

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Fresen offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraph (j) of subsection (7) and subsection (8) of section 11.45, Florida Statutes, are amended 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 Florida College System institution has failed to take full corrective action in response to a recommendation that was included in the two preceding financial or operational audit reports.

1. The committee may direct the governing body of the

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17 state university or Florida College System institution to
18 provide a written statement to the committee explaining why full
19 corrective action has not been taken or, if the governing body
20 intends to take full corrective action, describing the
21 corrective action to be taken and when it will occur.

22 2. If the committee determines that the written statement
23 is not sufficient, the committee may require the chair of the
24 governing body of the state university or Florida College System
25 institution, or the chair's designee, to appear before the
26 committee.

27 3. If the committee determines that the state university
28 or Florida College System institution has failed to take full
29 corrective action for which there is no justifiable reason or
30 has failed to comply with committee requests made pursuant to
31 this section, the committee shall refer the matter to the State
32 Board of Education or the Board of Governors, as appropriate, to
33 proceed in accordance with ss. 1008.32 and 1008.322,
34 respectively ~~may proceed in accordance with s. 11.40(2).~~

35 (8) RULES OF THE AUDITOR GENERAL.—The Auditor General, in
36 consultation with the Board of Accountancy, shall adopt rules
37 for the form and conduct of all financial audits performed by
38 independent certified public accountants pursuant to ss.
39 215.981, 218.39, 1001.453, 1004.28, and 1004.70. The rules for
40 audits of local governmental entities, charter schools, charter
41 technical career centers, ~~and~~ district school boards, Florida
42 College System institutions, and State University System
43 institutions must include, but are not limited to, requirements
44 for the reporting of information necessary to carry out the

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45 purposes of the Local Governmental Entity, Charter School,
46 Charter Technical Career Center, ~~and~~ District School Board,
47 Florida College System Institution, and State University System
48 Institution Financial Emergencies Act as stated in s. 218.501.

49 Section 2. Section 218.50, Florida Statutes, is amended to
50 read:

51 218.50 Short title.—Sections 218.50-218.504 may be cited
52 as the "Local Governmental Entity, Charter School, Charter
53 Technical Career Center, ~~and~~ District School Board, Florida
54 College System Institution, and State University System
55 Institution Financial Emergencies Act."

56 Section 3. Section 218.501, Florida Statutes, is amended
57 to read:

58 218.501 Purposes.—The purposes of ss. 218.50-218.504 are:

59 (1) To promote the fiscal responsibility of local
60 governmental entities, charter schools, charter technical career
61 centers, ~~and~~ district school boards, Florida College System
62 institutions, and State University System institutions.

63 (2) To assist local governmental entities, charter
64 schools, charter technical career centers, ~~and~~ district school
65 boards, Florida College System institutions, and State
66 University System institutions in providing essential services
67 without interruption and in meeting their financial obligations.

68 (3) To assist local governmental entities, charter
69 schools, charter technical career centers, ~~and~~ district school
70 boards, Florida College System institutions, and State
71 University System institutions through the improvement of local
72 financial management procedures.

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73 Section 4. Section 218.503, Florida Statutes, is amended
74 to read:

75 218.503 Determination of financial emergency.—

76 (1) Local governmental entities, charter schools, charter
77 technical career centers, ~~and~~ district school boards, Florida
78 College System institutions, and State University System
79 institutions shall be subject to review and oversight by the
80 Governor, the charter school sponsor, the charter technical
81 career center sponsor, ~~or~~ the Commissioner of Education, the
82 Chancellor of the Florida College System, or the Chancellor of
83 the State University System, as appropriate, when any one of the
84 following conditions occurs:

85 (a) Failure within the same fiscal year in which due to
86 pay short-term loans or failure to make bond debt service or
87 other long-term debt payments when due, as a result of a lack of
88 funds.

89 (b) Failure to pay uncontested claims from creditors
90 within 90 days after the claim is presented, as a result of a
91 lack of funds.

92 (c) Failure to transfer at the appropriate time, due to
93 lack of funds:

94 1. Taxes withheld on the income of employees; or

95 2. Employer and employee contributions for:

96 a. Federal social security; or

97 b. Any pension, retirement, or benefit plan of an
98 employee.

99 (d) Failure for one pay period to pay, due to lack of
100 funds:

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101 1. Wages and salaries owed to employees; or

102 2. Retirement benefits owed to former employees.

103 (2) A local governmental entity shall notify the Governor
104 and the Legislative Auditing Committee; a charter school shall
105 notify the charter school sponsor, the Commissioner of
106 Education, and the Legislative Auditing Committee; a charter
107 technical career center shall notify the charter technical
108 career center sponsor, the Commissioner of Education, and the
109 Legislative Auditing Committee; ~~and~~ a district school board
110 shall notify the Commissioner of Education and the Legislative
111 Auditing Committee; a Florida College System institution shall
112 notify the Chancellor of the Florida College System and the
113 Legislative Auditing Committee; and a State University System
114 institution shall notify the Chancellor of the State University
115 System and the Legislative Auditing Committee, when one or more
116 of the conditions specified in subsection (1) have occurred or
117 will occur if action is not taken to assist the local
118 governmental entity, charter school, charter technical career
119 center, ~~or~~ district school board, Florida College System
120 institution, or State University System institution. In
121 addition, any state agency must, within 30 days after a
122 determination that one or more of the conditions specified in
123 subsection (1) have occurred or will occur if action is not
124 taken to assist the local governmental entity, charter school,
125 charter technical career center, ~~or~~ district school board,
126 Florida College System institution, or State University System
127 institution, notify the Governor, charter school sponsor,
128 charter technical career center sponsor, ~~or the~~ Commissioner of

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129 Education, Chancellor of the Florida College System, or
130 Chancellor of the State University System, as appropriate, and
131 the Legislative Auditing Committee.

132 (3) Upon notification that one or more of the conditions
133 in subsection (1) have occurred or will occur if action is not
134 taken to assist the local governmental entity, ~~or~~ district
135 school board, Florida College System institution, or State
136 University System institution, the Governor or his or her
137 designee shall contact the local governmental entity, ~~or~~ the
138 Commissioner of Education or his or her designee shall contact
139 the district school board, the Chancellor of the Florida College
140 System shall contact the president of the Florida College System
141 institution, or the Chancellor of the State University System
142 shall contact the president of the State University System
143 institution to determine what actions have been taken ~~by the~~
144 ~~local governmental entity or the district school board~~ to
145 resolve or prevent the condition. The information requested must
146 be provided within 45 days after the date of the request. If the
147 local governmental entity or the district school board does not
148 comply with the request, the Governor or his or her designee or
149 the Commissioner of Education or his or her designee shall
150 notify the members of the Legislative Auditing Committee who may
151 take action pursuant to s. 11.40. If the Florida College System
152 institution or the State University System institution does not
153 comply with the request, the Chancellor of the Florida College
154 System or the Chancellor of the State University System shall
155 notify the members of the Legislative Auditing Committee who may
156 take action pursuant to s. 11.45(7)(j)3. The Governor, ~~or~~ the

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157 Commissioner of Education, the Chancellor of the Florida College
158 System, or the Chancellor of the State University System, as
159 appropriate, shall determine whether the local governmental
160 entity, ~~or the district school board,~~ Florida College System
161 institution, or State University System institution needs state
162 assistance to resolve or prevent the condition. If state
163 assistance is needed, the local governmental entity, ~~or~~ district
164 school board, Florida College System institution, or State
165 University System institution is considered to be in a state of
166 financial emergency. The Governor, ~~or~~ the Commissioner of
167 Education, the Chancellor of the Florida College System, or the
168 Chancellor of the State University System, as appropriate, has
169 the authority to implement measures as set forth in ss. 218.50-
170 218.504 to assist ~~the local governmental entity or district~~
171 ~~school board~~ in resolving the financial emergency. Such measures
172 may include, but are not limited to:

173 (a) Requiring approval of the local governmental entity's
174 budget by the Governor, ~~or~~ approval of the district school
175 board's budget by the Commissioner of Education, approval of the
176 Florida College System institution's budget by the Chancellor of
177 the Florida College System, or approval of the State University
178 System institution's budget by the Chancellor of the State
179 University System.

180 (b) Authorizing a state loan to a local governmental
181 entity and providing for repayment of same.

182 (c) Prohibiting a local governmental entity, ~~or~~ district
183 school board, Florida College System institution, or State
184 University System institution from issuing bonds, notes,

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185 certificates of indebtedness, or any other form of debt until
186 such time as it is no longer subject to this section.

187 (d) Making such inspections and reviews of records,
188 information, reports, and assets of the local governmental
189 entity, ~~or~~ district school board, Florida College System
190 institution, or State University System institution as are
191 needed. The appropriate local officials shall cooperate in such
192 inspections and reviews.

193 (e) Consulting with officials and auditors of the local
194 governmental entity, ~~or the~~ district school board, Florida
195 College System institution, or State University System
196 institution and the appropriate state officials regarding any
197 steps necessary to bring the books of account, accounting
198 systems, financial procedures, and reports into compliance with
199 state requirements.

200 (f) Providing technical assistance to the local
201 governmental entity, ~~or the~~ district school board, Florida
202 College System institution, or State University System
203 institution.

204 (g)1. Establishing a financial emergency board to oversee
205 the activities of the local governmental entity, ~~or the~~ district
206 school board, Florida College System institution, or State
207 University System institution. If a financial emergency board is
208 established for a local governmental entity, the Governor shall
209 appoint board members and select a chair. If a financial
210 emergency board is established for a district school board, the
211 State Board of Education shall appoint board members and select
212 a chair. If a financial emergency board is established for a

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213 Florida College System institution, the Chancellor of the
214 Florida College System shall appoint board members and select a
215 chair. If a financial emergency board is established for a State
216 University System institution, the Chancellor of the State
217 University System shall appoint board members and select a
218 chair. The financial emergency board shall adopt such rules as
219 are necessary for conducting board business. The board may:

220 a. Make such reviews of records, reports, and assets of
221 the local governmental entity, ~~or the district school board,~~
222 Florida College System institution, or State University System
223 institution as are needed.

224 b. Consult with officials and auditors of the local
225 governmental entity, ~~or the district school board,~~ Florida
226 College System institution, or State University System
227 institution and the appropriate state officials regarding any
228 steps necessary to bring the books of account, accounting
229 systems, financial procedures, and reports of the local
230 governmental entity, ~~or the district school board,~~ Florida
231 College System institution, or State University System
232 institution into compliance with state requirements.

233 c. Review the operations, management, efficiency,
234 productivity, and financing of functions and operations of the
235 local governmental entity, ~~or the district school board,~~ Florida
236 College System institution, or State University System
237 institution.

238 d. Consult with other governmental entities for the
239 consolidation of all administrative direction and support
240 services, including, but not limited to, services for asset

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241 sales, economic and community development, building inspections,
242 parks and recreation, facilities management, engineering and
243 construction, insurance coverage, risk management, planning and
244 zoning, information systems, fleet management, and purchasing.

245 2. The recommendations and reports made by the financial
246 emergency board must be submitted to the Governor for local
247 governmental entities, ~~or~~ to the Commissioner of Education and
248 the State Board of Education for district school boards, to the
249 Chancellor of the Florida College System for Florida College
250 System institutions, or to the Chancellor of the State
251 University System for State University System institutions for
252 appropriate action.

253 (h) Requiring and approving a plan, to be prepared by
254 officials of the local governmental entity, ~~or the~~ district
255 school board, Florida College System institution, or State
256 University System institution in consultation with the
257 appropriate state officials, prescribing actions that will cause
258 the local governmental entity, ~~or~~ district school board, Florida
259 College System institution, or State University System
260 institution to no longer be subject to this section. The plan
261 must include, but need not be limited to:

262 1. Provision for payment in full of obligations outlined
263 in subsection (1), designated as priority items, which are
264 currently due or will come due.

265 2. Establishment of priority budgeting or zero-based
266 budgeting in order to eliminate items that are not affordable.

267 3. The prohibition of a level of operations which can be
268 sustained only with nonrecurring revenues.

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269 4. Provisions implementing the consolidation, sourcing, or
270 discontinuance of all administrative direction and support
271 services, including, but not limited to, services for asset
272 sales, economic and community development, building inspections,
273 parks and recreation, facilities management, engineering and
274 construction, insurance coverage, risk management, planning and
275 zoning, information systems, fleet management, and purchasing.

