

By the Committee on Budget

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1 A bill to be entitled
2 An act relating to postsecondary education; amending
3 s. 11.45, F.S.; requiring that the Auditor General
4 notify the Legislative Auditing Committee of any
5 financial or operational audit report indicating that
6 a state university or state college has failed to take
7 full corrective action in response to recommendations
8 in previous audit reports; authorizing the committee
9 to direct the governing body of the state university
10 or state college to provide a written statement
11 explaining why full corrective action has not been
12 taken or notifying that it intends to take full
13 corrective action; requiring that a hearing be held if
14 the committee determines that the state university or
15 state college has, without justification, failed to
16 take full corrective action; amending s. 287.057,
17 F.S.; deleting a provision that exempts from
18 competitive-solicitation requirements training and
19 education services for injured employees, to conform
20 to changes made by the act; amending s. 402.7305,
21 F.S.; conforming a cross-reference; amending s.
22 413.011, F.S.; revising the duties of the Division of
23 Blind Services within the Department of Education;
24 requiring that Daytona State College be given priority
25 for the use of available property located in Daytona
26 Beach which is no longer needed by the division;
27 requiring prior approval by the Division of Blind
28 Services and the Division of State Lands within the
29 Department of Environmental Protection for the future

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30 construction of facilities not related to programs
31 under the Division of Blind Services; amending s.
32 427.0135, F.S.; conforming a cross-reference; amending
33 s. 440.15, F.S.; revising provisions to conform to
34 changes made by the act; repealing s. 440.33(3), F.S.,
35 relating to provisions that authorize a judge of
36 compensation claims to request an evaluation pursuant
37 to s. 440.491, F.S., to conform to changes made by the
38 act; repealing s. 440.491, F.S., relating to the
39 reemployment of injured workers and rehabilitation;
40 amending s. 440.50, F.S.; revising provisions to
41 conform to changes made by the act; amending s.
42 1001.02, F.S.; requiring that the State Board of
43 Education delegate to the Division of Florida Colleges
44 oversight responsibility for certain Florida College
45 System institutions; amending s. 1001.64, F.S.;

46 requiring that each contract or employment agreement,
47 or renewal or renegotiation of an existing contract or
48 employment agreement, containing a provision for
49 severance pay include certain provisions; requiring
50 that each board of trustees enter into consortia and
51 cooperative agreements; providing that a consortium or
52 cooperative agreement may be statewide, regional, or a
53 combination of institutions, as appropriate to achieve
54 the lowest cost; amending s. 1001.706, F.S.; requiring
55 that the Board of Governors adopt regulations
56 requiring universities to enter into consortia and
57 cooperative agreements; authorizing the Board of
58 Governors to approve the transfer between institutions

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59 of unused budget authority from the Education/General
60 Student and Other Fees Trust Fund; revising provisions
61 relating to employment contracts with the Board of
62 Governors; requiring that each contract or employment
63 agreement, or renewal or renegotiation of an existing
64 contract or employment agreement, containing a
65 provision for severance pay include certain
66 provisions; creating s. 1004.092, F.S.; establishing
67 the Florida Degree Consortium by merging the Florida
68 Distance Learning Consortium, the computer-assisted
69 student advising system, and the degree completion
70 pilot program; providing a purpose; requiring that the
71 Chancellor of the State University System and the
72 Chancellor of the Florida College System jointly
73 oversee the implementation of the Florida Degree
74 Consortium; creating s. 1004.093, F.S.; creating the
75 degree completion pilot program; providing a purpose;
76 requiring that the Chancellor of the State University
77 System and the Chancellor of the Florida College
78 System jointly oversee the implementation of the pilot
79 program; defining the term "adult learner"; providing
80 that priority attention be given to adult learners who
81 are veterans and active-duty servicemembers; providing
82 for implementation and requirements of the pilot
83 program; requiring that the chancellors submit a
84 detailed project plan to the Legislature by a
85 specified date; creating s. 1006.73, F.S.;

86 establishing the Florida Education Library Resource
87 Center; providing a purpose; requiring that the

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88 Chancellor of the State University System and the
89 Chancellor of the Florida College System jointly
90 govern and oversee the center; providing for
91 membership; authorizing the center to enter into
92 contracts with postsecondary education institutions
93 for certain support services; requiring that the
94 Florida Center for Library Automation and the College
95 Center for Library Automation cease independent
96 operations by a specified date; providing for all
97 remaining assets and responsibilities to be
98 transferred to the center; providing authority and
99 duties of the center; amending s. 1007.33, F.S.;
100 deleting provisions providing a procedure for a
101 Florida College System institution to apply for an
102 exemption from certain requirements for approval of
103 additional baccalaureate degree programs; amending s.
104 1009.215, F.S.; providing that students who are
105 enrolled in the student enrollment pilot program and
106 who are eligible to receive Bright Futures
107 Scholarships may receive the scholarship award during
108 the summer term; prohibiting a student from receiving
109 the scholarship award for more than 2 semesters in any
110 given fiscal year; amending s. 1009.25, F.S.; revising
111 provisions relating to exemptions from the payment of
112 tuition and fees at a school district that provides
113 workforce education for certain students; providing
114 such exemption for a student for whom the full program
115 cost is paid by another party; amending s. 1009.286,
116 F.S.; requiring that state universities require each

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117 student to pay an excess hour surcharge; providing for
118 application; amending s. 1009.531, F.S.; revising
119 provisions relating to student eligibility for Florida
120 Bright Futures Scholarships; providing that certain
121 students are eligible to accept an initial award and a
122 renewal award for a specified period after high school
123 graduation; providing exceptions; authorizing the
124 Department of Education to provide an alternate form
125 to the Free Application for Federal Student Aid for
126 purposes of eligibility under the Florida Bright
127 Futures Scholarship Program; amending s. 1009.532,
128 F.S.; revising provisions relating the student
129 eligibility requirements for renewal awards of a
130 Florida Bright Futures Scholarship; providing that
131 certain students may receive an award for a maximum
132 percentage of the number of credit hours required to
133 complete an associate degree program or a
134 baccalaureate degree program; providing that a student
135 may receive a Florida Gold Seal Vocational Scholarship
136 award for a maximum percentage of the credit hours or
137 equivalent clock hours; amending ss. 1009.534 and
138 1009.535, F.S.; authorizing the Legislature to provide
139 an additional supplement in the General Appropriations
140 Act for upper-division courses in the fields of
141 science, technology, engineering, and mathematics for
142 the Florida Academic Scholars and Florida Medallion
143 Scholars awards; amending s. 1009.536, F.S.; revising
144 the eligibility requirements for receiving a Florida
145 Gold Seal Vocational Scholars award; providing that a

