 7170 board of trustees may enter into an agreement for the lease-
 7171 purchase of a facility under this section for a term greater
 7172 than 1 year. Each university board of trustees is authorized to
 7173 use any auxiliary trust funds, available and not otherwise
 7174 obligated, to pay rent to the owner should income from the
 7175 facilities not be sufficient in any debt payment period. The
 7176 trust funds used for payment of rent shall be reimbursed as soon
 7177 as possible to the extent that income from the facilities
 7178 exceeds the amount necessary for such debt payment.

7179 (6) Agreements entered into pursuant to this section are
 7180 subject to the provisions of s. 1010.62.

7181 Section 175. Section 1013.19, Florida Statutes, is amended
 7182 to read:

7183 1013.19 Purchase, conveyance, or encumbrance of property
 7184 interests above surface of land; joint-occupancy
 7185 structures.--For the purpose of implementing jointly financed
 7186 construction project agreements, or for the construction of
 7187 combined occupancy structures, any board may purchase, own,
 7188 convey, sell, lease, or encumber airspace or any other interests
 7189 in property above the surface of the land, provided the lease of
 7190 airspace for nonpublic use is for such reasonable rent, length
 7191 of term, and conditions as the board in its discretion may
 7192 determine. All proceeds from such sale or lease shall be used by
 7193 the board or boards receiving the proceeds solely for fixed
 7194 capital outlay purposes. These purposes may include the
 7195 renovation or remodeling of existing facilities owned by the

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7196 board or the construction of new facilities; however, for a
7197 community college board or university board, such new facility
7198 must be authorized by the Legislature. It is declared that the
7199 use of such rental by the board for public purposes in
7200 accordance with its statutory authority is a public use.
7201 Airspace or any other interest in property held by the Board of
7202 Trustees of the Internal Improvement Trust Fund or the State
7203 Board of Education may not be divested or conveyed without
7204 approval of the respective board. Any building, including any
7205 building or facility component that is common to both nonpublic
7206 and educational portions thereof, constructed in airspace that
7207 is sold or leased for nonpublic use pursuant to this section is
7208 subject to all applicable state, county, and municipal
7209 regulations pertaining to land use, zoning, construction of
7210 buildings, fire protection, health, and safety to the same
7211 extent and in the same manner as such regulations would be
7212 applicable to the construction of a building for nonpublic use
7213 on the appurtenant land beneath the subject airspace. Any
7214 educational facility constructed or leased as a part of a joint-
7215 occupancy facility is subject to all rules and requirements of
7216 the respective boards or departments having jurisdiction over
7217 educational facilities. Any contract executed by a university
7218 board of trustees pursuant to this section is subject to the
7219 provisions of s. 1010.62.

7220 Section 176. Section 1013.25, Florida Statutes, is amended
7221 to read:

7222 1013.25 When university or community college board of
7223 trustees may exercise power of eminent domain.--Whenever it

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7224 becomes necessary for the welfare and convenience of any of its
 7225 institutions or divisions to acquire private property for the
 7226 use of such institutions, and this cannot be acquired by
 7227 agreement satisfactory to a university or community college
 7228 board of trustees and the parties interested in, or the owners
 7229 of, the private property, the board of trustees may exercise the
 7230 power of eminent domain after receiving approval therefor from
 7231 the Administration Commission ~~State Board of Education~~ and may
 7232 then proceed to condemn the property in the manner provided by
 7233 chapter 73 or chapter 74.

7234 Section 177. Section 1013.28, Florida Statutes, is amended
 7235 to read:

7236 1013.28 Disposal of property.--

7237 (1) REAL PROPERTY.--

7238 (a) Subject to rules of the State Board of Education, a
 7239 district school board, the Board of Trustees for the Florida
 7240 School for the Deaf and the Blind, or a community college board
 7241 of trustees may dispose of any land or real property to which
 7242 the board holds title which ~~that~~ is, by resolution of the board,
 7243 determined to be unnecessary for educational purposes as
 7244 recommended in an educational plant survey. A district school
 7245 board, the Board of Trustees for the Florida School for the Deaf
 7246 and the Blind, or a community college board of trustees shall
 7247 take diligent measures to dispose of educational property only
 7248 in the best interests of the public. However, appraisals may be
 7249 obtained by the district school board, the Board of Trustees for
 7250 the Florida School for the Deaf and the Blind, or the community
 7251 college board of trustees prior to or simultaneously with the

7252 receipt of bids.