276 (4) (a) Upon notification that one or more of the
277 conditions in subsection (1) have occurred or will occur if
278 action is not taken to assist the charter school, the charter
279 school sponsor or the sponsor's designee and the Commissioner of
280 Education shall contact the charter school governing body to
281 determine what actions have been taken by the charter school
282 governing body to resolve or prevent the condition. The
283 Commissioner of Education has the authority to require and
284 approve a financial recovery plan, to be prepared by the charter
285 school governing body, prescribing actions that will resolve or
286 prevent the condition.

287 (b) Upon notification that one or more of the conditions
288 in subsection (1) have occurred or will occur if action is not
289 taken to assist the charter technical career center, the charter
290 technical career center sponsor or the sponsor's designee and
291 the Commissioner of Education shall contact the charter
292 technical career center governing body to determine what actions
293 have been taken by the governing body to resolve or prevent the
294 condition. The Commissioner of Education may require and approve
295 a financial recovery plan, to be prepared by the charter
296 technical career center governing body, prescribing actions that

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297 will resolve or prevent the condition.

298 (c) The Commissioner of Education shall determine if the
299 charter school or charter technical career center needs a
300 financial recovery plan to resolve the condition. If the
301 Commissioner of Education determines that a financial recovery
302 plan is needed, the charter school or charter technical career
303 center is considered to be in a state of financial emergency.

304
305 The Department of Education, with the involvement of sponsors,
306 charter schools, and charter technical career centers, shall
307 establish guidelines for developing a financial recovery plan.

308 (5) A local governmental entity, ~~or~~ district school board,
309 Florida College System institution, or State University System
310 institution may not seek application of laws under the
311 bankruptcy provisions of the United States Constitution except
312 with the prior approval of the Governor for local governmental
313 entities, ~~or~~ the Commissioner of Education for district school
314 boards, the Chancellor of the Florida College System for a
315 Florida College System institution, or the Chancellor of the
316 State University System for a State University System
317 institution.

318 (6) The failure of the members of the governing body of a
319 local governmental entity, ~~or~~ the failure of the members of a
320 district school board, the failure of a Florida College System
321 institution's board of trustees, or the failure of a State
322 University System institution's board of trustees to resolve a
323 state of financial emergency constitutes malfeasance,
324 misfeasance, and neglect of duty for purposes of s. 7, Art. IV

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325 of the State Constitution.

326 Section 5. Section 218.504, Florida Statutes, is amended
327 to read:

328 218.504 Cessation of state action.—The Governor, ~~or~~ the
329 Commissioner of Education, the Chancellor of the Florida College
330 System, or the Chancellor of the State University System, as
331 appropriate, has the authority to terminate all state actions
332 pursuant to ss. 218.50-218.504. Cessation of state action must
333 not occur until the Governor, ~~or~~ the Commissioner of Education,
334 the Chancellor of the Florida College System, or the Chancellor
335 of the State University System, as appropriate, has determined
336 that:

337 (1) The local governmental entity, charter school, charter
338 technical career center, ~~or~~ district school board, Florida
339 College System institution, or State University System
340 institution:

341 (a) Has established and is operating an effective
342 financial accounting and reporting system.

343 (b) Has resolved the conditions outlined in s. 218.503(1).

344 (2) None of the conditions outlined in s. 218.503(1)
345 exists.

346 Section 6. Section 1001.27, Florida Statutes, is repealed.

347 Section 7. Subsections (8) and (9) of section 1001.28,
348 Florida Statutes, are amended to read:

349 1001.28 Distance learning duties.—The duties of the
350 Department of Education concerning distance learning include,
351 but are not limited to, the duty to:

352 ~~(8) Manage the state's satellite transponder resources and~~

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353 ~~enter into lease agreements to maximize the use of available~~
354 ~~transponder time. All net revenue realized through the leasing~~
355 ~~of available transponder time, after deducting the costs of~~
356 ~~performing the management function, shall be recycled to support~~
357 ~~the public education distance learning in this state based upon~~
358 ~~an allocation formula of one-third to the Department of~~
359 ~~Education, one-third to Florida College System institutions, and~~
360 ~~one-third to state universities.~~

361 ~~(8)~~(9) Hire appropriate staff which may include a position
362 that shall be exempt from part II of chapter 110 and is included
363 in the Senior Management Service in accordance with s. 110.205.

364
365 Nothing in this section shall be construed to abrogate,
366 supersede, alter, or amend the powers and duties of any state
367 agency, district school board, Florida College System
368 institution board of trustees, university board of trustees, the
369 Board of Governors, or the State Board of Education.

370 Section 8. Subsection (2) of section 1001.281, Florida
371 Statutes, is amended to read:

372 1001.281 Operating Trust Fund.—

373 (2) The fund is established for use as a depository for
374 funds to be used for program operations funded by program
375 revenues. Moneys to be credited to the trust fund include, but
376 are not limited to, revenues received from the payment of fees
377 associated with high school equivalency examinations ~~leasing of~~
378 ~~available transponder time for the state's satellite transponder~~
379 ~~resources.~~

380 Section 9. Subsection (23) of section 1001.42, Florida

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381 Statutes, is amended to read:

382 1001.42 Powers and duties of district school board.—The
383 district school board, acting as a board, shall exercise all
384 powers and perform all duties listed below:

385 (23) ~~FLORIDA VIRTUAL INSTRUCTION SCHOOL.~~—Provide students
386 with access to courses available through a virtual instruction
387 program option or the Florida Virtual School and award credit
388 for successful completion of such courses. ~~Access shall be~~
389 ~~available to students during and after the normal school day and~~
390 ~~through summer school enrollment.~~

391 Section 10. Section 1001.7065, Florida Statutes, is
392 created to read:

393 1001.7065 Preeminent state research universities program.—

394 (1) STATE UNIVERSITY SYSTEM SHARED GOVERNANCE
395 COLLABORATION.—A collaborative partnership is established
396 between the Board of Governors and the Legislature to elevate
397 the academic and research preeminence of Florida's highest-
398 performing state research universities in accordance with this
399 section. The partnership stems from the State University System
400 Governance Agreement executed on March 24, 2010, wherein the
401 Board of Governors and leaders of the Legislature agreed to a
402 framework for the collaborative exercise of their joint
403 authority and shared responsibility for the State University
404 System. The governance agreement confirmed the commitment of the
405 Board of Governors and the Legislature to continue collaboration
406 on accountability measures, the use of data, and recommendations
407 derived from such data.

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408 (2) ACADEMIC AND RESEARCH EXCELLENCE STANDARDS.—Effective
409 July 1, 2013, the following academic and research excellence
410 standards are established for the preeminent state research
411 universities program:

412 (a) An average weighted grade point average of 4.0 or
413 higher on a 4.0 scale and an average SAT score of 1800 or higher
414 for fall semester incoming freshmen, as reported annually.

415 (b) A top-50 ranking on at least two well-known and highly
416 respected national public university rankings, reflecting
417 national preeminence, using most recent rankings.

418 (c) A freshman retention rate of 90 percent or higher for
419 full-time, first-time-in-college students, as reported annually
420 to the Integrated Postsecondary Education Data System (IPEDS).

421 (d) A 6-year graduation rate of 70 percent or higher for
422 full-time, first-time-in-college students, as reported annually
423 to the IPEDS.

424 (e) Six or more faculty members at the state university
425 who are members of a national academy, as reported by the Center
426 for Measuring University Performance in the Top American
427 Research Universities (TARU) annual report.

428 (f) Total annual research expenditures, including federal
429 research expenditures, of \$200 million or more, as reported
430 annually by the National Science Foundation (NSF).

431 (g) Total annual research expenditures in diversified
432 nonmedical sciences of \$150 million or more, based on data
433 reported annually by the NSF.

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434 (h) A top-100 university national ranking for research
435 expenditures in five or more science, technology, engineering,
436 or mathematics fields of study, as reported annually by the NSF.

437 (i) One hundred or more total patents awarded by the
438 United States Patent and Trademark Office for the most recent 3-
439 year period.

440 (j) Four hundred or more doctoral degrees awarded
441 annually, as reported in the Board of Governors Annual
442 Accountability Report.

443 (k) Two hundred or more postdoctoral appointees annually,
444 as reported in the TARU annual report.

445 (l) An endowment of \$500 million or more, as reported in
446 the Board of Governors Annual Accountability Report.

447 (3) PREEMINENT STATE RESEARCH UNIVERSITY DESIGNATION.—The
448 Board of Governors shall designate each state research
449 university that meets at least 11 of the 12 academic and
450 research excellence standards identified in subsection (2) a
451 preeminent state research university.

452 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR
453 ONLINE LEARNING.—The state research university that has attained
454 the highest level on the academic and research excellence
455 standards identified in subsection (2), as verified by the Board
456 of Governors, shall establish an institute for online learning.
457 The institute shall establish a robust offering of high-quality,
458 fully online baccalaureate degree programs at an affordable cost
459 in accordance with this subsection.

460 (a) By August 1, 2013, the Board of Governors shall
461 convene an advisory board to support the development of high-

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462 quality, fully online baccalaureate degree programs at the
463 preeminent university.

464 (b) The advisory board shall:

465 1. Offer expert advice, as requested by the preeminent
466 university, in the development and implementation of a business
467 plan to expand the offering of high-quality, fully online
468 baccalaureate degree programs.

469 2. Authorize the release of funding to the preeminent
470 university upon approval by the Board of Governors of the plan
471 developed by the preeminent university.

472 3. Monitor, evaluate, and report on the implementation of
473 the plan to the Board of Governors, the Governor, the President
474 of the Senate, and the Speaker of the House of Representatives.

475 (c) The advisory board shall be composed of the following
476 five members:

477 1. The chair of the Board of Governors or the chair's
478 permanent designee.

479 2. A member with expertise in online learning, appointed
480 by the Board of Governors.

481 3. A member with expertise in global marketing, appointed
482 by the Governor.

483 4. A member with expertise in cloud virtualization,
484 appointed by the President of the Senate.

485 5. A member with expertise in disruptive innovation,
486 appointed by the Speaker of the House of Representatives.

487 (d) The president of the preeminent university shall be
488 consulted on the advisory board member appointments.

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489 (e) A majority of the advisory board shall constitute a
490 quorum, elect the chair, and appoint an executive director.

491 (f) By September 1, 2013, the university shall submit to
492 the advisory board a comprehensive plan to expand high-quality,
493 fully online baccalaureate degree program offerings. The plan
494 shall include:

495 1. Existing on-campus general education courses and
496 baccalaureate degree programs that will be offered online.

497 2. New courses that will be developed and offered online.

498 3. Support services that will be offered to students
499 enrolled in online baccalaureate degree programs.

500 4. A tuition and fee structure that meets the requirements
501 in paragraph (k) for online courses, baccalaureate degree
502 programs, and student support services.

503 5. A timeline for offering, marketing, and enrolling
504 students in the online baccalaureate degree programs.

505 6. A budget for developing and marketing the online
506 baccalaureate degree programs.

507 7. Detailed strategies for ensuring the success of
508 students and the sustainability of the online baccalaureate
509 degree programs.

510
511 Upon recommendation of the plan by the advisory board and
512 approval by the Board of Governors, the Board of Governors shall
513 award the university \$10 million in nonrecurring funds and \$5
514 million in recurring funds for fiscal year 2013-2014 and \$5
515 million annually thereafter, subject to appropriation in the
516 General Appropriations Act.

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517 (g) Beginning in January 2014, the university shall offer
518 high-quality, fully online baccalaureate degree programs that:

519 1. Accept full-time, first-time-in-college students.

520 2. Have the same rigorous admissions criteria as
521 equivalent on-campus degree programs.

522 3. Offer curriculum of equivalent rigor to on-campus
523 degree programs.

524 4. Offer rolling enrollment or multiple opportunities for
525 enrollment throughout the year.

526 5. Do not require any on-campus courses. However, for
527 courses or programs that require clinical training or
528 laboratories that cannot be delivered online, the university
529 shall offer convenient locational options to the student, which
530 may include, but are not limited to, the option to complete such
531 requirements at a summer-in-residence on the university campus.

532 The university may provide a network of sites at convenient
533 locations and contract with commercial testing centers or
534 identify other secure testing services for the purpose of
535 proctoring assessments or testing.

536 6. Apply the university's existing policy for accepting
537 credits for both freshman applicants and transfer applicants.

538 (h) The university may offer a fully online Masters in
539 Business Administration degree program and other master's degree
540 programs.

541 (i) The university may develop and offer degree programs
542 and courses that are competency based as appropriate for the
543 quality and success of the program.