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146 Florida Gold Seal Vocational Scholar is eligible for
147 an award equal to the amount specified in the General
148 Appropriations Act; providing that certain students
149 may earn a Florida Gold Seal Vocational Scholarship
150 for up to a specified percentage of the credit hours
151 or equivalent clock hours required to complete an
152 applied technology diploma program, a technology
153 degree program, or a career certificate program;
154 amending s. 1009.60, F.S.; requiring that the Florida
155 Fund for Minority Teachers, Inc., use a contingency
156 collections agency to collect repayments of defaulted
157 scholarships awarded through the minority teacher
158 education scholars program; amending s. 1009.605,
159 F.S.; requiring that the Florida Fund for Minority
160 Teachers, Inc., report the annual balance of the
161 corporation's assets and cash reserves to the
162 Department of Education; amending s. 1012.83, F.S.;
163 revising provisions relating to employment contracts
164 with Florida College System institutions; requiring
165 that each contract or employment agreement, or renewal
166 or renegotiation of an existing contract or employment
167 agreement, containing a provision for severance pay
168 include certain provisions; authorizing the University
169 of Florida to use revenues from the activity and
170 service fee to finance the renovation and expansion of
171 the university's J. Wayne Reitz Union; providing an
172 effective date.

173

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

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176 Section 1. Paragraph (j) is added to subsection (7) of
177 section 11.45, Florida Statutes, to read:

178 11.45 Definitions; duties; authorities; reports; rules.—

179 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

180 (j) The Auditor General shall notify the Legislative
181 Auditing Committee of any financial or operational audit report
182 prepared pursuant to this section which indicates that a state
183 university or state college has failed to take full corrective
184 action in response to a recommendation that was included in the
185 two preceding financial or operational audit reports.

186 1. The committee may direct the governing body of the state
187 university or state college to provide a written statement to
188 the committee explaining why full corrective action has not been
189 taken or, if the governing body intends to take full corrective
190 action, describing the corrective action to be taken and when it
191 will occur.

192 2. If the committee determines that the written statement
193 is not sufficient, the committee may require the chair of the
194 governing body of the state university or state college, or the
195 chair's designee, to appear before the committee.

196 3. If the committee determines that the state university or
197 state college has failed to take full corrective action for
198 which there is no justifiable reason, or has failed to comply
199 with committee requests made pursuant to this section, the
200 committee may proceed in accordance with s. 11.40(2).

201 Section 2. Paragraph (f) of subsection (3) of section
202 287.057, Florida Statutes, is amended to read:

203 287.057 Procurement of commodities or contractual

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204 services.—

205 (3) When the purchase price of commodities or contractual
206 services exceeds the threshold amount provided in s. 287.017 for
207 CATEGORY TWO, no purchase of commodities or contractual services
208 may be made without receiving competitive sealed bids,
209 competitive sealed proposals, or competitive sealed replies
210 unless:

211 (f) The following contractual services and commodities are
212 not subject to the competitive-solicitation requirements of this
213 section:

214 1. Artistic services. For the purposes of this subsection,
215 the term "artistic services" does not include advertising or
216 typesetting. As used in this subparagraph, the term
217 "advertising" means the making of a representation in any form
218 in connection with a trade, business, craft, or profession in
219 order to promote the supply of commodities or services by the
220 person promoting the commodities or contractual services.

221 2. Academic program reviews if the fee for such services
222 does not exceed \$50,000.

223 3. Lectures by individuals.

224 4. Legal services, including attorney, paralegal, expert
225 witness, appraisal, or mediator services.

226 5.a. Health services involving examination, diagnosis,
227 treatment, prevention, medical consultation, or administration.

228 b. Beginning January 1, 2011, health services, including,
229 but not limited to, substance abuse and mental health services,
230 involving examination, diagnosis, treatment, prevention, or
231 medical consultation, when such services are offered to eligible
232 individuals participating in a specific program that qualifies

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233 multiple providers and uses a standard payment methodology.
234 Reimbursement of administrative costs for providers of services
235 purchased in this manner shall also be exempt. For purposes of
236 this sub-subparagraph, "providers" means health professionals,
237 health facilities, or organizations that deliver or arrange for
238 the delivery of health services.

239 6. Services provided to persons with mental or physical
240 disabilities by not-for-profit corporations which have obtained
241 exemptions under the provisions of s. 501(c)(3) of the United
242 States Internal Revenue Code or when such services are governed
243 by the provisions of Office of Management and Budget Circular A-
244 122. However, in acquiring such services, the agency shall
245 consider the ability of the vendor, past performance,
246 willingness to meet time requirements, and price.

247 7. Medicaid services delivered to an eligible Medicaid
248 recipient unless the agency is directed otherwise in law.

249 8. Family placement services.

250 9. Prevention services related to mental health, including
251 drug abuse prevention programs, child abuse prevention programs,
252 and shelters for runaways, operated by not-for-profit
253 corporations. However, in acquiring such services, the agency
254 shall consider the ability of the vendor, past performance,
255 willingness to meet time requirements, and price.

256 ~~10. Training and education services provided to injured~~
257 ~~employees pursuant to s. 440.491(6).~~

258 10.11. Contracts entered into pursuant to s. 337.11.

259 11.12. Services or commodities provided by governmental
260 agencies.

261 Section 3. Paragraph (a) of subsection (2) of section

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262 402.7305, Florida Statutes, is amended to read:

263 402.7305 Department of Children and Family Services;
264 procurement of contractual services; contract management.-

265 (2) PROCUREMENT OF COMMODITIES AND CONTRACTUAL SERVICES.-

266 (a) Notwithstanding s. 287.057(3)(f)11., ~~287.057(3)(f)12.~~,
267 whenever the department intends to contract with a public
268 postsecondary institution to provide a service, the department
269 must allow all public postsecondary institutions in this state
270 that are accredited by the Southern Association of Colleges and
271 Schools to bid on the contract. Thereafter, notwithstanding any
272 other provision to the contrary, if a public postsecondary
273 institution intends to subcontract for any service awarded in
274 the contract, the subcontracted service must be procured by
275 competitive procedures.