7253 (b) Subject to rules of the Board of Governors, a state
 7254 university board of trustees may dispose of any land or real
 7255 property to which it holds valid title which is, by resolution
 7256 of the state university board of trustees, determined to be
 7257 unnecessary for educational purposes as recommended in an
 7258 educational plant survey. A state university board of trustees
 7259 shall take diligent measures to dispose of educational property
 7260 only in the best interests of the public. However, appraisals
 7261 may be obtained by the state university board of trustees prior
 7262 to or simultaneously with the receipt of bids.

7263 (2) TANGIBLE PERSONAL PROPERTY.--

7264 (a) Tangible personal property that ~~which~~ has been
 7265 properly classified as surplus by a district school board or
 7266 community college board of trustees shall be disposed of in
 7267 accordance with the procedure established by chapter 274 ~~and by~~
 7268 ~~a university board of trustees by chapter 273.~~ However, the
 7269 provisions of chapter 274 shall not be applicable to a motor
 7270 vehicle used in driver education to which title is obtained for
 7271 a token amount from an automobile dealer or manufacturer. In
 7272 such cases, the disposal of the vehicle shall be as prescribed
 7273 in the contractual agreement between the automotive agency or
 7274 manufacturer and the board.

7275 (b) Tangible personal property that has been properly
 7276 classified as surplus by a state university board of trustees
 7277 shall be disposed of in accordance with the procedure
 7278 established by chapter 273.

7279 Section 178. Section 1013.31, Florida Statutes, is amended

7280 to read:

7281 1013.31 Educational plant survey; localized need
 7282 assessment; PECO project funding.--

7283 (1) At least every 5 years, each board shall arrange for
 7284 an educational plant survey, to aid in formulating plans for
 7285 housing the educational program and student population, faculty,
 7286 administrators, staff, and auxiliary and ancillary services of
 7287 the district or campus, including consideration of the local
 7288 comprehensive plan. The Department of Education ~~Office of~~
 7289 ~~Workforce and Economic Development~~ shall document the need for
 7290 additional career and adult education programs and the
 7291 continuation of existing programs before facility construction
 7292 or renovation related to career or adult education may be
 7293 included in the educational plant survey of a school district or
 7294 community college that delivers career or adult education
 7295 programs. Information used by the Department of Education ~~Office~~
 7296 ~~of Workforce and Economic Development~~ to establish facility
 7297 needs must include, but need not be limited to, labor market
 7298 data, needs analysis, and information submitted by the school
 7299 district or community college.

7300 (a) Survey preparation and required data.--Each survey
 7301 shall be conducted by the board or an agency employed by the
 7302 board. Surveys shall be reviewed and approved by the board, and
 7303 a file copy shall be submitted to the Department of Education or
 7304 to the Chancellor of the State University System, as appropriate
 7305 ~~Office of Educational Facilities and SMART Schools Clearinghouse~~
 7306 ~~within the Office of the Commissioner of Education~~. The survey
 7307 report shall include at least an inventory of existing

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7308 educational and ancillary plants, including safe access
 7309 facilities; recommendations for existing educational and
 7310 ancillary plants; recommendations for new educational or
 7311 ancillary plants, including the general location of each in
 7312 coordination with the land use plan and safe access facilities;
 7313 campus master plan update and detail for community colleges; the
 7314 utilization of school plants based on an extended school day or
 7315 year-round operation; and such other information as may be
 7316 required by the Department of Education ~~rules of the State Board~~
 7317 ~~of Education~~. This report may be amended, if conditions warrant,
 7318 at the request of the department ~~board~~ or commissioner.

