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LEGISLATIVE ACTION

Senate

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House

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Senator Lynn moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

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



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14 two preceding financial or operational audit reports.

15 1. The committee may direct the governing body of the state
16 university or state college to provide a written statement to
17 the committee explaining why full corrective action has not been
18 taken or, if the governing body intends to take full corrective
19 action, describing the corrective action to be taken and when it
20 will occur.

21 2. If the committee determines that the written statement
22 is not sufficient, the committee may require the chair of the
23 governing body of the state university or state college, or the
24 chair's designee, to appear before the committee.

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

30 Section 2. Paragraph (f) of subsection (3) of section
31 287.057, Florida Statutes, is amended to read:

32 287.057 Procurement of commodities or contractual
33 services.—

34 (3) When the purchase price of commodities or contractual
35 services exceeds the threshold amount provided in s. 287.017 for
36 CATEGORY TWO, no purchase of commodities or contractual services
37 may be made without receiving competitive sealed bids,
38 competitive sealed proposals, or competitive sealed replies
39 unless:

40 (f) The following contractual services and commodities are
41 not subject to the competitive-solicitation requirements of this
42 section:



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43 1. Artistic services. For the purposes of this subsection,
44 the term "artistic services" does not include advertising or
45 typesetting. As used in this subparagraph, the term
46 "advertising" means the making of a representation in any form
47 in connection with a trade, business, craft, or profession in
48 order to promote the supply of commodities or services by the
49 person promoting the commodities or contractual services.

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

52 3. Lectures by individuals.

53 4. Legal services, including attorney, paralegal, expert
54 witness, appraisal, or mediator services.

55 5.a. Health services involving examination, diagnosis,
56 treatment, prevention, medical consultation, or administration.

57 b. Beginning January 1, 2011, health services, including,
58 but not limited to, substance abuse and mental health services,
59 involving examination, diagnosis, treatment, prevention, or
60 medical consultation, when such services are offered to eligible
61 individuals participating in a specific program that qualifies
62 multiple providers and uses a standard payment methodology.
63 Reimbursement of administrative costs for providers of services
64 purchased in this manner shall also be exempt. For purposes of
65 this sub-subparagraph, "providers" means health professionals,
66 health facilities, or organizations that deliver or arrange for
67 the delivery of health services.

68 6. Services provided to persons with mental or physical
69 disabilities by not-for-profit corporations which have obtained
70 exemptions under the provisions of s. 501(c)(3) of the United
71 States Internal Revenue Code or when such services are governed



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72 by the provisions of Office of Management and Budget Circular A-
73 122. However, in acquiring such services, the agency shall
74 consider the ability of the vendor, past performance,
75 willingness to meet time requirements, and price.

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

78 8. Family placement services.

79 9. Prevention services related to mental health, including
80 drug abuse prevention programs, child abuse prevention programs,
81 and shelters for runaways, operated by not-for-profit
82 corporations. However, in acquiring such services, the agency
83 shall consider the ability of the vendor, past performance,
84 willingness to meet time requirements, and price.

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

87 ~~10.11.~~ Contracts entered into pursuant to s. 337.11.

88 ~~11.12.~~ Services or commodities provided by governmental
89 agencies.

90 Section 3. Paragraph (a) of subsection (2) of section
91 402.7305, Florida Statutes, is amended to read:

92 402.7305 Department of Children and Family Services;
93 procurement of contractual services; contract management.-

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

95 (a) Notwithstanding s. 287.057(3)(f)11., ~~287.057(3)(f)12.~~,
96 whenever the department intends to contract with a public
97 postsecondary institution to provide a service, the department
98 must allow all public postsecondary institutions in this state
99 that are accredited by the Southern Association of Colleges and
100 Schools to bid on the contract. Thereafter, notwithstanding any



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101 other provision to the contrary, if a public postsecondary
102 institution intends to subcontract for any service awarded in
103 the contract, the subcontracted service must be procured by
104 competitive procedures.

105 Section 4. Paragraph (q) of subsection (3) of section
106 413.011, Florida Statutes, is amended to read:

107 413.011 Division of Blind Services, legislative policy,
108 intent; internal organizational structure and powers;
109 Rehabilitation Council for the Blind.—

110 (3) DIVISION STRUCTURE AND DUTIES.—The internal
111 organizational structure of the Division of Blind Services shall
112 be designed for the purpose of ensuring the greatest possible
113 efficiency and effectiveness of services to the blind and to be
114 consistent with chapter 20. The Division of Blind Services shall
115 plan, supervise, and carry out the following activities:

116 (q) Establish one or more training schools and workshops
117 for the employment of suitable blind persons; make expenditures
118 of funds for such purposes; receive moneys from sales of
119 commodities involved in such activities and from such funds make
120 payments of wages, repairs, insurance premiums, and replacements
121 of equipment. All of the activities provided for in this section
122 may be carried on in cooperation with private workshops for the
123 blind, except that all tools and equipment furnished by the
124 division shall remain the property of the state. If any property
125 leased by the Division of Blind Services and located in Daytona
126 Beach, including an existing sublease upon the expiration of its
127 current term, is no longer needed for the expansion of the
128 division's programs, Daytona State College shall be given
129 priority for the use of such available property. In addition,



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130 future construction of any facilities not related to programs
131 under the Division of Blind Services may not be commenced
132 without prior approval by the Division of Blind Services and the
133 Division of State Lands.