276 Section 4. Paragraph (q) of subsection (3) of section
277 413.011, Florida Statutes, is amended to read:

278 413.011 Division of Blind Services, legislative policy,
279 intent; internal organizational structure and powers;
280 Rehabilitation Council for the Blind.-

281 (3) DIVISION STRUCTURE AND DUTIES.-The internal
282 organizational structure of the Division of Blind Services shall
283 be designed for the purpose of ensuring the greatest possible
284 efficiency and effectiveness of services to the blind and to be
285 consistent with chapter 20. The Division of Blind Services shall
286 plan, supervise, and carry out the following activities:

287 (q) Establish one or more training schools and workshops
288 for the employment of suitable blind persons; make expenditures
289 of funds for such purposes; receive moneys from sales of
290 commodities involved in such activities and from such funds make

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291 payments of wages, repairs, insurance premiums, and replacements
292 of equipment. All of the activities provided for in this section
293 may be carried on in cooperation with private workshops for the
294 blind, except that all tools and equipment furnished by the
295 division shall remain the property of the state. If any property
296 leased by the Division of Blind Services and located in Daytona
297 Beach, including an existing sublease upon the expiration of its
298 current term, is no longer needed for the expansion of the
299 division's programs, Daytona State College shall be given
300 priority for the use of such available property. In addition,
301 future construction of any facilities not related to programs
302 under the Division of Blind Services may not be commenced
303 without prior approval by the Division of Blind Services and the
304 Division of State Lands.

305 Section 5. Subsection (3) of section 427.0135, Florida
306 Statutes, is amended to read:

307 427.0135 Purchasing agencies; duties and responsibilities.—
308 Each purchasing agency, in carrying out the policies and
309 procedures of the commission, shall:

310 (3) Not procure transportation disadvantaged services
311 without initially negotiating with the commission, as provided
312 in s. 287.057(3)(f)11., ~~287.057(3)(f)12.,~~ or unless otherwise
313 authorized by statute. If the purchasing agency, after
314 consultation with the commission, determines that it cannot
315 reach mutually acceptable contract terms with the commission,
316 the purchasing agency may contract for the same transportation
317 services provided in a more cost-effective manner and of
318 comparable or higher quality and standards. The Medicaid agency
319 shall implement this subsection in a manner consistent with s.

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320 409.908(18) and as otherwise limited or directed by the General
321 Appropriations Act.

322 Section 6. Paragraph (c) of subsection (2) of section
323 440.15, Florida Statutes, is amended to read:

324 440.15 Compensation for disability.—Compensation for
325 disability shall be paid to the employee, subject to the limits
326 provided in s. 440.12(2), as follows:

327 (2) TEMPORARY TOTAL DISABILITY.—

328 (c) Temporary total disability benefits paid pursuant to
329 this subsection shall include such period as may be reasonably
330 necessary for training in the use of artificial members and
331 appliances, ~~and shall include such period as the employee may be~~
332 ~~receiving training and education under a program pursuant to s.~~
333 ~~440.491.~~

334 Section 7. Subsection (3) of section 440.33, Florida
335 Statutes, is repealed.

336 Section 8. Section 440.491, Florida Statutes, is repealed.

337 Section 9. Subsection (5) of section 440.50, Florida
338 Statutes, is amended to read:

339 440.50 Workers' Compensation Administration Trust Fund.—

340 (5) Funds appropriated by an operating appropriation or a
341 nonoperating transfer from the Workers' Compensation
342 Administration Trust Fund to ~~the Department of Education,~~ the
343 Agency for Health Care Administration, the Department of
344 Business and Professional Regulation, the Department of
345 Management Services, the First District Court of Appeal, and the
346 Justice Administrative Commission remaining unencumbered as of
347 June 30 or undisbursed as of September 30 each year shall revert
348 to the Workers' Compensation Administration Trust Fund.

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349 Section 10. Subsection (7) is added to section 1001.02,
350 Florida Statutes, to read:

351 1001.02 General powers of State Board of Education.—

352 (7) The State Board of Education shall delegate to the
353 Division of Florida Colleges oversight responsibility for
354 Florida College System institutions that have significant
355 potential management or academic issues.

356 Section 11. Subsection (47) of section 1001.64, Florida
357 Statutes, is amended, and subsection (48) is added to that
358 section, to read:

359 1001.64 Florida College System institution boards of
360 trustees; powers and duties.—

361 (47) Each contract or employment agreement, or renewal or
362 renegotiation of an existing contract or employment agreement,
363 containing a provision for severance pay with an officer, agent,
364 employee, or contractor must include the provisions required in
365 s. 215.425. A board of trustees may not enter into an employment
366 contract that requires the Florida College System institution to
367 pay a Florida College System institution president an amount
368 from state funds in excess of 1 year of the president's annual
369 salary for termination, buyout, or any other type of contract
370 settlement. This subsection does not prohibit the payment of
371 leave and benefits accrued by the president in accordance with
372 the Florida College System institution's leave and benefits
373 policies before the contract terminates.

374 (48) Each board of trustees shall enter into consortia and
375 cooperative agreements to maximize the purchasing power for
376 goods and services. A consortium or cooperative agreement may be
377 statewide, regional, or a combination of institutions, as

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378 appropriate to achieve the lowest cost, with the goal of
379 achieving a 5 percent savings on existing contract prices
380 through the use of new cooperative arrangements or new
381 consortium contracts.

382 Section 12. Paragraph (i) is added to subsection (3) and
383 paragraph (e) is added to subsection (4) of section 1001.706,
384 Florida Statutes, and paragraph (d) of subsection (6) of that
385 section is amended, to read:

386 1001.706 Powers and duties of the Board of Governors.—

387 (3) POWERS AND DUTIES RELATING TO ORGANIZATION AND
388 OPERATION OF STATE UNIVERSITIES.—

389 (i) The Board of Governors shall adopt regulations
390 requiring universities to enter into consortia and cooperative
391 agreements to maximize the purchasing power for goods and
392 services. A consortium or cooperative agreement may be
393 statewide, regional, or a combination of institutions, as
394 appropriate to achieve the lowest cost, with the goal of
395 achieving a 5 percent savings on existing contract prices
396 through the use of new cooperative arrangements or new
397 consortium contracts.