7319 (b) Required need assessment criteria for district,
 7320 community college, ~~college and~~ state university, and Florida
 7321 School for the Deaf and the Blind plant surveys.--Educational
 7322 plant surveys must use uniform data sources and criteria
 7323 specified in this paragraph. Each revised educational plant
 7324 survey and each new educational plant survey supersedes previous
 7325 surveys.

7326 1. The school district's survey must be submitted as a
 7327 part of the district educational facilities plan defined in s.
 7328 1013.35. To ensure that the data reported to the Department of
 7329 Education as required by this section is correct, the department
 7330 shall annually conduct an onsite review of 5 percent of the
 7331 facilities reported for each school district completing a new
 7332 survey that year. If the department's review finds the data
 7333 reported by a district is less than 95 percent accurate, within
 7334 1 year from the time of notification by the department the
 7335 district must submit revised reports correcting its data. If a

7336 district fails to correct its reports, the commissioner may
 7337 direct that future fixed capital outlay funds be withheld until
 7338 such time as the district has corrected its reports so that they
 7339 are not less than 95 percent accurate.

7340 2. Each survey of a special facility, joint-use facility,
 7341 or cooperative career education facility must be based on
 7342 capital outlay full-time equivalent student enrollment data
 7343 prepared by the department for school districts and community
 7344 colleges, ~~colleges~~, and by the Chancellor of the State
 7345 University System for universities. A survey of space needs of a
 7346 joint-use facility shall be based upon the respective space
 7347 needs of the school districts, community colleges, ~~colleges~~, and
 7348 universities, as appropriate. Projections of a school district's
 7349 facility space needs may not exceed the norm space and occupant
 7350 design criteria established by the State Requirements for
 7351 Educational Facilities.

7352 3. Each community college's survey must reflect the
 7353 capacity of existing facilities as specified in the inventory
 7354 maintained by the Department of Education. Projections of
 7355 facility space needs must comply with standards for determining
 7356 space needs as specified by rule of the State Board of
 7357 Education. The 5-year projection of capital outlay student
 7358 enrollment must be consistent with the annual report of capital
 7359 outlay full-time student enrollment prepared by the Department
 7360 of Education.

7361 4. Each ~~college~~ and state university's survey must reflect
 7362 the capacity of existing facilities as specified in the
 7363 inventory maintained and validated by the Chancellor of the

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7364 State University System ~~Division of Colleges and Universities.~~
 7365 Projections of facility space needs must be consistent with
 7366 standards for determining space needs as specified by rule of
 7367 ~~approved by the~~ Board of Governors ~~Division of Colleges and~~
 7368 ~~Universities.~~ The projected capital outlay full-time equivalent
 7369 student enrollment must be consistent with the 5-year planned
 7370 enrollment cycle for the State University System approved by the
 7371 Board of Governors ~~Division of Colleges and Universities.~~

7372 5. The district educational facilities plan of a school
 7373 district and the educational plant survey of a community
 7374 college, ~~college or~~ state university, or the Florida School for
 7375 the Deaf and the Blind may include space needs that deviate from
 7376 approved standards for determining space needs if the deviation
 7377 is justified by the district or institution and approved by the
 7378 department or the Board of Governors, as appropriate, as
 7379 necessary for the delivery of an approved educational program.

7380 (c) Review and validation.--The Department of Education
 7381 ~~Office of Educational Facilities and SMART Schools Clearinghouse~~
 7382 shall review and validate the surveys of school districts and,
 7383 community colleges, ~~and colleges~~ and the Chancellor of the State
 7384 University System shall review and validate the surveys of
 7385 universities, and any amendments thereto, for compliance with
 7386 the requirements of this chapter and shall recommend those in
 7387 compliance for approval by the State Board of Education or the
 7388 Board of Governors, as appropriate. Annually, the department
 7389 shall perform an in-depth analysis of a representative sample of
 7390 each survey of recommended needs for five districts selected by
 7391 the commissioner from among districts with the largest need-to-

7392 revenue ratio. For the purpose of this subsection, the need-to-
 7393 revenue ratio is determined by dividing the total 5-year cost of
 7394 projects listed on the district survey by the total 5-year fixed
 7395 capital outlay revenue projections from state and local sources
 7396 as determined by the department. The commissioner may direct
 7397 fixed capital outlay funds to be withheld from districts until
 7398 such time as the survey accurately projects facilities needs.