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

136 427.0135 Purchasing agencies; duties and responsibilities.—
137 Each purchasing agency, in carrying out the policies and
138 procedures of the commission, shall:

139 (3) Not procure transportation disadvantaged services
140 without initially negotiating with the commission, as provided
141 in s. 287.057(3)(f)11., ~~287.057(3)(f)12.~~, or unless otherwise
142 authorized by statute. If the purchasing agency, after
143 consultation with the commission, determines that it cannot
144 reach mutually acceptable contract terms with the commission,
145 the purchasing agency may contract for the same transportation
146 services provided in a more cost-effective manner and of
147 comparable or higher quality and standards. The Medicaid agency
148 shall implement this subsection in a manner consistent with s.
149 409.908(18) and as otherwise limited or directed by the General
150 Appropriations Act.

151 Section 6. Paragraph (c) of subsection (2) of section
152 440.15, Florida Statutes, is amended to read:

153 440.15 Compensation for disability.—Compensation for
154 disability shall be paid to the employee, subject to the limits
155 provided in s. 440.12(2), as follows:

156 (2) TEMPORARY TOTAL DISABILITY.—

157 (c) Temporary total disability benefits paid pursuant to
158 this subsection shall include such period as may be reasonably



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159 necessary for training in the use of artificial members and
160 appliances, ~~and shall include such period as the employee may be~~
161 ~~receiving training and education under a program pursuant to s.~~
162 ~~440.491.~~

163 Section 7. Subsection (3) of section 440.33, Florida
164 Statutes, is repealed.

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

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

168 440.50 Workers' Compensation Administration Trust Fund.—

169 (5) Funds appropriated by an operating appropriation or a
170 nonoperating transfer from the Workers' Compensation
171 Administration Trust Fund to ~~the Department of Education,~~ the
172 Agency for Health Care Administration, the Department of
173 Business and Professional Regulation, the Department of
174 Management Services, the First District Court of Appeal, and the
175 Justice Administrative Commission remaining unencumbered as of
176 June 30 or undisbursed as of September 30 each year shall revert
177 to the Workers' Compensation Administration Trust Fund.

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

180 1001.02 General powers of State Board of Education.—

181 (7) The State Board of Education shall delegate to the
182 Division of Florida Colleges oversight responsibility for
183 Florida College System institutions that have significant
184 potential management or academic issues.

185 Section 11. Subsection (47) of section 1001.64, Florida
186 Statutes, is amended, and subsection (48) is added to that
187 section, to read:



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188 1001.64 Florida College System institution boards of
189 trustees; powers and duties.-

190 (47) Each contract or employment agreement, or renewal or
191 renegotiation of an existing contract or employment agreement,
192 containing a provision for severance pay with an officer, agent,
193 employee, or contractor must include the provisions required in
194 s. 215.425. A board of trustees may not enter into an employment
195 contract that requires the Florida College System institution to
196 pay a Florida College System institution president an amount
197 from state funds in excess of 1 year of the president's annual
198 salary for termination, buyout, or any other type of contract
199 settlement. This subsection does not prohibit the payment of
200 leave and benefits accrued by the president in accordance with
201 the Florida College System institution's leave and benefits
202 policies before the contract terminates.

203 (48) Each board of trustees shall enter into consortia and
204 cooperative agreements to maximize the purchasing power for
205 goods and services. A consortium or cooperative agreement may be
206 statewide, regional, or a combination of institutions, as
207 appropriate to achieve the lowest cost, with the goal of
208 achieving a 5 percent savings on existing contract prices
209 through the use of new cooperative arrangements or new
210 consortium contracts.

211 Section 12. Paragraph (i) is added to subsection (3) and
212 paragraph (e) is added to subsection (4) of section 1001.706,
213 Florida Statutes, and paragraph (d) of subsection (6) of that
214 section is amended, to read:

215 1001.706 Powers and duties of the Board of Governors.-

216 (3) POWERS AND DUTIES RELATING TO ORGANIZATION AND



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217 OPERATION OF STATE UNIVERSITIES.—

218 (i) The Board of Governors shall adopt regulations
219 requiring universities to enter into consortia and cooperative
220 agreements to maximize the purchasing power for goods and
221 services. A consortium or cooperative agreement may be
222 statewide, regional, or a combination of institutions, as
223 appropriate to achieve the lowest cost, with the goal of
224 achieving a 5 percent savings on existing contract prices
225 through the use of new cooperative arrangements or new
226 consortium contracts.

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

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

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

232 (d) Each contract or employment agreement, or renewal or
233 renegotiation of an existing contract or employment agreement,
234 containing a provision for severance pay with an officer, agent,
235 employee, or contractor must include the provisions required in
236 s. 215.425. ~~The Board of Governors, or the board's designee, may~~
237 ~~not enter into an employment contract that requires it to pay an~~
238 ~~employee an amount from state funds in excess of 1 year of the~~
239 ~~employee's annual salary for termination, buyout, or any other~~
240 ~~type of contract settlement. This paragraph does not prohibit~~
241 ~~the payment of leave and benefits accrued by the employee in~~
242 ~~accordance with the board's or designee's leave and benefits~~
243 ~~policies before the contract terminates.~~

244 Section 13. Section 1004.092, Florida Statutes, is created
245 to read:



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246 1004.092 Florida Degree Consortium.-

247 (1) The Florida Degree Consortium is established by merging
248 the Florida Distance Learning Consortium as provided in s.
249 1004.091, the computer assisted student advising system as
250 provided in s. 1007.28, and the degree completion pilot program
251 as provided in s. 1004.093.

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

254 (a) Information about online courses, programs, and degrees
255 offered by colleges and universities in the state and shall
256 provide assistance to individuals wishing to enroll in online
257 instruction offered by the colleges and universities.