398 (4) POWERS AND DUTIES RELATING TO FINANCE.—

399 (e) The Board of Governors may approve the transfer between
400 institutions of unused budget authority from the
401 Education/General Student and Other Fees Trust Fund.

402 (6) POWERS AND DUTIES RELATING TO PERSONNEL.—

403 (d) Each contract or employment agreement, or renewal or
404 renegotiation of an existing contract or employment agreement,
405 containing a provision for severance pay with an officer, agent,
406 employee, or contractor must include the provisions required in

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407 ~~s. 215.425. The Board of Governors, or the board's designee, may~~
408 ~~not enter into an employment contract that requires it to pay an~~
409 ~~employee an amount from state funds in excess of 1 year of the~~
410 ~~employee's annual salary for termination, buyout, or any other~~
411 ~~type of contract settlement. This paragraph does not prohibit~~
412 ~~the payment of leave and benefits accrued by the employee in~~
413 ~~accordance with the board's or designee's leave and benefits~~
414 ~~policies before the contract terminates.~~

415 Section 13. Section 1004.092, Florida Statutes, is created
416 to read:

417 1004.092 Florida Degree Consortium.—

418 (1) The Florida Degree Consortium is established by merging
419 the Florida Distance Learning Consortium as provided in s.
420 1004.091, the computer assisted student advising system as
421 provided in s. 1007.28, and the degree completion pilot program
422 as provided in s. 1004.093.

423 (2) The Florida Degree Consortium is established for the
424 purpose of serving as a central point of contact for:

425 (a) Information about online courses, programs, and degrees
426 offered by colleges and universities in the state and shall
427 provide assistance to individuals wishing to enroll in online
428 instruction offered by the colleges and universities.

429 (b) Information and links to student and library support
430 services and electronic resources that will guide the student
431 toward the successful completion of an online degree.

432 (3) The Chancellor of the State University System and the
433 Chancellor of the Florida College System shall jointly oversee
434 the implementation of the Florida Degree Consortium.

435 Section 14. Section 1004.093, Florida Statutes, is created

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436 to read:

437 1004.093 Degree completion pilot program.-

438 (1) The degree completion pilot program is established for
439 the purpose of recruiting, recovering, and retaining the state's
440 adult learners and assisting them in completing an associate
441 degree or baccalaureate degree that is aligned to high-wage,
442 high-skill workforce needs. As used in this section, the term
443 "adult learner" means a student who has left an institution in
444 good standing before completing his or her associate degree or
445 baccalaureate degree. Priority attention shall be given to adult
446 learners who are veterans and active-duty servicemembers.

447 (2) The Chancellor of the State University System and the
448 Chancellor of the Florida College System shall jointly oversee
449 the implementation of the pilot program. The pilot program shall
450 be implemented in collaboration with the University of West
451 Florida, which is the lead institution, and the University of
452 South Florida, Florida State College at Jacksonville, and St.
453 Petersburg College. The pilot program shall include the
454 associate, applied baccalaureate, and baccalaureate degree
455 programs that those institutions have selected, in partnership
456 with public postsecondary education institutions providing areas
457 of specialization or concentration.

458 (3) The pilot program shall be implemented and administered
459 as an activity within the Florida Degree Consortium. The pilot
460 program shall provide adult learners with a single point of
461 access to information and links to innovative online and
462 accelerated distance learning courses, student and library
463 support services, and electronic resources that will guide the
464 adult learner toward the successful completion of a

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465 postsecondary education degree.

466 (4) Beginning with the 2012-2013 academic year, the pilot
467 program shall be implemented and must:

468 (a) Use the distance learning course catalog established
469 pursuant to ss. 1004.09 and 1004.091 to communicate course
470 availability to the adult learner.

471 (b) Develop and implement an advising and student support
472 system that includes the use of degree completion specialists,
473 that is based on best practices and processes, and that includes
474 academic and career support services designed specifically for
475 the adult learner.

476 (c) Use the streamlined, automated, online registration
477 process for transient students established pursuant to s.
478 1004.091 and identify any additional admissions and registration
479 policies and practices that could be further streamlined and
480 automated for purposes of assisting the adult learner.

481 (d) Use competency-based evaluation tools to assess prior
482 performance, experience, and education for the award of college
483 credit, which must include the American Council on Education's
484 collaborative link between the United States Department of
485 Defense and higher education through the review of military
486 training and experience for the award of equivalent college
487 credit for members of the Armed Forces.

488 (e) Develop and implement an evaluation process that
489 collects, analyzes, and provides information to participating
490 postsecondary education institutions, the chairs of the
491 legislative appropriations committees, and the Executive Office
492 of the Governor which details the effectiveness of the pilot
493 program and the attainment of its goals. The evaluation process

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494 must include a management information system that collects the
495 appropriate student, programmatic, and fiscal data necessary to
496 complete the evaluation of the pilot program.

497 (f) Develop and implement a statewide marketing campaign
498 targeted at recruiting the adult learners, in particular
499 veterans and active-duty servicemembers, for enrollment in the
500 degree programs offered through the pilot program.

501 (5) For purposes of the pilot program, each postsecondary
502 education institution's current tuition and fee structure shall
503 be used. However, participating postsecondary education
504 institutions shall collaboratively identify the applicable cost
505 components associated with developing and delivering distance
506 learning courses and submit the information regarding such cost
507 components to the pilot program director.

508 (6) By August 1, 2012, the Chancellor of the State
509 University System and the Chancellor of the Florida College
510 System shall submit to the chairs of the legislative
511 appropriations committees a detailed project plan that defines
512 the major work activities, timeline, and cost for implementing
513 and administering the pilot program.

514 Section 15. Section 1006.73, Florida Statutes, is created
515 to read:

516 1006.73 Florida Education Library Resource Center.—

517 (1) The Florida Education Library Resource Center is
518 established for the purpose of facilitating the collaboration
519 among academic libraries in acquiring resources and deploying
520 services, leveraging their assets through formal and informal
521 cooperative agreements and collaborative action, and providing
522 coordination and leadership for services in support of teaching,

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523 learning, research, and public service.

524 (2) (a) The Chancellor of the State University System and
525 the Chancellor of the Florida College System, or their designees
526 as appropriate and applicable, shall jointly govern and oversee
527 the center, with the assistance of a board of directors and
528 members council, using the administrative and operational
529 policies and procedures of the center.