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544 (j) The university shall periodically expand its offering
545 of online baccalaureate degree programs to meet student and
546 market demands.

547 (k) The university shall establish a tuition structure for
548 its online institute in accordance with this paragraph,
549 notwithstanding any other provision of law.

550 1. For students classified as residents for tuition
551 purposes, tuition for an online baccalaureate degree program
552 shall be set at no more than 75 percent of the tuition rate as
553 specified in the General Appropriations Act pursuant to s.
554 1009.24(4) and 75 percent of the tuition differential pursuant
555 to s. 1009.24(16). No distance learning fee, fee for campus
556 facilities, or fee for on-campus services may be assessed,
557 except that online students shall pay the university's
558 technology fee, financial aid fee, and Capital Improvement Trust
559 Fund fee. The revenues generated from the Capital Improvement
560 Trust Fund fee shall be dedicated to the university's institute
561 for online learning.

562 2. For students classified as nonresidents for tuition
563 purposes, tuition may be set at market rates in accordance with
564 the business plan.

565 3. Tuition for an online degree program shall include all
566 costs associated with instruction, materials, and enrollment,
567 excluding costs associated with the provision of textbooks
568 pursuant to s. 1004.085 and physical laboratory supplies.

569 4. Subject to the limitations in subparagraph 1., tuition
570 may be differentiated by degree program as appropriate to the
571 instructional and other costs of the program in accordance with

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572 the business plan. Pricing must incorporate innovative
573 approaches that incentivize persistence and completion,
574 including, but not limited to, a fee for assessment, a bundled
575 or all-inclusive rate, and sliding scale features.

576 5. The university must accept advance payment contracts
577 and student financial aid.

578 6. Fifty percent of the net revenues generated from the
579 online institute of the university shall be used to enhance and
580 enrich the online institute offerings, and 50 percent of the net
581 revenues generated from the online institute shall be used to
582 enhance and enrich the university's campus state-of-the-art
583 research programs and facilities.

584 7. The institute may charge additional local user fees
585 pursuant to s. 1009.24(14) upon the approval of the Board of
586 Governors.

587 8. The institute shall submit a proposal to the president
588 of the university authorizing additional user fees for the
589 provision of voluntary student participation in activities and
590 additional student services.

591 (5) PREEMINENT STATE RESEARCH UNIVERSITY SUPPORT.—The
592 state research university that has attained the highest level on
593 the academic and research excellence standards identified in
594 subsection (2), as verified by the Board of Governors, shall
595 submit to the Board of Governors a 5-year benchmark plan with
596 target rankings on key performance metrics for national
597 excellence. Upon approval by the Board of Governors, and upon
598 the university's meeting the benchmark plan goals annually, the
599 Board of Governors shall award the university \$15 million

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600 annually throughout the 5-year period. Funding for this purpose
601 is contingent upon specific appropriation in the General
602 Appropriations Act.

603 (6) PREEMINENT STATE RESEARCH UNIVERSITY ENHANCEMENT
604 INITIATIVE.-The state research university that has attained the
605 second highest level on the academic and research excellence
606 standards identified in subsection (2), as verified by the Board
607 of Governors, shall submit to the Board of Governors a 5-year
608 benchmark plan with target rankings on key performance metrics
609 for national excellence. Upon the university's meeting the
610 benchmark plan goals annually, the Board of Governors shall
611 award the university \$12.5 million annually throughout the 5-
612 year period for the purpose of recruiting National Academy
613 Members, expediting the provision of a master's degree in cloud
614 virtualization, and instituting an entrepreneurs-in-residence
615 program throughout its campus. Funding for this purpose is
616 contingent upon specific appropriation in the General
617 Appropriations Act.

618 (7) PREEMINENT STATE RESEARCH UNIVERSITY SPECIAL COURSE
619 REQUIREMENT AUTHORITY.-In order to provide a jointly shared
620 educational experience, a university that is designated a
621 preeminent state research university may require its incoming
622 first-time-in-college students to take a 9-to-12-credit set of
623 unique courses specifically determined by the university and
624 published on the university's website. The university may
625 stipulate that credit for such courses may not be earned through
626 any acceleration mechanism pursuant to s. 1007.27 or s. 1007.271
627 or any other transfer credit. All accelerated credits earned up

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628 to the limits specified in ss. 1007.27 and 1007.271 shall be
629 applied toward graduation at the student's request.

630 (8) PREEMINENT STATE RESEARCH UNIVERSITY FLEXIBILITY
631 AUTHORITY.—The Board of Governors is encouraged to identify and
632 grant all reasonable, feasible authority and flexibility to
633 ensure that a designated preeminent state research university is
634 free from unnecessary restrictions.

635 (9) PROGRAMS OF EXCELLENCE THROUGHOUT THE STATE UNIVERSITY
636 SYSTEM.—The Board of Governors is encouraged to establish
637 standards and measures whereby individual programs in state
638 universities that objectively reflect national excellence can be
639 identified and make recommendations to the Legislature as to how
640 any such programs could be enhanced and promoted.

641 Section 11. Paragraph (a) of subsection (3), subsection
642 (6), and paragraph (b) of subsection (8) of section 1002.37,
643 Florida Statutes, are amended to read:

644 1002.37 The Florida Virtual School. —

645 (3) Funding for the Florida Virtual School shall be
646 provided as follows:

647 (a)1. For a student in grades 9 through 12, a "full-time
648 equivalent student" is one student who has successfully
649 completed six full-credit courses that count toward the minimum
650 number of credits required for high school graduation. A student
651 who completes fewer than six full-credit courses is a fraction
652 of a full-time equivalent student. Half-credit course
653 completions shall be included in determining a full-time
654 equivalent student. ~~Credit completed by a student in excess of~~
655 ~~the minimum required for that student for high school graduation~~

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656 ~~is not eligible for funding.~~

657 2. For a student in kindergarten through grade 8, a "full-
658 time equivalent student" is one student who has successfully
659 completed six courses or the prescribed level of content that
660 counts toward promotion to the next grade. A student who
661 completes fewer than six courses or the prescribed level of
662 content shall be a fraction of a full-time equivalent student.

663 3. For a student in a home education program, funding
664 shall be provided in accordance with this subsection upon course
665 completion if the parent verifies, upon enrollment for each
666 course, that the student is registered with the school district
667 as a home education student pursuant to s. 1002.41(1)(a).

668 Beginning in the 2016-2017 ~~2014-2015~~ fiscal year, ~~when s.~~
669 ~~1008.22(3)(g) is implemented,~~ the reported full-time equivalent
670 students and associated funding of students enrolled in courses
671 requiring passage of an end-of-course assessment under s.
672 1003.4282 to earn a standard high school diploma shall be
673 adjusted if after the student does not pass ~~completes~~ the end-
674 of-course assessment. However, no adjustment shall be made for
675 home education program students who choose not to take an end-
676 of-course assessment or for a student who enrolls in a segmented
677 remedial course delivered online.

678
679 For purposes of this paragraph, the calculation of "full-time
680 equivalent student" shall be as prescribed in s.
681 1011.61(1)(c)1.b.(V) and is subject to the requirements in s.
682 1011.61(4).

683 (6) The board of trustees shall annually submit to the

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684 Governor, the Legislature, the Commissioner of Education, and
685 the State Board of Education a complete and detailed report
686 setting forth:

687 (a) The operations and accomplishments of the Florida
688 Virtual School within the state and those occurring outside the
689 state as Florida Virtual School Global.

690 (b) The marketing and operational plan for the Florida
691 Virtual School and Florida Virtual School Global, including
692 recommendations regarding methods for improving the delivery of
693 education through the Internet and other distance learning
694 technology.

695 (c) The assets and liabilities of the Florida Virtual
696 School and Florida Virtual School Global at the end of the
697 fiscal year.

698 (d) A copy of an annual financial audit of the accounts
699 and records of the Florida Virtual School and Florida Virtual
700 School Global, conducted by an independent certified public
701 accountant and performed in accordance with rules adopted by the
702 Auditor General.

703 (e) Recommendations regarding the unit cost of providing
704 services to students through the Florida Virtual School and
705 Florida Virtual School Global. In order to most effectively
706 develop public policy regarding any future funding of the
707 Florida Virtual School, it is imperative that the cost of the
708 program is accurately identified. The identified cost of the
709 program must be based on reliable data.

710 (f) Recommendations regarding an accountability mechanism
711 to assess the effectiveness of the services provided by the

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712 Florida Virtual School and Florida Virtual School Global.

713 (8)

714 (b) For students receiving part-time instruction in
715 kindergarten through grade 5 and students receiving full-time
716 instruction in kindergarten through grade 12 from the Florida
717 Virtual School, the full-time equivalent student enrollment
718 calculated under this subsection is subject to the requirements
719 in s. 1011.61(4) ~~combined total of all FTE reported by both the~~
720 ~~school district and the Florida Virtual School may not exceed~~
721 ~~1.0 FTE.~~

722 Section 12. Paragraphs (b), (c), and (d) of subsection
723 (1), paragraph (a) of subsection (2), and subsection (7) of
724 section 1002.45, Florida Statutes, are amended to read:

725 1002.45 Virtual instruction programs.—

726 (1) PROGRAM.—

727 (b) Each school district that is eligible for the sparsity
728 supplement pursuant to s. 1011.62(7)(a) and (b) shall provide
729 all enrolled public school students within its boundaries the
730 option of participating in part-time and full-time virtual
731 instruction programs. Each school district that is not eligible
732 for the sparsity supplement pursuant to s. 1011.62(7)(a) and (b)
733 shall provide at least three options for part-time and full-time
734 virtual instruction. All school districts must provide parents
735 with timely written notification of at least one open enrollment
736 period for full-time students of 90 days or more which ends 30
737 days before the first day of the school year. The purpose of the
738 program is to make quality virtual instruction available to
739 students using online and distance learning technology in the

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740 nontraditional classroom. A school district virtual instruction
741 program shall consist of the following:

742 1. Full-time and part-time virtual instruction for
743 students enrolled in kindergarten through grade 12.

744 ~~2. Part-time virtual instruction for students enrolled in~~
745 ~~kindergarten through grade 12 courses that are measured pursuant~~
746 ~~to subparagraph (8)(a)2.~~

747 ~~2.3.~~ Full-time or part-time virtual instruction for
748 students enrolled in dropout prevention and academic
749 intervention programs under s. 1003.53, Department of Juvenile
750 Justice education programs under s. 1003.52, core-curricula
751 courses delivered in a virtual learning laboratory on a school
752 campus to meet class size requirements under s. 1003.03, or
753 Florida College System institutions under this section.

754 (c) To provide students with the option of participating
755 in virtual instruction programs as required by paragraph (b), a
756 school district may:

757 1. Contract with the Florida Virtual School or establish a
758 franchise of the Florida Virtual School for the provision of a
759 program under paragraph (b). Using this option is subject to the
760 requirements of this section and s. 1011.61(1)(c)1.b.(III) and
761 (IV) and (4) ~~1011.61(1)(c)1.b.(III) and (IV).~~

762 2. Contract with an approved provider under subsection (2)
763 for the provision of a full-time or part-time program under
764 paragraph (b) subparagraph (b)1. or subparagraph (b)3. or a
765 part-time program under subparagraph (b)2. or subparagraph (b)3.

766 3. Enter into an agreement with other school districts to
767 allow the participation of its students in an approved virtual

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768 instruction program provided by the other school district. The
769 agreement must indicate a process for the transfer of funds
770 required by paragraph (7) (f).

771 4. Establish school district operated part-time or full-
772 time kindergarten through grade 12 virtual instruction programs
773 under paragraph (b) for students enrolled in the school
774 district. A full-time program shall operate under its own Master
775 School Identification Number.

776 5. Enter into an agreement with a virtual charter school
777 authorized by the school district under s. 1002.33.

778
779 Contracts under subparagraph 1. or subparagraph 2. may include
780 multidistrict contractual arrangements that may be executed by a
781 regional consortium for its member districts. A multidistrict
782 contractual arrangement or an agreement under subparagraph 3. is
783 not subject to s. 1001.42(4) (d) and does not require the
784 participating school districts to be contiguous. These
785 arrangements may be used to fulfill the requirements of
786 paragraph (b).