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

261 (3) The Chancellor of the State University System and the
262 Chancellor of the Florida College System shall jointly oversee
263 the implementation of the Florida Degree Consortium.

264 Section 14. Section 1004.093, Florida Statutes, is created
265 to read:

266 1004.093 Degree completion pilot program.-

267 (1) The degree completion pilot program is established for
268 the purpose of recruiting, recovering, and retaining the state's
269 adult learners and assisting them in completing an associate
270 degree or baccalaureate degree that is aligned to high-wage,
271 high-skill workforce needs. As used in this section, the term
272 "adult learner" means a student who has left an institution in
273 good standing before completing his or her associate degree or
274 baccalaureate degree. Priority attention shall be given to adult



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275 learners who are veterans and active-duty servicemembers.

276 (2) The Chancellor of the State University System and the
277 Chancellor of the Florida College System shall jointly oversee
278 the implementation of the pilot program. The pilot program shall
279 be implemented in collaboration with the University of West
280 Florida, which is the lead institution, and the University of
281 South Florida, Florida State College at Jacksonville, and St.
282 Petersburg College. The pilot program shall include the
283 associate, applied baccalaureate, and baccalaureate degree
284 programs that those institutions have selected, in partnership
285 with public postsecondary education institutions providing areas
286 of specialization or concentration.

287 (3) The pilot program shall be implemented and administered
288 as an activity within the Florida Degree Consortium. The pilot
289 program shall provide adult learners with a single point of
290 access to information and links to innovative online and
291 accelerated distance learning courses, student and library
292 support services, and electronic resources that will guide the
293 adult learner toward the successful completion of a
294 postsecondary education degree.

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

297 (a) Use the distance learning course catalog established
298 pursuant to ss. 1004.09 and 1004.091 to communicate course
299 availability to the adult learner.

300 (b) Develop and implement an advising and student support
301 system that includes the use of degree completion specialists,
302 that is based on best practices and processes, and that includes
303 academic and career support services designed specifically for



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304 the adult learner.

305 (c) Use the streamlined, automated, online registration
306 process for transient students established pursuant to s.
307 1004.091 and identify any additional admissions and registration
308 policies and practices that could be further streamlined and
309 automated for purposes of assisting the adult learner.

310 (d) Use competency-based evaluation tools to assess prior
311 performance, experience, and education for the award of college
312 credit, which must include the American Council on Education's
313 collaborative link between the United States Department of
314 Defense and higher education through the review of military
315 training and experience for the award of equivalent college
316 credit for members of the Armed Forces.

317 (e) Develop and implement an evaluation process that
318 collects, analyzes, and provides information to participating
319 postsecondary education institutions, the chairs of the
320 legislative appropriations committees, and the Executive Office
321 of the Governor which details the effectiveness of the pilot
322 program and the attainment of its goals. The evaluation process
323 must include a management information system that collects the
324 appropriate student, programmatic, and fiscal data necessary to
325 complete the evaluation of the pilot program.

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

330 (5) For purposes of the pilot program, each postsecondary
331 education institution's current tuition and fee structure shall
332 be used. However, participating postsecondary education



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333 institutions shall collaboratively identify the applicable cost
334 components associated with developing and delivering distance
335 learning courses and submit the information regarding such cost
336 components to the pilot program director.

337 (6) By August 1, 2012, the Chancellor of the State
338 University System and the Chancellor of the Florida College
339 System shall submit to the chairs of the legislative
340 appropriations committees a detailed project plan that defines
341 the major work activities, timeline, and cost for implementing
342 and administering the pilot program.

343 Section 15. Section 1006.73, Florida Statutes, is created
344 to read:

345 1006.73 Florida Education Library Resource Center.—

346 (1) The Florida Education Library Resource Center is
347 established for the purpose of facilitating the collaboration
348 among academic libraries in acquiring resources and deploying
349 services, leveraging their assets through formal and informal
350 cooperative agreements and collaborative action, and providing
351 coordination and leadership for services in support of teaching,
352 learning, research, and public service.

353 (2) (a) The Chancellor of the State University System and
354 the Chancellor of the Florida College System, or their designees
355 as appropriate and applicable, shall jointly govern and oversee
356 the center, with the assistance of a board of directors and
357 members council, using the administrative and operational
358 policies and procedures of the center.

359 (b)1. A board of directors shall make recommendations to
360 the chancellors and approve and implement bylaws governing the
361 policies and operations of the center. The board of directors



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362 shall consist, at a minimum, of:
363 a. A university provost selected by the Chancellor of the
364 State University System;
365 b. A college academic vice president selected by the
366 Chancellor of the Florida College System;
367 c. The chair, past chair, and chair-elect of the members
368 council;
369 d. One university representative selected by the members
370 council; and
371 e. One college representative selected by the members
372 council.
373 2. The members council shall consist of one representative
374 from each state university library and college library who shall
375 advise the board of directors regarding services and products
376 offered by the center. The membership of the council may be
377 expanded to include representatives of other types of libraries
378 contracting for services through the center as provided in the
379 bylaws of the center.
380 (3) The center may enter into a contract with a
381 postsecondary education institution for fiscal services and
382 administrative support services or may, at the discretion of the
383 chancellors, provide such services and support internally. The
384 services and fees charged by the postsecondary education
385 institution shall be negotiated with the center and may not
386 exceed the actual cost for providing the services.
387 (4) The center shall maintain an unencumbered balance of 5
388 percent of the approved operating budget.
389 (5) By June 30, 2013, the Florida Center for Library
390 Automation and the College Center for Library Automation shall



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391 cease independent operations and all remaining assets and
392 responsibilities, not otherwise disposed of, shall be
393 transferred to the center.