530 (b)1. A board of directors shall make recommendations to
531 the chancellors and approve and implement bylaws governing the
532 policies and operations of the center. The board of directors
533 shall consist, at a minimum, of:

534 a. A university provost selected by the Chancellor of the
535 State University System;

536 b. A college academic vice president selected by the
537 Chancellor of the Florida College System;

538 c. The chair, past chair, and chair-elect of the members
539 council;

540 d. One university representative selected by the members
541 council; and

542 e. One college representative selected by the members
543 council.

544 2. The members council shall consist of one representative
545 from each state university library and college library who shall
546 advise the board of directors regarding services and products
547 offered by the center. The membership of the council may be
548 expanded to include representatives of other types of libraries
549 contracting for services through the center as provided in the
550 bylaws of the center.

551 (3) The center may enter into a contract with a

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552 postsecondary education institution for fiscal services and
553 administrative support services or may, at the discretion of the
554 chancellors, provide such services and support internally. The
555 services and fees charged by the postsecondary education
556 institution shall be negotiated with the center and may not
557 exceed the actual cost for providing the services.

558 (4) The center shall maintain an unencumbered balance of 5
559 percent of the approved operating budget.

560 (5) By June 30, 2013, the Florida Center for Library
561 Automation and the College Center for Library Automation shall
562 cease independent operations and all remaining assets and
563 responsibilities, not otherwise disposed of, shall be
564 transferred to the center.

565 (6) In order to support academic libraries in fulfilling
566 their missions, the center shall:

567 (a) Provide services as determined by its board of
568 directors and authorized by the chancellors. The center shall
569 develop a menu of core and optional services, including areas
570 that must be offered to and used by institutions at no charge.

571 (b) Provide for the cost-efficient and cost-effective use
572 of the technological infrastructure needed to deliver its
573 services through the acquisition of a next generation library
574 management system and its associated services, including a
575 discovery tool. The library management system and discovery tool
576 shall replace the tools provided to postsecondary academic
577 libraries by the Florida Center for Library Automation and the
578 College Center for Library Automation. The center may also
579 assist member institutions in and through the acquisition or
580 implementation of other specialized tools and resources in

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581 support of or on behalf of member institutions.

582 (c) Build upon existing opportunities and seek new
583 opportunities for formal and informal cooperative agreements and
584 partnerships to foster continuing collaborative action that
585 leverages institutional and statewide resources.

586 (d) Coordinate the negotiation of statewide licensing and
587 preferred pricing agreements with content and service providers
588 that result in cost savings for member institutions pursuant to
589 s. 1006.72.

590 (e) Have the authority to enter into contracts, issue
591 purchase orders, and own or lease property and equipment. The
592 center may secure assistance and services from other state
593 universities and colleges in order to avail itself of the
594 necessary expertise and support in the most cost-effective
595 manner possible.

596 (f) Have the authority, upon recommendation of the board of
597 directors and approval of the chancellors, to apply for and
598 accept funds, grants, gifts, and services from local, state, or
599 federal governments, or from any of their agencies, or any other
600 public or private source and use such funds to defray
601 administrative costs and implement programs as may be necessary
602 to carry out the center's purpose and assist member institutions
603 and the students, faculty, and staff that the center serves and
604 supports.

605 Section 16. Subsection (6) of section 1007.33, Florida
606 Statutes, is amended to read:

607 1007.33 Site-determined baccalaureate degree access.-

608 ~~(6)(a) Beginning July 1, 2010, and each subsequent July 1,~~
609 ~~the Division of Florida Colleges may accept and review~~

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610 ~~applications from a Florida College System institution to obtain~~
611 ~~an exemption from the State Board of Education's approval for~~
612 ~~subsequent degrees as required in subsection (5), if the Florida~~
613 ~~College System institution is accredited by the Commission on~~
614 ~~Colleges of the Southern Association of Colleges and Schools as~~
615 ~~a baccalaureate-degree-granting institution and has been~~
616 ~~offering baccalaureate degree programs for 3 or more years. The~~
617 ~~division shall develop criteria for determining eligibility for~~
618 ~~an exemption based upon demonstrated compliance with the~~
619 ~~requirements for baccalaureate degrees, primary mission, and~~
620 ~~fiscal, including, but not limited to:~~

- 621 ~~1. Obtaining and maintaining appropriate SACS~~
622 ~~accreditation;~~
- 623 ~~2. The maintenance of qualified faculty and institutional~~
624 ~~resources;~~
- 625 ~~3. The maintenance of enrollment projections in previously~~
626 ~~approved programs;~~
- 627 ~~4. The appropriate management of fiscal resources;~~
- 628 ~~5. Compliance with the primary mission and responsibility~~
629 ~~requirements in subsections (2) and (3);~~
- 630 ~~6. The timely submission of the institution's annual~~
631 ~~performance accountability report; and~~
- 632 ~~7. Other indicators of success such as program completers,~~
633 ~~placements, and surveys of students and employers.~~

634 ~~(b) If the Florida College System institution has~~
635 ~~demonstrated satisfactory progress in fulfilling the eligibility~~
636 ~~criteria in this subsection, the Division of Florida Colleges~~
637 ~~may recommend to the State Board of Education that the~~
638 ~~institution be exempt from the requirement in subsection (5) for~~

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639 ~~approval of future baccalaureate degree programs. The State~~
640 ~~Board of Education shall review the division's recommendation~~
641 ~~and determine if an exemption is warranted. If the State Board~~
642 ~~of Education approves the application, the Florida College~~
643 ~~System institution is exempt from subsequent program approval~~
644 ~~under subsection (5) and such authority is delegated to the~~
645 ~~Florida College System institution board of trustees. If the~~
646 ~~State Board of Education disapproves of the Florida College~~
647 ~~System institution's request for an exemption, the college shall~~
648 ~~continue to be subject to the State Board of Education's~~
649 ~~approval of subsequent baccalaureate degree programs.~~

650 (a) ~~(e)~~ Prior to developing or proposing a new baccalaureate
651 degree program, all Florida College System institutions,
652 ~~regardless of an exemption from subsection (5),~~ shall:

653 1. Engage in need, demand, and impact discussions with the
654 state university in their service district and other local and
655 regional, accredited postsecondary providers in their region.

656 2. Send documentation, data, and other information from the
657 inter-institutional discussions regarding program need, demand,
658 and impact required in subparagraph 1. to the college's board of
659 trustees, the Division of Florida Colleges, and the Chancellor
660 of the State University System.