787 (d) A virtual charter school may provide full-time virtual
788 instruction for students in kindergarten through grade 12 if the
789 virtual charter school has a charter approved pursuant to s.
790 1002.33 authorizing full-time virtual instruction. A virtual
791 charter school may:

- 792 1. Contract with the Florida Virtual School.
793 2. Contract with an approved provider under subsection
794 (2).
795 3. Enter into an agreement with a school district to allow

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796 the participation of the virtual charter school's students in
797 the school district's virtual instruction program. The agreement
798 must indicate a process for reporting of student enrollment and
799 the transfer of funds required by paragraph (7) (f).

800 (2) PROVIDER QUALIFICATIONS.—

801 (a) The department shall annually publish online a list of
802 providers approved to offer virtual instruction programs. To be
803 approved by the department, a provider must document that it:

804 1. Is nonsectarian in its programs, admission policies,
805 employment practices, and operations;

806 2. Complies with the antidiscrimination provisions of s.
807 1000.05;

808 3. ~~Locates an administrative office or offices in this~~
809 ~~state, requires its administrative staff to be state residents,~~
810 Requires all instructional staff to be Florida-certified
811 teachers under chapter 1012, and conducts background screenings
812 for all employees or contracted personnel, as required by s.
813 1012.32, using state and national criminal history records;

814 4. Provides to parents and students specific information
815 posted and accessible online that includes, but is not limited
816 to, the following teacher-parent and teacher-student contact
817 information for each course:

818 a. How to contact the instructor via phone, e-mail, or
819 online messaging tools.

820 b. How to contact technical support via phone, e-mail, or
821 online messaging tools.

822 c. How to contact the administration office via phone, e-
823 mail, or online messaging tools.

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824 d. Any requirement for regular contact with the instructor
825 for the course and clear expectations for meeting the
826 requirement.

827 e. The requirement that the instructor in each course
828 must, at a minimum, conduct one contact via phone with the
829 parent and the student each month.

830 5.4. Possesses prior, successful experience offering
831 online courses to elementary, middle, or high school students as
832 demonstrated by quantified student learning gains in each
833 subject area and grade level provided for consideration as an
834 instructional program option. However, for a provider without
835 sufficient prior, successful experience offering online courses,
836 the department may conditionally approve the provider to offer
837 courses measured pursuant to subparagraph (8) (a)2. Conditional
838 approval shall be valid for 1 school year only and, based on the
839 provider's experience in offering the courses, the department
840 shall determine whether to grant approval to offer a virtual
841 instruction program;

842 6.5. Is accredited by a regional accrediting association as
843 defined by State Board of Education rule;

844 7.6. Ensures instructional and curricular quality through a
845 detailed curriculum and student performance accountability plan
846 that addresses every subject and grade level it intends to
847 provide through contract with the school district, including:

848 a. Courses and programs that meet the standards of the
849 International Association for K-12 Online Learning and the
850 Southern Regional Education Board.

851 b. Instructional content and services that align with, and

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852 measure student attainment of, student proficiency in the Next
853 Generation Sunshine State Standards.

854 c. Mechanisms that determine and ensure that a student has
855 satisfied requirements for grade level promotion and high school
856 graduation with a standard diploma, as appropriate;

857 ~~8.7.~~ Publishes for the general public, in accordance with
858 disclosure requirements adopted in rule by the State Board of
859 Education, as part of its application as a provider and in all
860 contracts negotiated pursuant to this section:

861 a. Information and data about the curriculum of each full-
862 time and part-time program.

863 b. School policies and procedures.

864 c. Certification status and physical location of all
865 administrative and instructional personnel.

866 d. Hours and times of availability of instructional
867 personnel.

868 e. Student-teacher ratios.

869 f. Student completion and promotion rates.

870 g. Student, educator, and school performance
871 accountability outcomes;

872 ~~9.8.~~ If the provider is a Florida College System
873 institution, employs instructors who meet the certification
874 requirements for instructional staff under chapter 1012; and

875 ~~10.9.~~ Performs an annual financial audit of its accounts
876 and records conducted by an independent certified public
877 accountant which is in accordance with rules adopted by the
878 Auditor General, is conducted in compliance with generally
879 accepted auditing standards, and includes a report on financial

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880 statements presented in accordance with generally accepted
881 accounting principles.

882 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL
883 FUNDING.—

884 (a) Students enrolled in a virtual instruction program or
885 a virtual charter school shall be funded through the Florida
886 Education Finance Program as provided in the General
887 Appropriations Act. However, such funds may not be provided for
888 the purpose of fulfilling the class size requirements in ss.
889 1003.03 and 1011.685.

890 (b) For purposes of a virtual instruction program or a
891 virtual charter school, "full-time equivalent student" has the
892 same meaning as provided in s. 1011.61(1)(c)1.b.(III) or (IV).

893 (c) For a student enrolled in a kindergarten through grade
894 12 virtual instruction program, a "full-time equivalent student"
895 has the same meaning as provided in s. 1011.61(1)(c)1.b.(III)
896 and (IV).

897 (d) The full-time equivalent student enrollment calculated
898 under this subsection is subject to the requirements in s.
899 1011.61(4). ~~A student may not be reported as more than 1.0 full-~~
900 ~~time equivalent student in any given school year.~~

901 (e) Beginning in the 2016-2017 ~~2014-2015~~ fiscal year, ~~when~~
902 ~~s. 1008.22(3)(g) is implemented,~~ the reported full-time
903 equivalent students and associated funding of students enrolled
904 in courses requiring passage of an end-of-course assessment
905 under s. 1003.4282 to earn a standard high school diploma shall
906 be adjusted if after the student does not pass completes the
907 end-of-course assessment. However, no adjustment shall be made

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908 for a student who enrolls in a segmented remedial course
909 delivered online.

910 (f) The school district providing virtual instruction
911 shall report full-time equivalent students for a virtual
912 instruction program or a virtual charter school, including
913 credits completed during the summer, to the department in a
914 manner prescribed by the department, and funding shall be
915 provided through the Florida Education Finance Program.

916 (g) A Florida College System institution provider may not
917 report students who are served in a virtual instruction program
918 for funding under the Florida College System Program Fund.

919 Section 13. Section 1003.498, Florida Statutes, is amended
920 to read:

921 1003.498 School district virtual course offerings.—

922 (1) School districts may deliver courses in the
923 traditional school setting by personnel certified pursuant to s.
924 1012.55 who provide direct instruction through virtual
925 instruction or through blended learning courses consisting of
926 both traditional classroom and online instructional techniques.
927 Students in a blended learning course must be full-time students
928 of the school and receive the online instruction in a classroom
929 setting at the school. The funding, performance, and
930 accountability requirements for blended learning courses are the
931 same as those for traditional courses. To facilitate the
932 delivery and coding of blended learning courses, the department
933 shall provide identifiers for existing courses to designate that
934 they are being used for blended learning courses for the purpose
935 of ensuring the efficient reporting of such courses.

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936 (2) School districts may offer virtual courses for
937 students enrolled in the school district. These courses must be
938 identified in the course code directory. Students who meet the
939 eligibility requirements of s. 1002.455 may participate in these
940 virtual course offerings.

941 (a) Any eligible student who is enrolled in a school
942 district may register and enroll in an online course offered by
943 his or her school district.

944 (b)1. Any eligible student who is enrolled in a school
945 district may register and enroll in an online course offered by
946 any other school district in the state, ~~except as limited by the~~
947 ~~following:~~

948 ~~1. A student may not enroll in a course offered through a~~
949 ~~virtual instruction program provided pursuant to s. 1002.45.~~

950 ~~2. A student may not enroll in a virtual course offered by~~
951 ~~another school district if:~~

952 ~~a. The course is offered online by the school district in~~
953 ~~which the student resides; or~~

954 ~~b. The course is offered in the school in which the~~
955 ~~student is enrolled. However, a student may enroll in an online~~
956 ~~course offered by another school district if the school in which~~
957 ~~the student is enrolled offers the course but the student is~~
958 ~~unable to schedule the course in his or her school.~~

959 ~~3.~~ The school district in which the student completes the
960 course shall report the student's completion of that course for
961 funding pursuant to s. 1011.61(1)(c)1.b.(VI), and the home
962 school district shall not report the student for funding for
963 that course.

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964 2. The full-time equivalent student enrollment calculated
965 under this subsection is subject to the requirements in s.
966 1011.61(4). ~~For purposes of this paragraph, the combined total~~
967 ~~of all school district reported FTE may not be reported as more~~
968 ~~than 1.0 full-time equivalent student in any given school year.~~
969 The Department of Education shall establish procedures to enable
970 interdistrict coordination for the delivery and funding of this
971 online option.

972 (3) A school district may not require a public school
973 student to take a course outside the school day that is in
974 addition to the student's courses for a given term or on school
975 grounds.

976 Section 14. Subsection (4) of section 1006.29, Florida
977 Statutes, is renumbered as subsection (5), and a new subsection
978 (4) is added to that section to read:

979 1006.29 State instructional materials reviewers.—

980 (4) By October 1, 2013, the department shall publish
981 minimum and recommended technology requirements that include
982 specifications for hardware, software, networking, security, and
983 guidelines on the number of students per device necessary to
984 ensure that students can access all electronic and digital
985 instructional materials.

986 Section 15. Paragraphs (b), (c), and (d) of subsection
987 (1), subsection (2), paragraphs (b) and (c) of subsection (5),
988 and subsection (6) of section 1006.73, Florida Statutes, are
989 amended, and paragraph (i) is added to subsection (5) of that
990 section, to read:

991 1006.73 Florida Virtual Campus.—

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992 (1) The Florida Virtual Campus is established to provide
993 access to online student and library support services and to
994 serve as a statewide resource and clearinghouse for public
995 postsecondary education distance learning courses and degree
996 programs. The primary purposes of the Florida Virtual Campus are
997 to:

998 (b) Provide information and ~~Enhance and expand educational~~
999 access to distance learning courses and degree programs offered
1000 by the state's and increase public postsecondary education
1001 institutions degree attainment across the state.

1002 (c) Coordinate with the Florida College System and the
1003 State University System to identify and provide online academic
1004 support services and resources when the multi-institutional
1005 provision of such services and resources is more cost or
1006 operationally effective. ~~Address the educational needs of~~
1007 ~~traditional students, place-bound students, time-bound students,~~
1008 ~~and adult learners.~~

1009 ~~(d) Increase workforce skills and expand professional~~
1010 ~~development opportunities.~~

1011 (2) The chancellors of the Florida College System and the
1012 State University System shall exercise joint oversight of the
1013 Florida Virtual Campus and shall establish its governance and
1014 reporting structure, administrative and operational guidelines
1015 and processes, staffing requirements, and operational budget.
1016 Effective January 31, 2014, all data center services needed by
1017 the Florida Virtual Campus shall be provided by the Northwest
1018 Regional Data Center ~~a primary data center~~ established pursuant
1019 to s. ss. 282.201 and 1004.649. The chancellors may delegate the

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1020 authority and responsibility granted in this subsection.

1021 (a) In carrying out the purposes of this section:

1022 1. The campus is not an "agency" as defined in s.
1023 20.03(11) and is not subject to chapter 287.

1024 2. The campus shall be deemed to be acting as an
1025 instrumentality of the state for purposes of sovereign immunity
1026 pursuant to s. 768.28(2).

1027 3. All records of the campus are public records unless
1028 made confidential or exempt from law.

1029 (b) The campus shall maintain an unencumbered balance of
1030 not less than 5 percent of its approved operating budget.

1031 (c) The campus may secure comprehensive general liability
1032 coverage, professional liability coverage, property and casualty
1033 coverage, and any other insurance coverage deemed appropriate by
1034 the chancellors.

1035 (d) The campus may contract for administrative services
1036 with a public postsecondary education institution. The
1037 administrative overhead costs charged by the institution may not
1038 exceed the actual cost of providing the services and shall
1039 require a specific appropriation in the General Appropriations
1040 Act.

1041 (5) The Florida Virtual Campus shall:

1042 (b) Develop and manage a statewide Internet-based catalog
1043 of distance learning courses, degree programs, and resources
1044 offered by public postsecondary education institutions which is
1045 intended to assist in the coordination and collaboration of
1046 articulation and access pursuant to parts II and III of chapter
1047 1007. The campus shall establish operational guidelines and

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1048 procedures for the catalog which must:

1049 1. Require participating institutions to provide
1050 information concerning the distance learning course or degree
1051 program to include course number and classification of
1052 instructional programs number and information on the
1053 availability of the course or degree program; the type of
1054 required technology; any prerequisite course or technology
1055 competency or skill; the availability of academic support
1056 services and financial aid resources; and course costs, fees,
1057 and payment policies.