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

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

400 (b) Provide for the cost-efficient and cost-effective use
401 of the technological infrastructure needed to deliver its
402 services through the acquisition of a next generation library
403 management system and its associated services, including a
404 discovery tool. The library management system and discovery tool
405 shall replace the tools provided to postsecondary academic
406 libraries by the Florida Center for Library Automation and the
407 College Center for Library Automation. The center may also
408 assist member institutions in and through the acquisition or
409 implementation of other specialized tools and resources in
410 support of or on behalf of member institutions.

411 (c) Build upon existing opportunities and seek new
412 opportunities for formal and informal cooperative agreements and
413 partnerships to foster continuing collaborative action that
414 leverages institutional and statewide resources.

415 (d) Coordinate the negotiation of statewide licensing and
416 preferred pricing agreements with content and service providers
417 that result in cost savings for member institutions pursuant to
418 s. 1006.72.

419 (e) Have the authority to enter into contracts, issue



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420 purchase orders, and own or lease property and equipment. The
421 center may secure assistance and services from other state
422 universities and colleges in order to avail itself of the
423 necessary expertise and support in the most cost-effective
424 manner possible.

425 (f) Have the authority, upon recommendation of the board of
426 directors and approval of the chancellors, to apply for and
427 accept funds, grants, gifts, and services from local, state, or
428 federal governments, or from any of their agencies, or any other
429 public or private source and use such funds to defray
430 administrative costs and implement programs as may be necessary
431 to carry out the center's purpose and assist member institutions
432 and the students, faculty, and staff that the center serves and
433 supports.

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

436 1007.33 Site-determined baccalaureate degree access.-

437 ~~(6)(a) Beginning July 1, 2010, and each subsequent July 1,~~
438 ~~the Division of Florida Colleges may accept and review~~
439 ~~applications from a Florida College System institution to obtain~~
440 ~~an exemption from the State Board of Education's approval for~~
441 ~~subsequent degrees as required in subsection (5), if the Florida~~
442 ~~College System institution is accredited by the Commission on~~
443 ~~Colleges of the Southern Association of Colleges and Schools as~~
444 ~~a baccalaureate degree-granting institution and has been~~
445 ~~offering baccalaureate degree programs for 3 or more years. The~~
446 ~~division shall develop criteria for determining eligibility for~~
447 ~~an exemption based upon demonstrated compliance with the~~
448 ~~requirements for baccalaureate degrees, primary mission, and~~



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449 ~~fiscal, including, but not limited to:~~
450 ~~1. Obtaining and maintaining appropriate SACS~~
451 ~~accreditation;~~
452 ~~2. The maintenance of qualified faculty and institutional~~
453 ~~resources;~~
454 ~~3. The maintenance of enrollment projections in previously~~
455 ~~approved programs;~~
456 ~~4. The appropriate management of fiscal resources;~~
457 ~~5. Compliance with the primary mission and responsibility~~
458 ~~requirements in subsections (2) and (3);~~
459 ~~6. The timely submission of the institution's annual~~
460 ~~performance accountability report; and~~
461 ~~7. Other indicators of success such as program completers,~~
462 ~~placements, and surveys of students and employers.~~
463 ~~(b) If the Florida College System institution has~~
464 ~~demonstrated satisfactory progress in fulfilling the eligibility~~
465 ~~criteria in this subsection, the Division of Florida Colleges~~
466 ~~may recommend to the State Board of Education that the~~
467 ~~institution be exempt from the requirement in subsection (5) for~~
468 ~~approval of future baccalaureate degree programs. The State~~
469 ~~Board of Education shall review the division's recommendation~~
470 ~~and determine if an exemption is warranted. If the State Board~~
471 ~~of Education approves the application, the Florida College~~
472 ~~System institution is exempt from subsequent program approval~~
473 ~~under subsection (5) and such authority is delegated to the~~
474 ~~Florida College System institution board of trustees. If the~~
475 ~~State Board of Education disapproves of the Florida College~~
476 ~~System institution's request for an exemption, the college shall~~
477 ~~continue to be subject to the State Board of Education's~~



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478 ~~approval of subsequent baccalaureate degree programs.~~

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

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

485 2. Send documentation, data, and other information from the
486 inter-institutional discussions regarding program need, demand,
487 and impact required in subparagraph 1. to the college's board of
488 trustees, the Division of Florida Colleges, and the Chancellor
489 of the State University System.

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

493
494 The Division of Florida Colleges shall use the documentation,
495 data, and other information required in this subsection,
496 including information from the Chancellor of the State
497 University System, in its compliance review.

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

502 (c) ~~(e)~~ Within 30 days after receiving the approved
503 baccalaureate degree program, the Division of Florida Colleges
504 shall conduct a compliance review and notify the college if the
505 proposal meets the criteria for implementation based upon the
506 criteria in paragraphs (5) (d) and (6) (a) ~~(6) (e)~~. If the program



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507 fails to meet the criteria for implementation as determined by
508 the Division of Florida Colleges, the college may not proceed
509 with implementation of the program until the State Board of
510 Education reviews the proposal and the compliance materials and
511 gives its final approval of the program.

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

514 1009.215 Student enrollment pilot program for the spring
515 and summer terms.—

516 (3) Students who are enrolled in the pilot program and who
517 are eligible to receive Bright Futures Scholarships under ss.
518 1009.53-1009.536 shall be eligible to receive the scholarship
519 award for attendance during the summer term. A student may not
520 receive the scholarship award for more than 2 semesters in any
521 given fiscal year in the spring and summer terms but are not
522 eligible to receive the scholarship for attendance during the
523 fall term.