661 3. Base board of trustees approval of the new program upon
662 the documentation, data, and other information required in this
663 paragraph and the factors in subsection (5) (d).

664
665 The Division of Florida Colleges shall use the documentation,
666 data, and other information required in this subsection,
667 including information from the Chancellor of the State

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668 University System, in its compliance review.

669 (b)~~(d)~~ The board of trustees of a Florida College System
670 institution ~~that is exempt from subsection (5)~~ must submit newly
671 approved programs to the Division of Florida Colleges and SACS
672 within 30 days after approval.

673 (c)~~(e)~~ Within 30 days after receiving the approved
674 baccalaureate degree program, the Division of Florida Colleges
675 shall conduct a compliance review and notify the college if the
676 proposal meets the criteria for implementation based upon the
677 criteria in paragraphs (5) (d) and (6) (a) ~~(6) (e)~~. If the program
678 fails to meet the criteria for implementation as determined by
679 the Division of Florida Colleges, the college may not proceed
680 with implementation of the program until the State Board of
681 Education reviews the proposal and the compliance materials and
682 gives its final approval of the program.

683 Section 17. Subsection (3) of section 1009.215, Florida
684 Statutes, is amended to read:

685 1009.215 Student enrollment pilot program for the spring
686 and summer terms.—

687 (3) Students who are enrolled in the pilot program and who
688 are eligible to receive Bright Futures Scholarships under ss.
689 1009.53-1009.536 shall be eligible to receive the scholarship
690 award for attendance during the summer term. A student may not
691 receive the scholarship award for more than 2 semesters in any
692 given fiscal year ~~in the spring and summer terms but are not~~
693 ~~eligible to receive the scholarship for attendance during the~~
694 ~~fall term.~~

695 Section 18. Subsection (1) of section 1009.25, Florida
696 Statutes, is amended to read:

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697 1009.25 Fee exemptions.—

698 (1) The following students are exempt from the payment of
699 tuition and fees, including lab fees, at a school district that
700 provides workforce education ~~postsecondary career programs~~,
701 Florida College System institution, or state university:

702 (a) A student enrolled in a dual enrollment or early
703 admission program pursuant to s. 1007.27 or s. 1007.271.

704 (b) A student enrolled in an approved apprenticeship
705 program, as defined in s. 446.021.

706 (c) A student who is or was at the time he or she reached
707 18 years of age in the custody of the Department of Children and
708 Family Services or who, after spending at least 6 months in the
709 custody of the department after reaching 16 years of age, was
710 placed in a guardianship by the court. Such exemption includes
711 fees associated with enrollment in career-preparatory
712 instruction. The exemption remains valid until the student
713 reaches 28 years of age.

714 (d) A student who is or was at the time he or she reached
715 18 years of age in the custody of a relative under s. 39.5085 or
716 who was adopted from the Department of Children and Family
717 Services after May 5, 1997. Such exemption includes fees
718 associated with enrollment in career-preparatory instruction.
719 The exemption remains valid until the student reaches 28 years
720 of age.

721 (e) A student enrolled in an employment and training
722 program under the welfare transition program. The regional
723 workforce board shall pay the state university, Florida College
724 System institution, or school district for costs incurred for
725 welfare transition program participants.

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726 (f) A student who lacks a fixed, regular, and adequate
727 nighttime residence or whose primary nighttime residence is a
728 public or private shelter designed to provide temporary
729 residence for individuals intended to be institutionalized, or a
730 public or private place not designed for, or ordinarily used as,
731 a regular sleeping accommodation for human beings.

732 (g) A student who is a proprietor, owner, or worker of a
733 company whose business has been at least 50 percent negatively
734 financially impacted by the buyout of property around Lake
735 Apopka by the State of Florida. Such student may receive a fee
736 exemption only if the student has not received compensation
737 because of the buyout, the student is designated a Florida
738 resident for tuition purposes, pursuant to s. 1009.21, and the
739 student has applied for and been denied financial aid, pursuant
740 to s. 1009.40, which would have provided, at a minimum, payment
741 of all student fees. The student is responsible for providing
742 evidence to the postsecondary education institution verifying
743 that the conditions of this paragraph have been met, including
744 supporting documentation provided by the Department of Revenue.
745 The student must be currently enrolled in, or begin coursework
746 within, a program area by fall semester 2000. The exemption is
747 valid for a period of 4 years after the date that the
748 postsecondary education institution confirms that the conditions
749 of this paragraph have been met.

750 (h) A student for whom the full program cost is paid by
751 another party.

752 Section 19. Subsections (2) and (7) of section 1009.286,
753 Florida Statutes, are amended to read:

754 1009.286 Additional student payment for hours exceeding

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755 baccalaureate degree program completion requirements at state
756 universities.-

757 (2) State universities shall require a student to pay an
758 excess hour surcharge ~~equal to 100 percent of the tuition rate~~
759 for each credit hour in excess of ~~115 percent of the number of~~
760 credit hours required to complete the baccalaureate degree
761 program in which the student is enrolled. The excess hour
762 surcharge shall become effective for students who enter a
763 Florida College System institution or a state university for the
764 first time as follows:

765 (a) For the 2009-2010 and 2010-2011 academic years, an
766 excess hour surcharge equal to 50 percent of the tuition rate
767 for each credit hour in excess of 120 percent;

768 (b) For the 2011-2012 academic year, an excess hour
769 surcharge equal to 100 percent of the tuition rate for each
770 credit hour in excess of 115 percent; and

771 (c) For the 2012-2013 academic year and thereafter, an
772 excess hour surcharge equal to 100 percent of the tuition rate
773 for each credit hour in excess of 110 percent.

774 ~~(7) The provisions of this section become effective for~~
775 ~~students who enter a Florida College System institution or a~~
776 ~~state university for the first time in the 2011-2012 academic~~
777 ~~year and thereafter.~~

778 Section 20. Subsections (2) and (7) of section 1009.531,
779 Florida Statutes, are amended to read:

780 1009.531 Florida Bright Futures Scholarship Program;
781 student eligibility requirements for initial awards.-

782 (2) (a) For students graduating from high school prior to
783 the 2010-2011 academic year, a student is eligible to accept an

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784 initial award for 3 years following high school graduation and
785 to accept a renewal award for 7 years following high school
786 graduation. A student who applies for an award by high school
787 graduation and who meets all other eligibility requirements, but
788 who does not accept his or her award, may reapply during
789 subsequent application periods up to 3 years after high school
790 graduation. For a student who enlists in the United States Armed
791 Forces immediately after completion of high school, the 3-year
792 eligibility period for his or her initial award shall begin upon
793 the date of separation from active duty. For a student who is
794 receiving a Florida Bright Futures Scholarship and discontinues
795 his or her education to enlist in the United States Armed
796 Forces, the remainder of his or her 7-year renewal period shall
797 commence upon the date of separation from active duty.