1058 2. Require that distance learning courses and degree
1059 programs meet applicable accreditation standards and criteria.

1060 3. Require that, at a minimum, the catalog is reviewed at
1061 the start of each academic semester to ensure that distance
1062 learning courses and degree programs comply with all operational
1063 guidelines and procedures.

1064 4. Define and describe the catalog's search and retrieval
1065 options that, at a minimum, will allow users to search by
1066 academic term or course start date; institution, multiple
1067 institutions, or all institutions; and course or program
1068 delivery method, course type, course availability, subject or
1069 discipline, and course number or classification of instructional
1070 programs number.

1071 ~~5.4.~~ Use an Internet-based analytic tool that allows for
1072 the collection and analysis of data, including, but not limited
1073 to:

1074 a. The number and type of students who use the catalog to
1075 search for distance learning courses and degree programs.

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1076 b. The number and type of requests for information on
1077 distance learning courses and degree programs that are not
1078 listed in the catalog.

1079 c. A summary of specific requests by course type or course
1080 number, delivery method, offering institution, and semester.

1081 ~~6.5.~~ Periodically obtain and analyze data from the Florida
1082 College System and the State University System concerning:

1083 a. Costs of distance learning courses and degree programs.

1084 b. Completion, graduation, and retention rates of students
1085 enrolled in distance learning course and degree programs.

1086 c. Distance learning course completion.

1087 (c) Implement a streamlined, automated, online admissions
1088 application process for undergraduate transient students who are
1089 currently enrolled and pursuing a degree at a public
1090 postsecondary education institution and who enroll in a course
1091 offered by a public postsecondary education institution that is
1092 not the student's degree-granting institution. The Florida
1093 Virtual Campus shall work with the Florida College System and
1094 the State University System to implement this process which
1095 requires all Florida College System institutions and state
1096 universities to:

1097 1. Use the transient student admissions application
1098 available through the statewide computer-assisted student
1099 advising system established pursuant to paragraph (d). This
1100 admissions application is the only application required for the
1101 enrollment of a transient student as described in this
1102 paragraph.

1103 2. Implement the financial aid procedures required by the

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1104 transient student admissions application process.

1105 3. Transfer credit awarded by the institutions offering
1106 the course to the transient student's degree-granting
1107 institution.

1108 4. ~~By December 1, 2012,~~ Provide for an interface between
1109 the institutional advising system and the statewide computer-
1110 assisted student advising system established pursuant to
1111 paragraph (d) in order to electronically send, receive, and
1112 process the transient student admissions application.

1113 (i) In consultation with the public postsecondary
1114 education institutions, develop and implement a plan that
1115 describes the services and resources available at the Florida
1116 Virtual Campus to encourage current and prospective students'
1117 use of such services and resources.

1118 (6) Beginning September 30, 2013, and annually thereafter,
1119 the chancellors of the Florida College System and the State
1120 University System shall jointly publish a report regarding the
1121 activities of the Florida Virtual Campus in the prior fiscal
1122 year. The report shall include, but not be limited to,
1123 information related to the provision of library services and
1124 electronic resources, to include those resources licensed
1125 pursuant to s. 1006.72; distance learning resources; the
1126 computer-assisted student advising system; the transient student
1127 online admissions process; and other provided programs,
1128 activities, and services.

1129 Section 16. Section 1006.735, Florida Statutes, is
1130 amended to read:

1131 1006.735 Complete Florida Degree Program Completion Pilot

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1132 ~~Project.~~

1133 (1) The Complete Florida Degree Program ~~Completion Pilot~~
1134 ~~Project~~ is established for the purpose of recruiting,
1135 recovering, and retaining the state's adult learners and
1136 assisting them in completing an associate degree or a
1137 baccalaureate degree that is aligned to high-wage, high-skill
1138 workforce needs. As used in this section, the term "adult
1139 learner" means a student who has successfully completed college-
1140 level coursework in multiple semesters but has left an
1141 institution in good standing before completing his or her
1142 degree. The program ~~pilot project~~ shall give priority to adult
1143 learners who are veterans or active duty members of the United
1144 States Armed Forces.

1145 (2) The Complete Florida Degree Program ~~pilot project~~
1146 shall be implemented by the University of West Florida, acting
1147 as the lead institution, in coordination with Florida College
1148 System institutions, state universities, and private
1149 postsecondary institutions, as appropriate. ~~The program; the~~
1150 ~~University of South Florida; Florida State College at~~
1151 ~~Jacksonville; and St. Petersburg College~~ and shall include the
1152 associate, applied baccalaureate, and baccalaureate degree
1153 programs that these institutions have selected. Other partnering
1154 public postsecondary education institutions shall provide areas
1155 of specialization or concentration.

1156 (3) For purposes of selecting the degree programs that
1157 will be given priority in the Complete Florida Degree Program
1158 ~~pilot project~~, the institutions identified in subsection (2)
1159 shall partner with public and private job recruitment and

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1160 placement agencies and use labor market data and projections,
1161 including those identified in the Board of Governors' Commission
1162 on Higher Education Access and Educational Attainment gap
1163 analysis, to identify the specific workforce needs and targeted
1164 occupations of the state.

1165 (4) The Complete Florida Degree Program ~~pilot project~~
1166 shall provide adult learners with a single point of access to
1167 information and links to innovative online and accelerated
1168 distance learning courses, student and library support services,
1169 and electronic resources that will guide the adult learner
1170 toward the successful completion of a postsecondary degree.

1171 (5) By the end of ~~Beginning with~~ the 2013-2014 ~~2012-2013~~
1172 academic year, the Complete Florida Degree Program ~~pilot project~~
1173 shall be implemented and must:

1174 (a) Use the distance learning course catalog established
1175 pursuant to s. 1006.73 to communicate course availability to the
1176 adult learner.

1177 (b) Develop and implement an advising and student support
1178 system that includes the use of degree completion specialists,
1179 is based upon best practices and processes, and includes
1180 academic and career support services designed specifically for
1181 the adult learner. The program must identify proposed changes to
1182 the statewide computer-assisted student advising system
1183 established pursuant to s. 1006.73 to assist the adult learner
1184 in using the system.

1185 (c) Use the streamlined, automated, online admissions
1186 application process for transient students established pursuant
1187 to s. 1006.73. The program ~~pilot project~~ shall identify any

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1188 additional admissions and registration policies and practices
1189 that could be further streamlined and automated for purposes of
1190 assisting the adult learner.

1191 (d) Use existing and, if necessary, develop new
1192 competency-based instructional and evaluation tools to assess
1193 prior performance, experience, and education for the award of
1194 college credit in order to reduce the time required for adult
1195 learners to complete their degrees. The tools may include the
1196 use of the American Council on Education's collaborative link
1197 between the United States Department of Defense and higher
1198 education through the review of military training and
1199 experiences for the award of equivalent college credit for
1200 members of the United States Armed Forces.

1201 (e) Develop and implement an evaluation process that
1202 collects, analyzes, and provides to the chancellors of the
1203 Florida College System and the State University System, the
1204 participating postsecondary education institutions, the chairs
1205 of the legislative appropriations committees, and the Executive
1206 Office of the Governor information on the effectiveness of the
1207 program pilot project and the attainment of its goals. Such a
1208 process shall include a management information system that
1209 collects the appropriate student, programmatic, and fiscal data
1210 necessary to complete the evaluation of the program pilot
1211 project. Institutions involved in the program pilot project
1212 shall also collect job placement and employment data on the
1213 adult learners who have completed their degrees as a result of
1214 the program pilot project.

1215 (f) Develop and implement a statewide student recruitment

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1216 ~~marketing~~ campaign targeted toward ~~recruiting~~ adult learners,
1217 particularly veterans and active duty members of the United
1218 States Armed Forces, for enrollment in the degree programs
1219 offered through the program ~~pilot project~~.

1220 (6) For purposes of the Complete Florida Degree Program
1221 ~~pilot project~~, each institution's current tuition and fee
1222 structure shall be used. However, all participating institutions
1223 shall collaboratively identify the applicable cost components
1224 involved in the development and delivery of distance learning
1225 courses, collect information on these cost components, and
1226 submit the information to the ~~Florida Virtual Campus~~. The
1227 chancellors of the Florida College System and the State
1228 University System. The chancellors shall submit a report to the
1229 chairs of the legislative appropriations committees no later
1230 than December 31, 2014 ~~2013~~, on the need for a differentiated
1231 tuition and fee structure for the development and delivery of
1232 distance learning courses.

1233 (7) The University of West Florida, in collaboration with
1234 its partners ~~the University of South Florida, Florida State~~
1235 ~~College at Jacksonville, and St. Petersburg College~~, shall
1236 submit to the chairs of the Board of Governors, the State Board
1237 of Education, and the legislative appropriations committees no
1238 later than September 1, 2013 ~~June 1, 2012~~, a detailed program
1239 ~~project~~ plan that defines the major work activities, student
1240 eligibility criteria, timeline, and cost for implementing the
1241 Complete Florida Degree Program ~~pilot project~~.

1242 ~~(8) The University of West Florida, in collaboration with~~
1243 ~~the University of South Florida, Florida State College at~~

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1244 ~~Jacksonville, and St. Petersburg College, shall develop and~~
1245 ~~implement a transition plan that transfers the administration of~~
1246 ~~the pilot project to the Florida Virtual Campus no later than~~
1247 ~~June 30, 2013.~~

1248 Section 17. Subsections (2) and (4) and paragraph (n) of
1249 subsection (21) of section 1007.271, Florida Statutes, are
1250 amended to read:

1251 1007.271 Dual enrollment programs.—

1252 (2) For the purpose of this section, an eligible secondary
1253 student is a student who is enrolled in a Florida public
1254 secondary school or in a Florida private secondary school which
1255 is in compliance with s. 1002.42(2) and provides a secondary
1256 curriculum pursuant to s. 1003.428, s. 1003.429, or s. 1003.43.
1257 Students who are eligible for dual enrollment pursuant to this
1258 section may enroll in dual enrollment courses conducted during
1259 school hours, after school hours, and during the summer term.
1260 However, if the student is projected to graduate from high
1261 school before the scheduled completion date of a postsecondary
1262 course, the student may not register for that course through
1263 dual enrollment. The student may apply to the postsecondary
1264 institution and pay the required registration, tuition, and fees
1265 if the student meets the postsecondary institution's admissions
1266 requirements under s. 1007.263. Instructional time for dual
1267 enrollment may vary from 900 hours; however, the full-time
1268 equivalent student membership value shall be subject to the
1269 provisions in school district may only report the student for a
1270 maximum of 1.0 FTE, as provided in s. 1011.61(4). Any student
1271 enrolled as a dual enrollment student is exempt from the payment

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1272 of registration, tuition, and laboratory fees. Vocational-
1273 preparatory instruction, college-preparatory instruction, and
1274 other forms of precollegiate instruction, as well as physical
1275 education courses that focus on the physical execution of a
1276 skill rather than the intellectual attributes of the activity,
1277 are ineligible for inclusion in the dual enrollment program.
1278 Recreation and leisure studies courses shall be evaluated
1279 individually in the same manner as physical education courses
1280 for potential inclusion in the program.

1281 (4) District school boards may not refuse to enter into a
1282 dual enrollment articulation agreement with a local Florida
1283 College System institution if that Florida College System
1284 institution has the capacity to offer dual enrollment courses. ~~A
1285 Florida College System institution may limit dual enrollment
1286 participation based upon capacity. Such limitation must be
1287 clearly specified in the dual enrollment articulation agreement.~~

1288 (21) Each district school superintendent and Florida
1289 College System institution president shall develop a
1290 comprehensive dual enrollment articulation agreement for the
1291 respective school district and Florida College System
1292 institution. The superintendent and president shall establish an
1293 articulation committee for the purpose of developing the
1294 agreement. Each state university president may designate a
1295 university representative to participate in the development of a
1296 dual enrollment articulation agreement. A dual enrollment
1297 articulation agreement shall be completed and submitted annually
1298 by the Florida College System institution to the Department of
1299 Education on or before August 1. The agreement must include, but

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is not limited to:

(n) A funding provision that delineates costs incurred by each entity. School districts shall pay the standard tuition rate per credit hour from funds provided in the Florida Education Finance Program to the institution providing instruction when such instruction takes place on the postsecondary campus ~~should share funding~~ to cover instructional and support costs incurred by the postsecondary institution. When dual enrollment is provided on the high school site by postsecondary institution faculty, the school district shall reimburse the costs associated with the proportion of salary and benefits and other actual costs of the postsecondary institution to provide the instruction. When dual enrollment is provided on the high school site by school district faculty, the school district shall be responsible only for the postsecondary institution's actual costs associated with offering the program. A postsecondary institution may enter into an agreement with the school district to authorize teachers who teach dual enrollment courses at the high school site or the postsecondary institution. A school district may not deny a student access to dual enrollment unless the student is ineligible to participate in the program subject to provisions specifically outlined in this section.