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

526 1009.25 Fee exemptions.—

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

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

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

535 (c) A student who is or was at the time he or she reached



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536 18 years of age in the custody of the Department of Children and
537 Family Services or who, after spending at least 6 months in the
538 custody of the department after reaching 16 years of age, was
539 placed in a guardianship by the court. Such exemption includes
540 fees associated with enrollment in career-preparatory
541 instruction. The exemption remains valid until the student
542 reaches 28 years of age.

543 (d) A student who is or was at the time he or she reached
544 18 years of age in the custody of a relative under s. 39.5085 or
545 who was adopted from the Department of Children and Family
546 Services after May 5, 1997. Such exemption includes fees
547 associated with enrollment in career-preparatory instruction.
548 The exemption remains valid until the student reaches 28 years
549 of age.

550 (e) A student enrolled in an employment and training
551 program under the welfare transition program. The regional
552 workforce board shall pay the state university, Florida College
553 System institution, or school district for costs incurred for
554 welfare transition program participants.

555 (f) A student who lacks a fixed, regular, and adequate
556 nighttime residence or whose primary nighttime residence is a
557 public or private shelter designed to provide temporary
558 residence for individuals intended to be institutionalized, or a
559 public or private place not designed for, or ordinarily used as,
560 a regular sleeping accommodation for human beings.

561 (g) A student who is a proprietor, owner, or worker of a
562 company whose business has been at least 50 percent negatively
563 financially impacted by the buyout of property around Lake
564 Apopka by the State of Florida. Such student may receive a fee



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565 exemption only if the student has not received compensation
566 because of the buyout, the student is designated a Florida
567 resident for tuition purposes, pursuant to s. 1009.21, and the
568 student has applied for and been denied financial aid, pursuant
569 to s. 1009.40, which would have provided, at a minimum, payment
570 of all student fees. The student is responsible for providing
571 evidence to the postsecondary education institution verifying
572 that the conditions of this paragraph have been met, including
573 supporting documentation provided by the Department of Revenue.
574 The student must be currently enrolled in, or begin coursework
575 within, a program area by fall semester 2000. The exemption is
576 valid for a period of 4 years after the date that the
577 postsecondary education institution confirms that the conditions
578 of this paragraph have been met.

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

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

583 1009.286 Additional student payment for hours exceeding
584 baccalaureate degree program completion requirements at state
585 universities.—

586 (2) State universities shall require a student to pay an
587 excess hour surcharge ~~equal to 100 percent of the tuition rate~~
588 for each credit hour in excess of ~~115 percent of the number of~~
589 credit hours required to complete the baccalaureate degree
590 program in which the student is enrolled. The excess hour
591 surcharge shall become effective for students who enter a
592 Florida College System institution or a state university for the
593 first time as follows:



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

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

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

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

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

609 1009.531 Florida Bright Futures Scholarship Program;
610 student eligibility requirements for initial awards.-

611 (2) (a) For students graduating from high school prior to
612 the 2010-2011 academic year, a student is eligible to accept an
613 initial award for 3 years following high school graduation and
614 to accept a renewal award for 7 years following high school
615 graduation. A student who applies for an award by high school
616 graduation and who meets all other eligibility requirements, but
617 who does not accept his or her award, may reapply during
618 subsequent application periods up to 3 years after high school
619 graduation. For a student who enlists in the United States Armed
620 Forces immediately after completion of high school, the 3-year
621 eligibility period for his or her initial award shall begin upon
622 the date of separation from active duty. For a student who is



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623 receiving a Florida Bright Futures Scholarship and discontinues
624 his or her education to enlist in the United States Armed
625 Forces, the remainder of his or her 7-year renewal period shall
626 commence upon the date of separation from active duty.

627 (b) For students graduating from high school in the 2010-
628 2011 and 2011-2012 academic years ~~year and thereafter~~, a student
629 is eligible to accept an initial award for 3 years following
630 high school graduation and to accept a renewal award for 5 years
631 following high school graduation. A student who applies for an
632 award by high school graduation and who meets all other
633 eligibility requirements, but who does not accept his or her
634 award, may reapply during subsequent application periods up to 3
635 years after high school graduation. For a student who enlists in
636 the United States Armed Forces immediately after completion of
637 high school, the 3-year eligibility period for his or her
638 initial award and the 5-year renewal period shall begin upon the
639 date of separation from active duty. For a student who is
640 receiving a Florida Bright Futures Scholarship award and
641 discontinues his or her education to enlist in the United States
642 Armed Forces, the remainder of his or her 5-year renewal period
643 shall commence upon the date of separation from active duty. If
644 a course of study is not completed after 5 academic years, an
645 exception of 1 year to the renewal timeframe may be granted due
646 to a verifiable illness or other documented emergency pursuant
647 to s. 1009.40(1)(b)4.

648 (c) For students graduating from high school in the 2012-
649 2013 academic year and thereafter, a student is eligible to
650 accept an initial award for 2 years after high school graduation
651 and to accept a renewal award for 5 years after high school



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652 graduation. A student who applies for an award by high school
653 graduation and who meets all other eligibility requirements, but
654 who does not accept his or her award, may reapply during
655 subsequent application periods up to 2 years after high school
656 graduation. For a student who enlists in the United States Armed
657 Forces immediately after the completion of high school, the 2-
658 year eligibility period for his or her initial award and the 5-
659 year renewal period shall begin upon the date of separation from
660 active duty. For a student who is receiving a Florida Bright
661 Futures Scholarship award and discontinues his or her education
662 to enlist in the United States Armed Forces, the remainder of
663 his or her 5-year renewal period shall begin upon the date of
664 separation from active duty. If a course of study is not
665 completed after 5 academic years, an exception of 1 year to the
666 renewal timeframe may be granted due to a verifiable illness or
667 other documented emergency pursuant to s. 1009.40(1)(b)4.