798 (b) For students graduating from high school in the 2010-
799 2011 and 2011-2012 academic years ~~year and thereafter~~, a student
800 is eligible to accept an initial award for 3 years following
801 high school graduation and to accept a renewal award for 5 years
802 following high school graduation. A student who applies for an
803 award by high school graduation and who meets all other
804 eligibility requirements, but who does not accept his or her
805 award, may reapply during subsequent application periods up to 3
806 years after high school graduation. For a student who enlists in
807 the United States Armed Forces immediately after completion of
808 high school, the 3-year eligibility period for his or her
809 initial award and the 5-year renewal period shall begin upon the
810 date of separation from active duty. For a student who is
811 receiving a Florida Bright Futures Scholarship award and
812 discontinues his or her education to enlist in the United States

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813 Armed Forces, the remainder of his or her 5-year renewal period
814 shall commence upon the date of separation from active duty. If
815 a course of study is not completed after 5 academic years, an
816 exception of 1 year to the renewal timeframe may be granted due
817 to a verifiable illness or other documented emergency pursuant
818 to s. 1009.40(1)(b)4.

819 (c) For students graduating from high school in the 2012-
820 2013 academic year and thereafter, a student is eligible to
821 accept an initial award for 2 years after high school graduation
822 and to accept a renewal award for 5 years after high school
823 graduation. A student who applies for an award by high school
824 graduation and who meets all other eligibility requirements, but
825 who does not accept his or her award, may reapply during
826 subsequent application periods up to 2 years after high school
827 graduation. For a student who enlists in the United States Armed
828 Forces immediately after the completion of high school, the 2-
829 year eligibility period for his or her initial award and the 5-
830 year renewal period shall begin upon the date of separation from
831 active duty. For a student who is receiving a Florida Bright
832 Futures Scholarship award and discontinues his or her education
833 to enlist in the United States Armed Forces, the remainder of
834 his or her 5-year renewal period shall begin upon the date of
835 separation from active duty. If a course of study is not
836 completed after 5 academic years, an exception of 1 year to the
837 renewal timeframe may be granted due to a verifiable illness or
838 other documented emergency pursuant to s. 1009.40(1)(b)4.

839 (7) To be eligible for an initial and for each renewal
840 award under the Florida Bright Futures Scholarship Program, a
841 student must submit a Free Application for Federal Student Aid

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842 which is complete and error free prior to disbursement of funds.
843 The department may provide an alternate form for use by students
844 who do not choose to submit a Free Application for Federal
845 Student Aid. The alternate form shall provide the appropriate
846 information, including, but not limited to, information
847 regarding funds and assets.

848 Section 21. Subsection (3) of section 1009.532, Florida
849 Statutes, is amended to read:

850 1009.532 Florida Bright Futures Scholarship Program;
851 student eligibility requirements for renewal awards.-

852 (3) (a) A student who is initially eligible prior to the
853 2010-2011 academic year and is enrolled in a program that
854 terminates in an associate degree or a baccalaureate degree may
855 receive an award for a maximum of 110 percent of the number of
856 credit hours required to complete the program. A student who is
857 enrolled in a program that terminates in a career certificate
858 may receive an award for a maximum of 110 percent of the credit
859 hours or clock hours required to complete the program up to 90
860 credit hours.

861 (b) For a student who is initially eligible in the 2010-
862 2011 and 2011-2012 academic years ~~term and thereafter~~, the
863 student may receive an award for a maximum of 100 percent of the
864 number of credit hours required to complete an associate degree
865 program or a baccalaureate degree program, or the student may
866 receive an award for a maximum of 100 percent of the credit
867 hours or clock hours required to complete up to 90 credit hours
868 of a program that terminates in a career certificate.

869 (c) For a student who is initially eligible in the 2012-
870 2013 academic year and thereafter, the student may receive an

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871 award for a maximum of 100 percent of the number of credit hours
872 required to complete an associate degree program or a
873 baccalaureate degree program. A student may earn a Florida Gold
874 Seal Vocational Scholarship for a maximum of 100 percent of the
875 credit hours or equivalent clock hours as provided is s.
876 1009.536(4)(c). A student who transfers from one of these
877 program levels to another becomes eligible for the higher of the
878 two credit hour limits.

879 Section 22. Subsection (5) of section 1009.534, Florida
880 Statutes, is amended to read:

881 1009.534 Florida Academic Scholars award.—

882 (5) Notwithstanding subsections (2) and (4), a Florida
883 Academic Scholar is eligible for an award equal to the amount
884 specified in the General Appropriations Act. The Legislature may
885 provide in the General Appropriations Act an additional
886 supplement for upper-division courses in the fields of science,
887 technology, engineering, and mathematics.

888 Section 23. Subsection (4) of section 1009.535, Florida
889 Statutes, is amended to read:

890 1009.535 Florida Medallion Scholars award.—

891 (4) Notwithstanding subsection (2), a Florida Medallion
892 Scholar is eligible for an award equal to the amount specified
893 in the General Appropriations Act. The Legislature may provide
894 in the General Appropriations Act an additional supplement for
895 upper-division courses in the fields of science, technology,
896 engineering, and mathematics.

897 Section 24. Section 1009.536, Florida Statutes, is amended
898 to read:

899 1009.536 Florida Gold Seal Vocational Scholars award.—The

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900 Florida Gold Seal Vocational Scholars award is created within
901 the Florida Bright Futures Scholarship Program to recognize and
902 reward academic achievement and career preparation by high
903 school students who wish to continue their education.