Section 18. Section 1008.322, Florida Statutes, is created to read:

1008.322 Board of Governors oversight authority.—

(1) The Board of Governors of the State University System shall oversee the performance of state university boards of

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1328 trustees in the enforcement of laws, rules, and regulations.

1329 State university boards of trustees shall be primarily

1330 responsible for compliance with laws and board rules and

1331 regulations.

1332 (2) The Board of Governors' constitutional authority to

1333 operate, regulate, control, and be fully responsible for the

1334 management of the whole university system mandates that the

1335 state universities comply with all requests by the board for

1336 information, data, and reports. The state university presidents

1337 are responsible for the accuracy of the information and data

1338 reported to the board.

1339 (3) The Chancellor of the State University System may

1340 investigate allegations of noncompliance with law or board rule

1341 or regulation and determine probable cause. The chancellor shall

1342 report determinations of probable cause to the board, which

1343 shall require the university board of trustees to document

1344 compliance with law or board rule or regulation.

1345 (4) If the university board of trustees cannot

1346 satisfactorily document compliance, the board may order

1347 compliance within a specified timeframe.

1348 (5) If the board determines that a university board of

1349 trustees is unwilling or unable to comply with law or board rule

1350 or regulation within the specified time, the board, in addition

1351 to actions constitutionally authorized, has the authority to

1352 initiate any of the following actions:

1353 (a) Report to the Legislature that the university has been

1354 unwilling or unable to comply with law or board rule or

1355 regulation and recommend action to be taken by the Legislature.

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1356 (b) Withhold the transfer of state funds, discretionary
1357 grant funds, or any other funds specified as eligible for this
1358 purpose by the Legislature until the university complies with
1359 the law or board rule or regulation.

1360 (c) Declare the university ineligible for competitive
1361 grants.

1362 (6) Nothing in this section shall be construed to create a
1363 private cause of action or create any rights for individuals or
1364 entities in addition to those provided elsewhere in law, rule,
1365 or regulation.

1366 Section 19. Paragraph (e) of subsection (4), subsection
1367 (7), paragraph (c) of subsection (8), and subsection (13) of
1368 section 1009.24, Florida Statutes, are amended to read:

1369 1009.24 State university student fees.—

1370 (4)

1371 (e) The sum of the activity and service, health, and
1372 athletic fees a student is required to pay to register for a
1373 course shall not exceed 40 percent of the sum of tuition and the
1374 tuition differential established in law or in the General
1375 Appropriations Act. No university shall be required to lower any
1376 fee in effect on the effective date of this act in order to
1377 comply with this subsection. Within the 40 percent cap,
1378 universities may not increase the aggregate sum of activity and
1379 service, health, and athletic fees more than 5 percent per year,
1380 or the same percentage increase in tuition authorized under
1381 paragraph (b), whichever is greater, unless specifically
1382 authorized in law or in the General Appropriations Act. A
1383 university may increase its athletic fee to defray the costs

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1384 associated with changing National Collegiate Athletic
1385 Association divisions. Any such increase in the athletic fee may
1386 exceed both the 40 percent cap and the 5 percent cap imposed by
1387 this subsection. Any such increase must be approved by the
1388 athletic fee committee in the process outlined in subsection
1389 (12) and cannot exceed \$2 per credit hour. Notwithstanding the
1390 provisions of ss. 1009.534, 1009.535, and 1009.536, that portion
1391 of any increase in an athletic fee pursuant to this subsection
1392 that causes the sum of the activity and service, health, and
1393 athletic fees to exceed the 40 percent cap or the annual
1394 increase in such fees to exceed the 5 percent cap shall not be
1395 included in calculating the amount a student receives for a
1396 Florida Academic Scholars award, a Florida Medallion Scholars
1397 award, or a Florida Gold Seal Vocational Scholars award.
1398 Notwithstanding this paragraph and subject to approval by the
1399 board of trustees, each state university is authorized to exceed
1400 the 5-percent cap on the annual increase to the aggregate sum of
1401 activity and service, health, and athletic fees for the 2010-
1402 2011 fiscal year. Any such increase shall not exceed 15 percent
1403 or the amount required to reach the 2009-2010 fiscal year
1404 statewide average for the aggregate sum of activity and service,
1405 health, and athletic fees at the main campuses, whichever is
1406 greater. The aggregate sum of the activity and service, health,
1407 and athletic fees shall not exceed 40 percent of tuition. Any
1408 increase in the activity and service fee, health fee, or
1409 athletic fee must be approved by the appropriate fee committee
1410 pursuant to subsection (10), subsection (11), or subsection
1411 (12).

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1412 (7) A university board of trustees is authorized to
1413 collect for financial aid purposes an amount not to exceed 5
1414 percent of the sum of tuition, the tuition differential, and
1415 out-of-state fees ~~fee~~. The revenues from fees are to remain at
1416 each campus and replace existing financial aid fees. Such funds
1417 shall be disbursed to students as quickly as possible. A minimum
1418 of 75 percent of funds from the student financial aid fee shall
1419 be used to provide financial aid based on absolute need. The
1420 Board of Governors shall develop criteria for making financial
1421 aid awards. Each university shall report annually to the Board
1422 of Governors and the Department of Education on the revenue
1423 collected pursuant to this subsection, the amount carried
1424 forward, the criteria used to make awards, the amount and number
1425 of awards for each criterion, and a delineation of the
1426 distribution of such awards. The report shall include an
1427 assessment by category of the financial need of every student
1428 who receives an award, regardless of the purpose for which the
1429 award is received. Awards which are based on financial need
1430 shall be distributed in accordance with a nationally recognized
1431 system of need analysis approved by the Board of Governors. An
1432 award for academic merit shall require a minimum overall grade
1433 point average of 3.0 on a 4.0 scale or the equivalent for both
1434 initial receipt of the award and renewal of the award.

1435 (8)

1436 (c) The fee may not exceed 20 ~~10~~ percent of the sum of
1437 tuition and the tuition differential for resident students or 20
1438 ~~10~~ percent of the sum of tuition, the tuition differential, and
1439 out-of-state fees for nonresident students. The fee for resident

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1440 students shall be limited to an increase of \$3 ~~\$2~~ per credit
1441 hour over the prior year. The Capital Improvement Trust Fund fee
1442 may be used to fund any project or real property acquisition
1443 that meets the requirements of chapter 1013. The Division of
1444 Bond Finance of the State Board of Administration shall analyze
1445 any proposed reductions to the Capital Improvement Trust Fund
1446 fee to ensure consistency with prudent financial management of
1447 the bond program associated with the revenues from the fee. The
1448 Board of Governors shall approve any proposed fee reductions
1449 provided that no such reduction reduces the fee below the level
1450 established in paragraph (a).

1451 (13) Each university board of trustees may establish a
1452 technology fee of up to 5 percent of the sum of tuition and the
1453 tuition differential per credit hour. The revenue from this fee
1454 shall be used to enhance instructional technology resources for
1455 students and faculty. The technology fee may not be included in
1456 any award under the Florida Bright Futures Scholarship Program
1457 established pursuant to ss. 1009.53-1009.538.

1458 Section 20. Section 1010.79, Florida Statutes, is
1459 repealed.

1460 Section 21. (1) The Sophomore Level Test Trust Fund, FLAIR
1461 number 48-2-646, within the Department of Education is
1462 terminated.

1463 (2) All current balances remaining in, and all revenues
1464 of, the trust fund shall be transferred to the General Revenue
1465 Fund.

1466 (3) The Department of Education shall pay any outstanding
1467 debts or obligations of the terminated trust fund as soon as

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1468 practicable, and the Chief Financial Officer shall close out and
1469 remove the terminated trust fund from the various state
1470 accounting systems using generally accepted accounting
1471 principles concerning warrants outstanding, assets, and
1472 liabilities.

1473 Section 22. Section 1010.81, Florida Statutes, is amended
1474 to read:

1475 1010.81 Education Knott Data Center Working Capital Trust
1476 Fund. Chapter 99-29, Laws of Florida, re-created The Education
1477 Knott Data Center Working Capital Trust Fund shall be
1478 administered by the Department of Education as a depository for
1479 funds received to record the revenue from fees paid for services
1480 provided by the department's technology office, interest
1481 earnings, and cash advances from customer entities. Moneys
1482 deposited in the trust fund shall be used to fund the services
1483 provided by the department's technology office Department of
1484 Education's data center and disbursements to pay the costs of
1485 operating the data center as authorized in s. 216.272.

1486 Section 23. Subsection (5) is added to section 1011.40,
1487 Florida Statutes, to read:

1488 1011.40 Budgets for universities.—

1489 (5) GUIDELINES FOR EDUCATION AND GENERAL FUND.—

1490 (a) Each state university shall maintain an education and
1491 general fund ending fund balance that is sufficient to address
1492 normal contingencies and to meet the requirements in subsection

1493 (2).

1494 (b) If at any time the unencumbered portion of the
1495 education and general fund's ending fund balance in the

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1496 institution's approved operating budget is projected to fall
1497 below 3 percent of the projected education and general fund
1498 revenues during the current fiscal year, the university's board
1499 of trustees shall provide written notification to the Board of
1500 Governors and the Chancellor of the State University System.

1501 (c) If at any time the unencumbered portion of the
1502 education and general fund's ending fund balance in the
1503 institution's approved operating budget is projected to fall
1504 below 2 percent of projected education and general fund revenues
1505 during the current fiscal year, the university's board of
1506 trustees shall provide written notification to the Board of
1507 Governors and the Chancellor of the State University System.
1508 Within 14 days after receiving such notification, if the
1509 chancellor determines that the institution does not have a plan
1510 that is reasonably anticipated to avoid a financial emergency as
1511 determined pursuant to s. 218.503, the chancellor shall appoint
1512 a financial emergency board that shall operate under the
1513 requirements, powers, and duties specified in s. 218.503(3)(g).

1514 Section 24. Paragraph (c) of subsection (1) and subsection
1515 (4) of section 1011.61, Florida Statutes, are amended to read:

1516 1011.61 Definitions.—Notwithstanding the provisions of s.
1517 1000.21, the following terms are defined as follows for the
1518 purposes of the Florida Education Finance Program:

1519 (1) A "full-time equivalent student" in each program of
1520 the district is defined in terms of full-time students and part-
1521 time students as follows:

1522 (c)1. A "full-time equivalent student" is:

1523 a. A full-time student in any one of the programs listed

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1524 in s. 1011.62(1)(c); or

1525 b. A combination of full-time or part-time students in any
1526 one of the programs listed in s. 1011.62(1)(c) which is the
1527 equivalent of one full-time student based on the following
1528 calculations:

1529 (I) A full-time student in a combination of programs
1530 listed in s. 1011.62(1)(c) shall be a fraction of a full-time
1531 equivalent membership in each program equal to the number of net
1532 hours per school year for which he or she is a member, divided
1533 by the appropriate number of hours set forth in subparagraph
1534 (a)1. or subparagraph (a)2. The difference between that fraction
1535 or sum of fractions and the maximum value as set forth in
1536 subsection (4) for each full-time student is presumed to be the
1537 balance of the student's time not spent in a nonbasic program
1538 and shall be recorded as time in the appropriate basic program.
1539 ~~The sum of the fractions for each program may not exceed the~~
1540 ~~maximum value set forth in subsection (4).~~

1541 (II) A prekindergarten student with a disability shall
1542 meet the requirements specified for kindergarten students.

1543 (III) A full-time equivalent student for students in
1544 kindergarten through grade 12 in a full-time virtual instruction
1545 program under s. 1002.45 or a virtual charter school under s.
1546 1002.33 shall consist of six full-credit completions or the
1547 prescribed level of content that counts toward promotion to the
1548 next grade in programs listed in s. 1011.62(1)(c). Credit
1549 completions may be a combination of full-credit courses or half-
1550 credit courses. Beginning in the 2016-2017 ~~2014-2015~~ fiscal
1551 year, ~~when s. 1008.22(3)(g) is implemented,~~ the reported full-

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1552 time equivalent students and associated funding of students
1553 enrolled in courses requiring passage of an end-of-course
1554 assessment under s. 1003.4282 to earn a standard high school
1555 diploma shall be adjusted if after the student does not pass
1556 ~~completes~~ the end-of-course assessment. However, no adjustment
1557 shall be made for a student who enrolls in a segmented remedial
1558 course delivered online.