7399 (d) Periodic update of Florida Inventory of School
 7400 Houses.--School districts shall periodically update their
 7401 inventory of educational facilities as new capacity becomes
 7402 available and as unsatisfactory space is eliminated. The State
 7403 Board of Education shall adopt rules to determine the time frame
 7404 in which districts must provide a periodic update.

7405 (2) Only the district school superintendent, community
 7406 college president, or the university president shall certify to
 7407 the Department of Education ~~Office of Educational Facilities and~~
 7408 ~~SMART Schools Clearinghouse~~ a project's compliance with the
 7409 requirements for expenditure of PECO funds prior to release of
 7410 funds.

7411 (a) Upon request for release of PECO funds for planning
 7412 purposes, certification must be made to the Department of
 7413 Education ~~Office of Educational Facilities and SMART Schools~~
 7414 ~~Clearinghouse~~ that the need for and location of the facility are
 7415 in compliance with the board-approved survey recommendations,
 7416 that the project meets the definition of a PECO project and the
 7417 limiting criteria for expenditures of PECO funding, and that the
 7418 plan is consistent with the local government comprehensive plan.

7419 (b) Upon request for release of construction funds,

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7420 certification must be made to the Department of Education ~~Office~~
 7421 ~~of Educational Facilities and SMART Schools Clearinghouse~~ that
 7422 the need and location of the facility are in compliance with the
 7423 board-approved survey recommendations, that the project meets
 7424 the definition of a PECO project and the limiting criteria for
 7425 expenditures of PECO funding, and that the construction
 7426 documents meet the requirements of the Florida Building Code for
 7427 educational facilities construction or other applicable codes as
 7428 authorized in this chapter.

7429 Section 179. Subsection (2) of section 1013.46, Florida
 7430 Statutes, is amended to read:

7431 1013.46 Advertising and awarding contracts;
 7432 prequalification of contractor.--

7433 (2) Boards shall prequalify bidders for construction
 7434 ~~contracts according to rules prescribed by the State Board of~~
 7435 ~~Education which require the prequalification of bidders of~~
 7436 ~~educational facilities construction.~~ Boards shall require that
 7437 all construction or capital improvement bids be accompanied by
 7438 evidence that the bidder holds an appropriate certificate or
 7439 license or that the prime contractor has a current valid
 7440 license.

7441 Section 180. Section 1013.47, Florida Statutes, is amended
 7442 to read:

7443 1013.47 Substance of contract; contractors to give bond;
 7444 penalties.--Each board shall develop contracts consistent with
 7445 this chapter and statutes governing public facilities. Such a
 7446 contract must contain the drawings and specifications of the
 7447 work to be done and the material to be furnished, the time limit

7448 | in which the construction is to be completed, the time and
 7449 | method by which payments are to be made upon the contract, and
 7450 | the penalty to be paid by the contractor for any failure to
 7451 | comply with the terms of the contract. The board may require the
 7452 | contractor to pay a penalty for any failure to comply with the
 7453 | terms of the contract and may provide an incentive for early
 7454 | completion. Upon accepting a satisfactory bid, the board shall
 7455 | enter into a contract with the party or parties whose bid has
 7456 | been accepted. The contractor shall furnish the board with a
 7457 | performance and payment bond as set forth in s. 255.05. A board
 7458 | or other public entity may not require a contractor to secure a
 7459 | surety bond under s. 255.05 from a specific agent or bonding
 7460 | company. Notwithstanding any other provision of this section, if
 7461 | 25 percent or more of the costs of any construction project is
 7462 | paid out of a trust fund established pursuant to 31 U.S.C. s.
 7463 | 1243(a)(1), laborers and mechanics employed by contractors or
 7464 | subcontractors on such construction will be paid wages not less
 7465 | than those prevailing on similar construction projects in the
 7466 | locality, as determined by the Secretary of Labor in accordance
 7467 | with the Davis-Bacon Act, as amended. A person, firm, or
 7468 | corporation that constructs any part of any educational plant,
 7469 | or addition thereto, on the basis of any unapproved plans or in
 7470 | violation of any plans approved in accordance with the
 7471 | provisions of this chapter and rules of the State Board of
 7472 | Education or the Board of Governors relating to building
 7473 | standards or specifications is subject to forfeiture of bond and
 7474 | unpaid compensation in an amount sufficient to reimburse the
 7475 | board for any costs that will need to be incurred in making any