904 (1) A student is eligible for a Florida Gold Seal
905 Vocational Scholars award if the student meets the general
906 eligibility requirements for the Florida Bright Futures
907 Scholarship Program and the student:

908 (a) Completes the secondary school portion of a sequential
909 program of studies that requires at least three secondary school
910 career credits ~~taken over at least 2 academic years, and is~~
911 ~~continued in a planned, related postsecondary education program.~~
912 ~~If the student's school does not offer such a two-plus-two or~~
913 ~~tech-prep program, the student must complete a job-preparatory~~
914 ~~career education program selected by Workforce Florida, Inc.,~~
915 ~~for its ability to provide high-wage employment in an occupation~~
916 ~~with high potential for employment opportunities. On the job~~
917 ~~training may not be substituted for any of the three required~~
918 ~~career credits.~~

919 (b) Demonstrates readiness for postsecondary education by
920 earning a passing score on the Florida College Entry Level
921 Placement Test or its equivalent as identified by the Department
922 of Education.

923 (c) Earns a minimum cumulative weighted grade point average
924 of 3.0, as calculated pursuant to s. 1009.531, on all subjects
925 required for a standard high school diploma, excluding elective
926 courses.

927 (d) Earns a minimum unweighted grade point average of 3.5
928 on a 4.0 scale for secondary career courses comprising the

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929 career program.

930 (e) Beginning with high school students graduating in the
931 2011-2012 academic year and thereafter, completes a program of
932 community service work approved by the district school board or
933 the administrators of a nonpublic school, which shall include a
934 minimum of 30 hours of service work, and identifies a social
935 problem that interests him or her, develops a plan for his or
936 her personal involvement in addressing the problem, and, through
937 papers or other presentations, evaluates and reflects upon his
938 or her experience.

939 (2) A Florida Gold Seal Vocational Scholar is eligible for
940 an award equal to the amount specified in the General
941 Appropriations Act ~~required to pay 75 percent of tuition and~~
942 ~~fees, if the student is enrolled in a public postsecondary~~
943 ~~education institution. A student who is enrolled in a nonpublic~~
944 ~~postsecondary education institution is eligible for an award~~
945 ~~equal to the amount that would be required to pay 75 percent of~~
946 ~~the tuition and mandatory fees of a public postsecondary~~
947 ~~education institution at the comparable level.~~

948 (3) To be eligible for a renewal award as a Florida Gold
949 Seal Vocational Scholar, a student must maintain the equivalent
950 of a cumulative grade point average of 2.75 on a 4.0 scale with
951 an opportunity for restoration one time as provided in this
952 chapter.

953 (4) (a) A student who is initially eligible before the 2010-
954 2011 academic year may earn a Florida Gold Seal Vocational
955 Scholarship for 110 percent of the number of credit hours
956 required to complete the program, up to 90 credit hours or the
957 equivalent.

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958 (b) For a student who is initially eligible in the 2010-
959 2011 and 2011-2012 academic terms ~~term and thereafter~~, the
960 student may earn a Florida Gold Seal Vocational Scholarship for
961 100 percent of the number of credit hours required to complete
962 the program, up to 90 credit hours or the equivalent.

963 (c) For a student who is initially eligible in the 2012-
964 2013 academic term and thereafter, the student may earn a
965 Florida Gold Seal Vocational Scholarship for up to 100 percent
966 of the number of credit hours or equivalent clock hours required
967 to complete one of the following programs:

968 1. Up to 60 credit hours or equivalent clock hours in an
969 applied technology diploma program as defined in s. 1004.02(8);

970 2. Up to 72 credit hours in a technology degree education
971 program as defined in s. 1004.02(14); and

972 3. Up to the prescribed number of credit hours or
973 equivalent clocks hours, not to exceed 72, required for a career
974 certificate program as defined in s.1004.02(21).

975 ~~(5) Notwithstanding subsection (2), a Florida Gold Seal~~
976 ~~Vocational Scholar is eligible for an award equal to the amount~~
977 ~~specified in the General Appropriations Act.~~

978 Section 25. Present subsection (7) of section 1009.60,
979 Florida Statutes, is redesignated as subsection (8), and a new
980 subsection (7) is added to that section, to read:

981 1009.60 Minority teacher education scholars program.—There
982 is created the minority teacher education scholars program,
983 which is a collaborative performance-based scholarship program
984 for African-American, Hispanic-American, Asian-American, and
985 Native American students. The participants in the program
986 include Florida's Florida College System institutions and its

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987 public and private universities that have teacher education
988 programs.

989 (7) The Florida Fund for Minority Teachers, Inc., shall use
990 a contingency collections agency to collect repayments of
991 defaulted scholarships.

992 Section 26. Paragraph (b) of subsection (2) of section
993 1009.605, Florida Statutes, is amended to read:

994 1009.605 Florida Fund for Minority Teachers, Inc.—

995 (2)

996 (b) The corporation shall report to the Department of
997 Education, by the date established by the department, the
998 eligible students to whom scholarship moneys are disbursed each
999 academic term, the annual balance of the corporation's assets
1000 and cash reserves, and any other information requested by the
1001 department in accordance with s. 1009.94. By June 30 of each
1002 fiscal year, the corporation shall remit to the department any
1003 appropriated funds that were not distributed for scholarships,
1004 less the 5 percent for administration, including administration
1005 of the required training program, authorized pursuant to
1006 subsection (3).

1007 Section 27. Subsection (2) of section 1012.83, Florida
1008 Statutes, is amended to read:

1009 1012.83 Contracts with administrative and instructional
1010 staff.—

1011 (2) Each contract or employment agreement, or renewal or
1012 renegotiation of an existing contract or employment agreement,
1013 containing a provision for severance pay with an officer, agent,
1014 employee, or contractor must include the provisions required in
1015 s. 215.425. A Florida College System institution board of

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1016 ~~trustees may not enter into an employment contract that requires~~
1017 ~~the Florida College System institution to pay an employee an~~
1018 ~~amount from appropriated state funds in excess of 1 year of the~~
1019 ~~employee's annual salary for termination, buyout, or any other~~
1020 ~~type of contract settlement. This subsection does not prohibit~~
1021 ~~the payment of leave and benefits accrued by the employee in~~
1022 ~~accordance with the Florida College System institution's leave~~
1023 ~~and benefits policies before the contract terminates.~~

1024 Section 28. Notwithstanding the 5 percent limitation
1025 provided in s. 1010.62(2)(a), Florida Statutes, the University
1026 of Florida is authorized to use revenues derived from the
1027 activity and service fee to pay and secure debt in an amount not
1028 to exceed \$2.55 per credit hour to finance the renovation and
1029 expansion of the university's J. Wayne Reitz Union.

1030 Section 29. This act shall take effect July 1, 2012.