668 (7) To be eligible for an initial and for each renewal
669 award under the Florida Bright Futures Scholarship Program, a
670 student must submit a Free Application for Federal Student Aid
671 which is complete and error free prior to disbursement of funds.
672 The department may provide an alternate form for use by students
673 who do not choose to submit a Free Application for Federal
674 Student Aid. The alternate form shall provide the appropriate
675 information, including, but not limited to, information
676 regarding funds and assets.

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

679 1009.532 Florida Bright Futures Scholarship Program;
680 student eligibility requirements for renewal awards.-



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681 (3) (a) A student who is initially eligible prior to the
682 2010-2011 academic year and is enrolled in a program that
683 terminates in an associate degree or a baccalaureate degree may
684 receive an award for a maximum of 110 percent of the number of
685 credit hours required to complete the program. A student who is
686 enrolled in a program that terminates in a career certificate
687 may receive an award for a maximum of 110 percent of the credit
688 hours or clock hours required to complete the program up to 90
689 credit hours.

690 (b) For a student who is initially eligible in the 2010-
691 2011 and 2011-2012 academic years ~~term and thereafter~~, the
692 student may receive an award for a maximum of 100 percent of the
693 number of credit hours required to complete an associate degree
694 program or a baccalaureate degree program, or the student may
695 receive an award for a maximum of 100 percent of the credit
696 hours or clock hours required to complete up to 90 credit hours
697 of a program that terminates in a career certificate.

698 (c) For a student who is initially eligible in the 2012-
699 2013 academic year and thereafter, the student may receive an
700 award for a maximum of 100 percent of the number of credit hours
701 required to complete an associate degree program or a
702 baccalaureate degree program. A student may earn a Florida Gold
703 Seal Vocational Scholarship for a maximum of 100 percent of the
704 credit hours or equivalent clock hours as provided is s.
705 1009.536(4)(c). A student who transfers from one of these
706 program levels to another becomes eligible for the higher of the
707 two credit hour limits.

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



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710 1009.534 Florida Academic Scholars award.-

711 (5) Notwithstanding subsections (2) and (4), a Florida
712 Academic Scholar is eligible for an award equal to the amount
713 specified in the General Appropriations Act. The Legislature may
714 provide in the General Appropriations Act an additional
715 supplement for upper-division courses in the fields of science,
716 technology, engineering, and mathematics.

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

719 1009.535 Florida Medallion Scholars award.-

720 (4) Notwithstanding subsection (2), a Florida Medallion
721 Scholar is eligible for an award equal to the amount specified
722 in the General Appropriations Act. The Legislature may provide
723 in the General Appropriations Act an additional supplement for
724 upper-division courses in the fields of science, technology,
725 engineering, and mathematics.

726 Section 24. Section 1009.536, Florida Statutes, is amended
727 to read:

728 1009.536 Florida Gold Seal Vocational Scholars award.-The
729 Florida Gold Seal Vocational Scholars award is created within
730 the Florida Bright Futures Scholarship Program to recognize and
731 reward academic achievement and career preparation by high
732 school students who wish to continue their education.

733 (1) A student is eligible for a Florida Gold Seal
734 Vocational Scholars award if the student meets the general
735 eligibility requirements for the Florida Bright Futures
736 Scholarship Program and the student:

737 (a) Completes the secondary school portion of a sequential
738 program of studies that requires at least three secondary school



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739 ~~career credits taken over at least 2 academic years, and is~~
740 ~~continued in a planned, related postsecondary education program.~~
741 ~~If the student's school does not offer such a two plus two or~~
742 ~~tech prep program, the student must complete a job preparatory~~
743 ~~career education program selected by Workforce Florida, Inc.,~~
744 ~~for its ability to provide high-wage employment in an occupation~~
745 ~~with high potential for employment opportunities. On the job~~
746 ~~training may not be substituted for any of the three required~~
747 ~~career credits.~~

748 (b) Demonstrates readiness for postsecondary education by
749 earning a passing score on the Florida College Entry Level
750 Placement Test or its equivalent as identified by the Department
751 of Education.

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

756 (d) Earns a minimum unweighted grade point average of 3.5
757 on a 4.0 scale for secondary career courses comprising the
758 career program.

759 (e) Beginning with high school students graduating in the
760 2011-2012 academic year and thereafter, completes a program of
761 community service work approved by the district school board or
762 the administrators of a nonpublic school, which shall include a
763 minimum of 30 hours of service work, and identifies a social
764 problem that interests him or her, develops a plan for his or
765 her personal involvement in addressing the problem, and, through
766 papers or other presentations, evaluates and reflects upon his
767 or her experience.



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768 (2) A Florida Gold Seal Vocational Scholar is eligible for
769 an award equal to the amount specified in the General
770 Appropriations Act ~~required to pay 75 percent of tuition and~~
771 ~~fees, if the student is enrolled in a public postsecondary~~
772 ~~education institution. A student who is enrolled in a nonpublic~~
773 ~~postsecondary education institution is eligible for an award~~
774 ~~equal to the amount that would be required to pay 75 percent of~~
775 ~~the tuition and mandatory fees of a public postsecondary~~
776 ~~education institution at the comparable level.~~

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

782 (4) (a) A student who is initially eligible before the 2010-
783 2011 academic year may earn a Florida Gold Seal Vocational
784 Scholarship for 110 percent of the number of credit hours
785 required to complete the program, up to 90 credit hours or the
786 equivalent.