1559 (IV) A full-time equivalent student for students in
1560 kindergarten through grade 12 in a part-time virtual instruction
1561 program under s. 1002.45 shall consist of six full-credit
1562 completions in programs listed in s. 1011.62(1)(c)1. and 3.
1563 Credit completions may be a combination of full-credit courses
1564 or half-credit courses. Beginning in the 2016-2017 ~~2014-2015~~
1565 fiscal year, ~~when s. 1008.22(3)(g) is implemented,~~ the reported
1566 full-time equivalent students and associated funding of students
1567 enrolled in courses requiring passage of an end-of-course
1568 assessment under s. 1003.4282 to earn a standard high school
1569 diploma shall be adjusted if after the student does not pass
1570 ~~completes~~ the end-of-course assessment. However, no adjustment
1571 shall be made for a student who enrolls in a segmented remedial
1572 course delivered online.

1573 (V) A Florida Virtual School full-time equivalent student
1574 shall consist of six full-credit completions or the prescribed
1575 level of content that counts toward promotion to the next grade
1576 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
1577 participating in kindergarten through grade 12 part-time virtual
1578 instruction and the programs listed in s. 1011.62(1)(c) for
1579 students participating in kindergarten through grade 12 full-

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1580 time virtual instruction. Credit completions may be a
1581 combination of full-credit courses or half-credit courses.
1582 Beginning in the 2016-2017 ~~2014-2015~~ fiscal year, ~~when s.~~
1583 ~~1008.22(3)(g) is implemented,~~ the reported full-time equivalent
1584 students and associated funding of students enrolled in courses
1585 requiring passage of an end-of-course assessment under s.
1586 1003.4282 to earn a standard high school diploma shall be
1587 adjusted if after the student does not pass ~~completes~~ the end-
1588 of-course assessment. However, no adjustment shall be made for a
1589 student who enrolls in a segmented remedial course delivered
1590 online.

1591 (VI) Each successfully completed full-credit course earned
1592 through an online course delivered by a district other than the
1593 one in which the student resides shall be calculated as 1/6
1594 FTE.

1595 ~~(VII) Each successfully completed credit earned under the~~
1596 ~~alternative high school course credit requirements authorized in~~
1597 ~~s. 1002.375, which is not reported as a portion of the 900 net~~
1598 ~~hours of instruction pursuant to subparagraph (1)(a)1., shall be~~
1599 ~~calculated as 1/6 FTE.~~

1600 (VII) (VIII) (A) A full-time equivalent student for courses
1601 requiring passage of a statewide, standardized end-of-course
1602 assessment under s. 1003.4282 to earn a standard high school
1603 diploma pursuant to s. 1008.22(3)(c)2.a. shall be defined and
1604 reported based on the number of instructional hours as provided
1605 in this subsection until the 2016-2017 fiscal year ~~for the first~~
1606 ~~3 years of administering the end-of-course assessment.~~ Beginning
1607 in the 2016-2017 fiscal year ~~fourth year of administering the~~

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1608 ~~end-of-course assessment~~, the FTE for the course shall be
1609 assessment-based ~~credit-based~~ and ~~each course~~ shall be equal to
1610 1/6 FTE. The reported FTE shall be adjusted if after the student
1611 does not pass ~~successfully completes~~ the end-of-course
1612 assessment ~~pursuant to s. 1008.22(3)(c)2.a.~~ However, no
1613 adjustment shall be made for a student who enrolls in a
1614 segmented remedial course delivered online.

1615 (VIII) ~~(B)~~ For students enrolled in a school district as a
1616 full-time student, the district may report 1/6 FTE for each
1617 student who passes a statewide, standardized end-of-course
1618 assessment without being enrolled in the corresponding course.

1619 ~~(C) The FTE earned under this sub-sub-subparagraph and any~~
1620 ~~FTE for courses or programs listed in s. 1011.62(1)(c) that do~~
1621 ~~not require passing a statewide, standardized end-of-course~~
1622 ~~assessment are subject to the requirements in subsection (4).~~

1623 2. A student in membership in a program scheduled for more
1624 or less than 180 school days or the equivalent on an hourly
1625 basis as specified by rules of the State Board of Education is a
1626 fraction of a full-time equivalent membership equal to the
1627 number of instructional hours in membership divided by the
1628 appropriate number of hours set forth in subparagraph (a)1.;

1629 however, for the purposes of this subparagraph, membership in
1630 programs scheduled for more than 180 days is limited to students
1631 enrolled in:

1632 a. Juvenile justice education programs.

1633 b. ~~and~~ The Florida Virtual School.

1634 c. Virtual instruction programs and virtual charter
1635 schools pursuant to ss. 1002.45 and 1003.498 for the purpose of

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1636 course completion and credit recovery.

1637 3. The department shall determine and implement an
1638 equitable method of equivalent funding for experimental schools
1639 and for schools operating under emergency conditions, which
1640 schools have been approved by the department to operate for less
1641 than the minimum school day.

1642
1643 The full-time equivalent student enrollment calculated under
1644 this subsection is subject to the requirements in subsection
1645 (4).

1646 (4) The maximum value for funding a student in
1647 kindergarten through grade 12 or in a prekindergarten program
1648 for exceptional children as provided in s. 1003.21(1)(e) shall
1649 be the sum of the calculations in paragraphs (a), (b), and (c)
1650 as calculated by the department ~~is one full-time equivalent~~
1651 ~~student membership for a school year or equivalent.~~

1652 (a) The sum of the student's full-time equivalent student
1653 membership value for the school year or the equivalent derived
1654 from paragraphs (1)(a) and (b), subparagraph (1)(c)1., sub-
1655 subparagraphs (1)(c)2.b. and c., subparagraph (1)(c)3., and
1656 subsection (2). If the sum is greater than 1.0, the full-time
1657 equivalent student membership value for each program or course
1658 shall be reduced by an equal proportion so that the student's
1659 total full-time equivalent student membership value is equal to
1660 1.0.

1661 (b) If the result in paragraph (a) is less than 1.0 full-
1662 time equivalent student and the student has full-time equivalent
1663 student enrollment pursuant to sub-sub-subparagraph

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1664 (1) (c) 1.b. (VIII), calculate an amount that is the lesser of the
1665 value in sub-sub-subparagraph (1) (c) 1.b. (VIII) or the value of
1666 1.0 less the value in paragraph (a).

1667 (c) The full-time equivalent student enrollment value in
1668 sub-subparagraph (1) (c) 2.a.

1669 Section 25. Paragraph (i) of subsection (1) of section
1670 1011.62, Florida Statutes, is amended to read:

1671 1011.62 Funds for operation of schools.—If the annual
1672 allocation from the Florida Education Finance Program to each
1673 district for operation of schools is not determined in the
1674 annual appropriations act or the substantive bill implementing
1675 the annual appropriations act, it shall be determined as
1676 follows:

1677 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
1678 OPERATION.—The following procedure shall be followed in
1679 determining the annual allocation to each district for
1680 operation:

1681 (i) Calculation of full-time equivalent membership with
1682 respect to dual enrollment instruction.—Students enrolled in
1683 dual enrollment instruction pursuant to s. 1007.271 may be
1684 included in calculations of full-time equivalent student
1685 memberships for basic programs for grades 9 through 12 by a
1686 district school board. Instructional time for dual enrollment
1687 may vary from 900 hours; however, the full-time equivalent
1688 student membership value shall be subject to the provisions in
1689 ~~school district may only report the student for a maximum of 1.0~~
1690 ~~full-time equivalent student membership, as provided in s.~~
1691 1011.61(4). Dual enrollment full-time equivalent student

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1692 membership shall be calculated in an amount equal to the hours
1693 of instruction that would be necessary to earn the full-time
1694 equivalent student membership for an equivalent course if it
1695 were taught in the school district. Students in dual enrollment
1696 courses may also be calculated as the proportional shares of
1697 full-time equivalent enrollments they generate for a Florida
1698 College System institution or university conducting the dual
1699 enrollment instruction. Early admission students shall be
1700 considered dual enrollments for funding purposes. Students may
1701 be enrolled in dual enrollment instruction provided by an
1702 eligible independent college or university and may be included
1703 in calculations of full-time equivalent student memberships for
1704 basic programs for grades 9 through 12 by a district school
1705 board. However, those provisions of law which exempt dual
1706 enrolled and early admission students from payment of
1707 instructional materials and tuition and fees, including
1708 laboratory fees, shall not apply to students who select the
1709 option of enrolling in an eligible independent institution. An
1710 independent college or university which is located and chartered
1711 in Florida, is not for profit, is accredited by the Commission
1712 on Colleges of the Southern Association of Colleges and Schools
1713 or the Accrediting Council for Independent Colleges and Schools,
1714 and confers degrees as defined in s. 1005.02 shall be eligible
1715 for inclusion in the dual enrollment or early admission program.
1716 Students enrolled in dual enrollment instruction shall be exempt
1717 from the payment of tuition and fees, including laboratory fees.
1718 No student enrolled in college credit mathematics or English
1719 dual enrollment instruction shall be funded as a dual enrollment

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1720 unless the student has successfully completed the relevant
1721 section of the entry-level examination required pursuant to s.
1722 1008.30.

1723 Section 26. Section 1011.622, Florida Statutes, is created
1724 to read:

1725 1011.622 Adjustments for students without a common student
1726 identifier.—For a student without a common student identifier
1727 who transfers from a public school district or the Florida
1728 Virtual School to another public school district or the Florida
1729 Virtual School, the Department of Education shall decrease the
1730 Florida Education Finance Program funds from the district or the
1731 Florida Virtual School which the student attended prior to the
1732 transfer.

1733 Section 27. Subsection (10) of section 1011.80, Florida
1734 Statutes, is amended to read:

1735 1011.80 Funds for operation of workforce education
1736 programs.—

1737 (10) A high school student dually enrolled under s.
1738 1007.271 in a workforce education program operated by a Florida
1739 College System institution or school district career center
1740 generates the amount calculated for workforce education funding,
1741 including any payment of performance funding, and the
1742 proportional share of full-time equivalent enrollment generated
1743 through the Florida Education Finance Program for the student's
1744 enrollment in a high school. If a high school student is dually
1745 enrolled in a Florida College System institution program,
1746 including a program conducted at a high school, the Florida
1747 College System institution earns the funds generated for

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1748 workforce education funding, and the school district earns the
1749 proportional share of full-time equivalent funding from the
1750 Florida Education Finance Program. If a student is dually
1751 enrolled in a career center operated by the same district as the
1752 district in which the student attends high school, that district
1753 earns the funds generated for workforce education funding and
1754 also earns the proportional share of full-time equivalent
1755 funding from the Florida Education Finance Program. If a student
1756 is dually enrolled in a workforce education program provided by
1757 a career center operated by a different school district, the
1758 funds must be divided between the two school districts
1759 proportionally from the two funding sources. A student may not
1760 be reported for funding in a dual enrollment workforce education
1761 program unless the student has completed the basic skills
1762 assessment pursuant to s. 1004.91. A student who is coenrolled
1763 in a K-12 education program and an adult education program may
1764 ~~not~~ be reported for purposes of funding in an adult education
1765 program if the student is, except that for the 2011-2012 and
1766 2012-2013 fiscal years, students who are coenrolled in core
1767 curricula courses for credit recovery or dropout prevention
1768 purposes and does ~~de~~ not have a pattern of excessive absenteeism
1769 or habitual truancy or a history of disruptive behavior in
1770 school, and the student may be reported for funding for up to
1771 two courses per year student. Such a student is ~~students are~~
1772 exempt from the payment of the block tuition for adult general
1773 education programs provided in s. 1009.22(3)(c). The Department
1774 of Education shall develop a list of courses to be designated as
1775 core curricula courses for the purposes of coenrollment.

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1776 Section 28. Section 1011.815, Florida Statutes, is created
1777 to read:

1778 1011.815 Guidelines for general funds.—

1779 (1) Each Florida College System institution shall maintain
1780 a general fund ending fund balance that is sufficient to address
1781 normal contingencies and to meet the requirements in s.

1782 1011.84(3)(e).