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7476 changes necessary to assure that all requirements are met and is
 7477 also guilty of a misdemeanor of the second degree, punishable as
 7478 provided in s. 775.082 or s. 775.083, for each separate
 7479 violation.

7480 Section 181. Paragraphs (a), (c), and (d) of subsection
 7481 (1) and subsections (2) and (3) of section 1013.52, Florida
 7482 Statutes, are amended to read:

7483 1013.52 Cooperative development and joint use of
 7484 facilities by two or more boards.--

7485 (1) Two or more boards, including district school boards,
 7486 community college boards of trustees, the Board of Trustees for
 7487 the Florida School for the Deaf and the Blind, and university
 7488 boards of trustees, desiring to cooperatively establish a common
 7489 educational facility to accommodate students shall:

7490 (a) Jointly request a formal assessment by the
 7491 Commissioner of Education or the Chancellor of the State
 7492 University System, as appropriate, of the academic program need
 7493 and the need to build new joint-use facilities to house approved
 7494 programs. Completion of the assessment and approval of the
 7495 project by the State Board of Education, the Board of Governors,
 7496 the Chancellor of the State University System, or the
 7497 Commissioner of Education, as appropriate, should be done prior
 7498 to conducting an educational facilities survey.

7499 (c) Adopt and submit to the Commissioner of Education, and
 7500 the Chancellor of the State University System if the joint
 7501 request involves a state university, a joint resolution of the
 7502 participating boards indicating their commitment to the
 7503 utilization of the requested facility and designating the locale

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7504 of the proposed facility. The joint resolution shall contain a
7505 statement of determination by the participating boards that
7506 alternate options, including the use of leased, rented, or
7507 borrowed space, were considered and found less appropriate than
7508 construction of the proposed facility. The joint resolution
7509 shall contain assurance that the development of the proposed
7510 facility has been examined in conjunction with the programs
7511 offered by neighboring public educational facilities offering
7512 instruction at the same level. The joint resolution also shall
7513 contain assurance that each participating board shall provide
7514 for continuity of educational progression. All joint resolutions
7515 shall be submitted ~~to the commissioner~~ by August 1 for
7516 consideration of funding by the subsequent Legislature.

7517 (d) Submit requests for funding of joint-use facilities
7518 projects involving state universities and community colleges for
7519 approval by the Commissioner of Education and the Chancellor of
7520 the State University System. The Commissioner of Education and
7521 the Chancellor of the State University System shall jointly
7522 determine the priority for funding these projects in relation to
7523 the priority of all other capital outlay projects under their
7524 consideration. To be eligible for funding from the Public
7525 Education Capital Outlay and Debt Service Trust Fund under the
7526 provisions of this section, projects involving both state
7527 universities and community colleges shall appear on the 3-year
7528 capital outlay priority lists of community colleges and of
7529 universities required by s. 1013.64. Projects involving a state
7530 university, community college, and a public school, and in which
7531 the larger share of the proposed facility is for the use of the

7532 state university or the community college, shall appear on the
 7533 3-year capital outlay priority lists of the community colleges
 7534 or of the universities, as applicable.

7535 (2) An educational plant survey must be conducted within
 7536 90 days after submission of the joint resolution and
 7537 substantiating data describing the benefits to be obtained, the
 7538 programs to be offered, and the estimated cost of the proposed
 7539 project. Upon completion of the educational plant survey, the
 7540 participating boards may include the recommended projects in
 7541 their plan as provided in s. 1013.31. Upon approval of the
 7542 project by the commissioner or the Chancellor of the State
 7543 University System, as appropriate, 25 percent of the total cost
 7544 of the project, or the pro rata share based on space utilization
 7545 of 25 percent of the cost, must be included in the department's
 7546 legislative capital outlay budget request as provided in s.
 7547 1013.60 for educational plants. The participating boards must
 7548 include in their joint resolution a commitment to finance the
 7549 remaining funds necessary to complete the planning,
 7550 construction, and equipping of the facility. Funds from the
 7551 Public Education Capital Outlay and Debt Service Trust Fund may
 7552 not be expended on any project unless specifically authorized by
 7553 the Legislature.