787 (b) For a student who is initially eligible in the 2010-
788 2011 and 2011-2012 academic terms ~~term and thereafter~~, the
789 student may earn a Florida Gold Seal Vocational Scholarship for
790 100 percent of the number of credit hours required to complete
791 the program, up to 90 credit hours or the equivalent.

792 (c) For a student who is initially eligible in the 2012-
793 2013 academic term and thereafter, the student may earn a
794 Florida Gold Seal Vocational Scholarship for up to 100 percent
795 of the number of credit hours or equivalent clock hours required
796 to complete one of the following programs:



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

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

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

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

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

810 1009.60 Minority teacher education scholars program.—There
811 is created the minority teacher education scholars program,
812 which is a collaborative performance-based scholarship program
813 for African-American, Hispanic-American, Asian-American, and
814 Native American students. The participants in the program
815 include Florida's Florida College System institutions and its
816 public and private universities that have teacher education
817 programs.

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

821 Section 26. Paragraph (b) of subsection (2) of section
822 1009.605, Florida Statutes, is amended to read:

823 1009.605 Florida Fund for Minority Teachers, Inc.—

824 (2)

825 (b) The corporation shall report to the Department of



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826 Education, by the date established by the department, the
827 eligible students to whom scholarship moneys are disbursed each
828 academic term, the annual balance of the corporation's assets
829 and cash reserves, and any other information requested by the
830 department in accordance with s. 1009.94. By June 30 of each
831 fiscal year, the corporation shall remit to the department any
832 appropriated funds that were not distributed for scholarships,
833 less the 5 percent for administration, including administration
834 of the required training program, authorized pursuant to
835 subsection (3).

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

838 1012.83 Contracts with administrative and instructional
839 staff.—

840 (2) Each contract or employment agreement, or renewal or
841 renegotiation of an existing contract or employment agreement,
842 containing a provision for severance pay with an officer, agent,
843 employee, or contractor must include the provisions required in
844 s. 215.425. A Florida College System institution board of
845 ~~trustees may not enter into an employment contract that requires~~
846 ~~the Florida College System institution to pay an employee an~~
847 ~~amount from appropriated state funds in excess of 1 year of the~~
848 ~~employee's annual salary for termination, buyout, or any other~~
849 ~~type of contract settlement. This subsection does not prohibit~~
850 ~~the payment of leave and benefits accrued by the employee in~~
851 ~~accordance with the Florida College System institution's leave~~
852 ~~and benefits policies before the contract terminates.~~

853 Section 28. Notwithstanding the 5 percent limitation
854 provided in s. 1010.62(2)(a), Florida Statutes, the University



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855 of Florida is authorized to use revenues derived from the
856 activity and service fee to pay and secure debt in an amount not
857 to exceed \$2.55 per credit hour to finance the renovation and
858 expansion of the university's J. Wayne Reitz Union.

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

860
861 ===== T I T L E A M E N D M E N T =====

862 And the title is amended as follows:

863 Delete everything before the enacting clause
864 and insert:

865 A bill to be entitled
866 An act relating to postsecondary education; amending
867 s. 11.45, F.S.; requiring that the Auditor General
868 notify the Legislative Auditing Committee of any
869 financial or operational audit report indicating that
870 a state university or state college has failed to take
871 full corrective action in response to recommendations
872 in previous audit reports; authorizing the committee
873 to direct the governing body of the state university
874 or state college to provide a written statement
875 explaining why full corrective action has not been
876 taken or notifying that it intends to take full
877 corrective action; requiring that a hearing be held if
878 the committee determines that the state university or
879 state college has, without justification, failed to
880 take full corrective action; amending s. 287.057,
881 F.S.; deleting a provision that exempts from
882 competitive-solicitation requirements training and
883 education services for injured employees, to conform



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884 to changes made by the act; amending s. 402.7305,
885 F.S.; conforming a cross-reference; amending s.
886 413.011, F.S.; revising the duties of the Division of
887 Blind Services within the Department of Education;
888 requiring that Daytona State College be given priority
889 for the use of available property located in Daytona
890 Beach which is no longer needed by the division;
891 requiring prior approval by the Division of Blind
892 Services and the Division of State Lands within the
893 Department of Environmental Protection for the future
894 construction of facilities not related to programs
895 under the Division of Blind Services; amending s.
896 427.0135, F.S.; conforming a cross-reference; amending
897 s. 440.15, F.S.; revising provisions to conform to
898 changes made by the act; repealing s. 440.33(3), F.S.,
899 relating to provisions that authorize a judge of
900 compensation claims to request an evaluation pursuant
901 to s. 440.491, F.S., to conform to changes made by the
902 act; repealing s. 440.491, F.S., relating to the
903 reemployment of injured workers and rehabilitation;
904 amending s. 440.50, F.S.; revising provisions to
905 conform to changes made by the act; amending s.
906 1001.02, F.S.; requiring that the State Board of
907 Education delegate to the Division of Florida Colleges
908 oversight responsibility for certain Florida College
909 System institutions; amending s. 1001.64, F.S.;
910 requiring that each contract or employment agreement,
911 or renewal or renegotiation of an existing contract or
912 employment agreement, containing a provision for