7554 (3) Included in all proposals for joint-use facilities
 7555 must be documentation that the proposed new campus or new joint-
 7556 use facility has been reviewed by the State Board of Education
 7557 or the Board of Governors, as appropriate, and has been formally
 7558 requested for authorization by the Legislature.

7559 Section 182. Subsection (2) of section 1013.60, Florida

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7560 Statutes, is amended to read:

7561 1013.60 Legislative capital outlay budget request.--

7562 (2) The commissioner shall submit to the Governor and to
 7563 the Legislature an integrated, comprehensive budget request for
 7564 educational facilities construction and fixed capital outlay
 7565 needs for school districts, community colleges, and
 7566 universities, pursuant to the provisions of s. 1013.64 and
 7567 applicable provisions of chapter 216. Each community college
 7568 board of trustees and each university board of trustees shall
 7569 submit to the commissioner a 3-year plan and data required in
 7570 the development of the annual capital outlay budget. The
 7571 information that is approved by the Board of Governors must be
 7572 submitted to the Commissioner of Education for inclusion in the
 7573 comprehensive budget request for educational facilities. No
 7574 further disbursements shall be made from the Public Education
 7575 Capital Outlay and Debt Service Trust Fund to a board of
 7576 trustees that fails to timely submit the required data until
 7577 such board of trustees submits the data.

7578 Section 183. Paragraph (a) of subsection (4) of section
 7579 1013.64, Florida Statutes, is amended to read:

7580 1013.64 Funds for comprehensive educational plant needs;
 7581 construction cost maximums for school district capital
 7582 projects.--Allocations from the Public Education Capital Outlay
 7583 and Debt Service Trust Fund to the various boards for capital
 7584 outlay projects shall be determined as follows:

7585 (4) (a) Community college boards of trustees and university
 7586 boards of trustees shall receive funds for projects based on a
 7587 3-year priority list, to be updated annually, which is submitted

7588 | to the Legislature in the legislative budget request at least 90
 7589 | days prior to the legislative session. The State Board of
 7590 | Education shall submit a 3-year priority list for community
 7591 | colleges and the Board of Governors shall submit a 3-year
 7592 | priority list for universities. The lists shall reflect
 7593 | decisions by the State Board of Education for community colleges
 7594 | and the Board of Governors for state universities concerning
 7595 | program priorities that implement the statewide plan for program
 7596 | growth and quality improvement in education. No remodeling or
 7597 | renovation project shall be included on the 3-year priority list
 7598 | unless the project has been recommended pursuant to s. 1013.31
 7599 | or is for the purpose of correcting health and safety
 7600 | deficiencies. No new construction project shall be included on
 7601 | the first year of the 3-year priority list unless the
 7602 | educational specifications have been approved by the
 7603 | commissioner for a community college project or by the Board of
 7604 | Governors for a university project, as applicable. The funds
 7605 | requested for a new construction project in the first year of
 7606 | the 3-year priority list shall be in conformance with the scope
 7607 | of the project as defined in the educational specifications. Any
 7608 | new construction project requested in the first year of the 3-
 7609 | year priority list which is not funded by the Legislature shall
 7610 | be carried forward to be listed first in developing the updated
 7611 | 3-year priority list for the subsequent year's capital outlay
 7612 | budget. Should the order of the priority of the projects change
 7613 | from year to year, a justification for such change shall be
 7614 | included with the updated priority list.