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913 severance pay include certain provisions; requiring
914 that each board of trustees enter into consortia and
915 cooperative agreements; providing that a consortium or
916 cooperative agreement may be statewide, regional, or a
917 combination of institutions, as appropriate to achieve
918 the lowest cost; amending s. 1001.706, F.S.; requiring
919 that the Board of Governors adopt regulations
920 requiring universities to enter into consortia and
921 cooperative agreements; authorizing the Board of
922 Governors to approve the transfer between institutions
923 of unused budget authority from the Education/General
924 Student and Other Fees Trust Fund; revising provisions
925 relating to employment contracts with the Board of
926 Governors; requiring that each contract or employment
927 agreement, or renewal or renegotiation of an existing
928 contract or employment agreement, containing a
929 provision for severance pay include certain
930 provisions; creating s. 1004.092, F.S.; establishing
931 the Florida Degree Consortium by merging the Florida
932 Distance Learning Consortium, the computer-assisted
933 student advising system, and the degree completion
934 pilot program; providing a purpose; requiring that the
935 Chancellor of the State University System and the
936 Chancellor of the Florida College System jointly
937 oversee the implementation of the Florida Degree
938 Consortium; creating s. 1004.093, F.S.; creating the
939 degree completion pilot program; providing a purpose;
940 requiring that the Chancellor of the State University
941 System and the Chancellor of the Florida College



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942 System jointly oversee the implementation of the pilot
943 program; defining the term "adult learner"; providing
944 that priority attention be given to adult learners who
945 are veterans and active-duty servicemembers; providing
946 for implementation and requirements of the pilot
947 program; requiring that the chancellors submit a
948 detailed project plan to the Legislature by a
949 specified date; creating s. 1006.73, F.S.;

950 establishing the Florida Education Library Resource
951 Center; providing a purpose; requiring that the
952 Chancellor of the State University System and the
953 Chancellor of the Florida College System jointly
954 govern and oversee the center; providing for
955 membership; authorizing the center to enter into
956 contracts with postsecondary education institutions
957 for certain support services; requiring that the
958 Florida Center for Library Automation and the College
959 Center for Library Automation cease independent
960 operations by a specified date; providing for all
961 remaining assets and responsibilities to be
962 transferred to the center; providing authority and
963 duties of the center; amending s. 1007.33, F.S.;

964 deleting provisions providing a procedure for a
965 Florida College System institution to apply for an
966 exemption from certain requirements for approval of
967 additional baccalaureate degree programs; amending s.
968 1009.215, F.S.; providing that students who are
969 enrolled in the student enrollment pilot program and
970 who are eligible to receive Bright Futures



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971 Scholarships may receive the scholarship award during
972 the summer term; prohibiting a student from receiving
973 the scholarship award for more than 2 semesters in any
974 given fiscal year; amending s. 1009.25, F.S.; revising
975 provisions relating to exemptions from the payment of
976 tuition and fees at a school district that provides
977 workforce education for certain students; providing
978 such exemption for a student for whom the full program
979 cost is paid by another party; amending s. 1009.286,
980 F.S.; requiring that state universities require each
981 student to pay an excess hour surcharge; providing for
982 application; amending s. 1009.531, F.S.; revising
983 provisions relating to student eligibility for Florida
984 Bright Futures Scholarships; providing that certain
985 students are eligible to accept an initial award and a
986 renewal award for a specified period after high school
987 graduation; providing exceptions; authorizing the
988 Department of Education to provide an alternate form
989 to the Free Application for Federal Student Aid for
990 purposes of eligibility under the Florida Bright
991 Futures Scholarship Program; amending s. 1009.532,
992 F.S.; revising provisions relating to student
993 eligibility requirements for renewal awards of a
994 Florida Bright Futures Scholarship; providing that
995 certain students may receive an award for a maximum
996 percentage of the number of credit hours required to
997 complete an associate degree program or a
998 baccalaureate degree program; providing that a student
999 may receive a Florida Gold Seal Vocational Scholarship



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1000 award for a maximum percentage of the credit hours or
1001 equivalent clock hours; amending ss. 1009.534 and
1002 1009.535, F.S.; authorizing the Legislature to provide
1003 an additional supplement in the General Appropriations
1004 Act for upper-division courses in the fields of
1005 science, technology, engineering, and mathematics for
1006 the Florida Academic Scholars and Florida Medallion
1007 Scholars awards; amending s. 1009.536, F.S.; revising
1008 the eligibility requirements for receiving a Florida
1009 Gold Seal Vocational Scholars award; providing that a
1010 Florida Gold Seal Vocational Scholar is eligible for
1011 an award equal to the amount specified in the General
1012 Appropriations Act; providing that certain students
1013 may earn a Florida Gold Seal Vocational Scholarship
1014 for up to a specified percentage of the credit hours
1015 or equivalent clock hours required to complete an
1016 applied technology diploma program, a technology
1017 degree program, or a career certificate program;
1018 amending s. 1009.60, F.S.; requiring that the Florida
1019 Fund for Minority Teachers, Inc., use a contingency
1020 collections agency to collect repayments of defaulted
1021 scholarships awarded through the minority teacher
1022 education scholars program; amending s. 1009.605,
1023 F.S.; requiring that the Florida Fund for Minority
1024 Teachers, Inc., report the annual balance of the
1025 corporation's assets and cash reserves to the
1026 Department of Education; amending s. 1012.83, F.S.;
1027 revising provisions relating to employment contracts
1028 with Florida College System institutions; requiring



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1029 that each contract or employment agreement, or renewal
1030 or renegotiation of an existing contract or employment
1031 agreement, containing a provision for severance pay
1032 include certain provisions; authorizing the University
1033 of Florida to use revenues from the activity and
1034 service fee to finance the renovation and expansion of
1035 the university's J. Wayne Reitz Union; providing an
1036 effective date.