7615 | Section 184. Subsection (1) of section 1013.65, Florida

7616 Statutes, is amended to read:

7617 1013.65 Educational and ancillary plant construction
 7618 funds; Public Education Capital Outlay and Debt Service Trust
 7619 Fund; allocation of funds.--

7620 (1) The commissioner, through the department, shall
 7621 administer the Public Education Capital Outlay and Debt Service
 7622 Trust Fund. The commissioner shall allocate or reallocate funds
 7623 as authorized by the Legislature. Copies of each allocation or
 7624 reallocation shall be provided to members of the State Board of
 7625 Education and the Board of Governors and to the chairs of the
 7626 House of Representatives and Senate appropriations committees.
 7627 The commissioner shall provide for timely encumbrances of funds
 7628 for duly authorized projects. Encumbrances may include proceeds
 7629 to be received under a resolution approved by the State Board of
 7630 Education authorizing the issuance of public education capital
 7631 outlay bonds pursuant to s. 9(a)(2), Art. XII of the State
 7632 Constitution, s. 215.61, and other applicable law. The
 7633 commissioner shall provide for the timely disbursement of moneys
 7634 necessary to meet the encumbrance authorizations of the boards.
 7635 Records shall be maintained by the department to identify
 7636 legislative appropriations, allocations, encumbrance
 7637 authorizations, disbursements, transfers, investments, sinking
 7638 funds, and revenue receipts by source. The Department of
 7639 Education shall pay the administrative costs of the Public
 7640 Education Capital Outlay and Debt Service Trust Fund from the
 7641 funds which comprise the trust fund.

7642 Section 185. Paragraph (c) of subsection (2) and
 7643 subsection (3) of section 1013.74, Florida Statutes, are

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7644 amended, and subsection (5) is added to that section, to read:

7645 1013.74 University authorization for fixed capital outlay
7646 projects.--

7647 (2) The following types of projects may be accomplished
7648 pursuant to this section:

7649 (c) Construction of projects financed as provided in s.
7650 1010.62 ~~ss. 1010.60 1010.619 or 1013.71~~;

7651 (3) Other than those projects currently authorized, no
7652 project proposed by a university which is to be funded from
7653 Capital Improvement Trust Fund fees or building fees shall be
7654 submitted to the Board of Governors ~~State Board of Education~~ for
7655 approval without prior consultation with the student government
7656 association of that university. The Board of Governors may adopt
7657 ~~State Board of Education~~ shall promulgate rules which are
7658 consistent with this requirement.

7659 (5) Projects accomplished pursuant to this section are
7660 subject to the requirements of s. 1010.62.

7661 Section 186. Subsection (2) of section 1013.78, Florida
7662 Statutes, is amended to read:

7663 1013.78 Approval required for certain university-related
7664 facility acquisitions.--

7665 (2) Legislative approval shall not be required for
7666 renovations, remodeling, replacement of existing facilities, or
7667 construction of minor projects as defined in s. 1013.64, except
7668 to the extent required pursuant to s. 1010.62.

7669 Section 187. Sections 186.805 and 1004.54, Florida
7670 Statutes, are repealed. It is the intent of the Legislature that
7671 the repeal of ss. 186.805 and 1004.54, Florida Statutes, by this

7672 act is to remove existing statutory authorization that is no
 7673 longer necessary for the establishment, operation, or
 7674 maintenance of the entities that were established, operated, or
 7675 regulated under those provisions and does not affect the
 7676 authority of a state university or the Board of Governors of the
 7677 State University System under s. 7, Art. IX of the State
 7678 Constitution and s. 1001.705, Florida Statutes, to continue such
 7679 entities and their operation and regulation in accordance with
 7680 that authority.

7681 Section 188. Sections 741.03055, 741.03056, 1001.75,
 7682 1007.261, 1007.31, 1007.32, 1008.51, 1011.4105, 1012.92,
 7683 1012.94, and 1012.95, Florida Statutes, are repealed.

7684 Section 189. To the extent the Board of Governors of the
 7685 State University System or a university board of trustees
 7686 chooses to repeal any rules in Title 6C, Florida Administrative
 7687 Code, including any rules that derive solely from the
 7688 constitutional authority of the Board of Governors, such rules
 7689 shall be repealed pursuant to chapter 120, Florida Statutes.

7690 Section 190. This act shall take effect July 1, 2007.