1783 (2) If at any time the unencumbered portion of the general
1784 fund's ending fund balance in the institution's approved
1785 operating budget is projected to fall below 3 percent of the
1786 projected general fund revenues during the current fiscal year,
1787 the president of the institution shall provide written
1788 notification to the State Board of Education and the Chancellor
1789 of the Florida College System.

1790 (3) If at any time the unencumbered portion of the general
1791 fund's ending fund balance in the institution's approved
1792 operating budget is projected to fall below 2 percent of
1793 projected general fund revenues during the current fiscal year,
1794 the president of the institution shall provide written
1795 notification to the State Board of Education and the Chancellor
1796 of the Florida College System. Within 14 days after receiving
1797 such notification, if the chancellor determines that the
1798 institution does not have a plan that is reasonably anticipated
1799 to avoid a financial emergency as determined pursuant to s.
1800 218.503, the chancellor shall appoint a financial emergency
1801 board that shall operate under the requirements, powers, and
1802 duties specified in s. 218.503(3)(g).

1803 Section 29. Subsection (4) of section 1012.885, Florida

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1804 Statutes, is amended to read:

1805 1012.885 Remuneration of Florida College System

1806 institution presidents; limitations.-

1807 (4) LIMITATION ON REMUNERATION.-Notwithstanding the
1808 provisions of this section, ~~for the 2012-2013 fiscal year,~~ a
1809 Florida College System institution president may not receive
1810 more than \$200,000 in remuneration from appropriated state
1811 funds. Only compensation, as defined in s. 121.021(22), provided
1812 to a Florida College System institution president may be used in
1813 calculating benefits under chapter 121.

1814 Section 30. Effective upon this act becoming a law,
1815 subsection (4) of section 1012.886, Florida Statutes, is amended
1816 to read:

1817 1012.886 Remuneration of Florida College System

1818 institution administrative employees; limitations.-

1819 ~~(4) EXPIRATION.-This section expires June 30, 2013.~~

1820 Section 31. Subsection (4) of section 1012.975, Florida
1821 Statutes, is amended to read:

1822 1012.975 Remuneration of state university presidents;
1823 limitations.-

1824 (4) LIMITATION ON REMUNERATION.-Notwithstanding the
1825 provisions of this section, ~~for the 2012-2013 fiscal year,~~ a
1826 state university president may not receive more than \$200,000 in
1827 remuneration from public funds. Only compensation, as defined in
1828 s. 121.021(22), provided to a state university president may be
1829 used in calculating benefits under chapter 121.

1830 Section 32. Effective upon this act becoming a law,
1831 subsection (4) of section 1012.976, Florida Statutes, is amended

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to read:

1012.976 Remuneration of state university administrative employees; limitations.—

~~(4) EXPIRATION. This section expires June 30, 2013.~~

Section 33. Notwithstanding s. 411.01, Florida Statutes, school readiness program eligibility and enrollment shall be as follows:

(1) Effective August 1, 2013, or upon reevaluation of eligibility for children currently served, whichever is later, each early learning coalition shall give priority for participation in the school readiness program as follows:

(a) Priority shall be given first to a child younger than 13 years of age from a working family that includes a parent receiving temporary cash assistance under chapter 414, Florida Statutes, and subject to the federal work requirements or a parent who transitions from the work program into employment as described in s. 445.032, Florida Statutes.

(b) Priority shall be given next to an at-risk child younger than 9 years of age.

(c) Priority shall be given next to a child from birth to the beginning of the school year for which the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2., Florida Statutes, from a working family that is economically disadvantaged. However, the child ceases to be eligible if his or her family income exceeds 200 percent of the federal poverty level.

(d) Priority shall be given next to an at-risk child who is at least 9 years of age but younger than 13 years of age. An

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1860 at-risk child whose sibling is enrolled in the school readiness
1861 program within an eligibility priority category listed in
1862 paragraphs (a)-(c) shall be given priority over other children
1863 who are eligible under this paragraph.

1864 (e) Priority shall be given next to a child who has
1865 special needs, has been determined eligible as a student with
1866 disabilities, has a current individual education plan with a
1867 Florida school district, and is not younger than 3 years of age.
1868 A special needs child eligible under this paragraph remains
1869 eligible until the child is eligible for admission to
1870 kindergarten in a public school under s. 1003.21(1)(a)2.

1871 (f) Priority shall be given next to a child who is younger
1872 than 13 years of age from a working family that is economically
1873 disadvantaged. A child who is eligible under this paragraph
1874 whose sibling is enrolled in the school readiness program under
1875 paragraph (c) shall be given priority over other children who
1876 are eligible under this paragraph.

1877 (g) Notwithstanding paragraphs (a)-(d), priority shall be
1878 given last to a child who otherwise meets one of the eligibility
1879 criteria in paragraphs (a)-(d) but who is also enrolled
1880 concurrently in the federal Head Start Program and the Voluntary
1881 Prekindergarten Education Program.

1882 (2) A school readiness provider may be paid only for
1883 authorized hours of care provided for a child in the school
1884 readiness program. A child enrolled in the Voluntary
1885 Prekindergarten Education Program may receive care from the
1886 school readiness program if the child is eligible according to
1887 the eligibility priorities in this section.

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1888 (3) An early learning coalition shall enroll all eligible
1889 children, including those from its uniform waiting list,
1890 according to the eligibility priorities in this section.

1891 (4) The parent of a child enrolled in the school readiness
1892 program must notify the early learning coalition or its designee
1893 within 10 days after any change in employment, income, or family
1894 size. Upon notification by the parent, the child's eligibility
1895 must be reevaluated.

1896 (5) A child whose eligibility priority category requires
1897 the child to be from a working family ceases to be eligible for
1898 the school readiness program if a parent with whom the child
1899 resides does not reestablish employment within 30 days after
1900 becoming unemployed.

1901 (6) Eligibility for each child must be reevaluated
1902 annually. Upon reevaluation, a child may not continue to receive
1903 school readiness services if he or she ceases to be eligible
1904 under this subsection.

1905 (7) If a coalition disenrolls children from the school
1906 readiness program, the coalition must disenroll the children in
1907 reverse order of the eligibility priorities listed in subsection
1908 (1), beginning with children from families with the highest
1909 family incomes. A notice of disenrollment must be sent to
1910 parents and school readiness providers at least 2 weeks before
1911 disenrollment to provide adequate time for parents to arrange
1912 alternative care for their children. However, an at-risk child
1913 may not be disenrolled from the program without the written
1914 approval of the Family Safety Program Office of the Department
1915 of Children and Families or the community-based lead agency.

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1916 (8) If a child is absent from the program for 5
1917 consecutive days without parental notification to the program of
1918 such absences, the school readiness provider shall report the
1919 absences to the early learning coalition for a determination of
1920 the need for continued care.

1921 (9) Notwithstanding s. 39.604, Florida Statutes, a school
1922 readiness provider, regardless of whether the provider is
1923 licensed, shall comply with the reporting requirements of the
1924 Rilya Wilson Act for each at-risk child under the age of school
1925 entry enrolled in the school readiness program.

1926 Section 34. (1) Notwithstanding s. 411.01, Florida
1927 Statutes, funding for the school readiness program shall be
1928 allocated among the early learning coalitions in accordance with
1929 this section and the General Appropriations Act.

1930 (2) The Division of Early Learning shall administer school
1931 readiness funds and shall prepare and submit a unified budget
1932 request for the school readiness system in accordance with
1933 chapter 216, Florida Statutes.

1934 (3) All instructions to early learning coalitions for
1935 administering this section shall emanate from the Division of
1936 Early Learning in accordance with the policies of the
1937 Legislature.

1938 (4) All cost savings and all revenues received through a
1939 mandatory sliding fee scale shall be used to increase the number
1940 of children served.

1941 (5) All state, federal, and required local maintenance-of-
1942 effort or matching funds provided to an early learning coalition
1943 for purposes of this section shall be used for implementation of

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1944 its approved school readiness plan, including the hiring of
1945 staff to effectively operate the coalition's school readiness
1946 program.

1947 (6) Costs shall be kept to the minimum necessary for the
1948 efficient and effective administration of the school readiness
1949 program with the highest priority of expenditure being direct
1950 services for eligible children. However, no more than 5 percent
1951 of the funds described in subsection (5) may be used for
1952 administrative costs, and, except as otherwise specified in the
1953 General Appropriations Act, no more than 18 percent of the funds
1954 described in subsection (5) may be used for any combination of
1955 administrative costs, quality activities, and nondirect services
1956 as follows:

1957 (a) Administrative costs as described in 45 C.F.R. s.
1958 98.52.

1959 (b) Activities to improve the quality of child care as
1960 described in 45 C.F.R. s. 98.51, which shall be limited to the
1961 following:

1962 1. Developing, establishing, expanding, operating, and
1963 coordinating resource and referral programs specifically related
1964 to the provision of comprehensive consumer education to parents
1965 and the public regarding participation in the school readiness
1966 program.

1967 2. Awarding grants to school readiness providers to assist
1968 them in meeting applicable state requirements for child care
1969 performance standards, implementing developmentally appropriate
1970 curricula and related classroom resources that support

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1971 curricula, providing literacy supports, and providing
1972 professional development.

1973 3. Providing training and technical assistance for school
1974 readiness providers, staff, and parents on child performance
1975 standards, child screenings, child assessments, developmentally
1976 appropriate curricula, character development, teacher-child
1977 interactions, age-appropriate discipline practices, health and
1978 safety, nutrition, first aid, the recognition of communicable
1979 diseases, and child abuse detection and prevention.

1980 4. From among the funds provided for the activities
1981 described in subparagraphs 1.-3., providing adequate funding for
1982 infants and toddlers as necessary to meet federal requirements
1983 related to expenditures for quality activities for infant and
1984 toddler care.

1985 5. Monitoring providers using a standardized methodology
1986 adopted by the Department of Education to improve compliance
1987 with state and federal regulations and law pursuant to the
1988 requirements of the statewide provider contract adopted by the
1989 department.

1990 6. Assisting the provider in implementing a pre-assessment
1991 and post-assessment.

1992 7. Responding to Warm-Line requests by providers and
1993 parents related to school readiness children, including
1994 providing developmental and health screenings to school
1995 readiness children.

1996 (c) Nondirect services as described in 63 Fed. Reg. 39962-
1997 39963 (July 24, 1998) and applicable Office of Management and

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1998 Budget instructions required to administer the school readiness
1999 program. Such services include, but are not limited to:

2000 1. Assisting families to complete the required application
2001 and eligibility documentation.

2002 2. Determining child and family eligibility.

2003 3. Recruiting eligible child care providers.

2004 4. Processing and tracking attendance records.

2005 5. Developing and maintaining a statewide childcare
2006 information system.

2007
2008 As used in this paragraph, the term "nondirect services" does
2009 not include payments to school readiness providers for direct
2010 services provided to children who are eligible under subsection
2011 (1) of section 37 of this act, administrative costs described in
2012 paragraph (a), or quality activities described in paragraph (b).

2013 (7) State funds appropriated for the school readiness
2014 program may not be used for the construction of new facilities
2015 or the purchase of buses.

2016 (8) Beginning in the 2014-2015 fiscal year, all state-
2017 appropriated funding for the school readiness program shall be
2018 allocated to early learning coalitions based on the average
2019 prior year enrollment and the uniform waiting list as adopted by
2020 the Early Learning Programs Estimating Conference pursuant to s.
2021 216.136(8), Florida Statutes, and using the average market rate
2022 by program care level and provider type pursuant to section 39
2023 of this act.

2024 Section 35. Notwithstanding s. 411.01013, Florida
2025 Statutes, the school readiness market rate schedule shall be

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implemented as follows:

(1) As used in this section, the term:

(a) "Average market rate" means the biannually determined average of the market rate by program care level and provider type in a predetermined geographic market.

(b) "Market rate" means the price that a child care provider charges for daily, weekly, or monthly child care services.

(2) The Division of Early Learning shall establish procedures for the adoption of a market rate schedule. The schedule must include, at a minimum, county-by-county rates:

(a) The market rate, including the minimum and the maximum rates for child care providers that hold a Gold Seal Quality Care designation under s. 402.281, Florida Statutes.

(b) The market rate for child care providers that do not hold a Gold Seal Quality Care designation.

(3) The market rate schedule, at a minimum, must:

(a) Differentiate rates by type, including, but not limited to, a child care provider that holds a Gold Seal Quality Care designation under s. 402.281, Florida Statutes, a child care facility licensed under s. 402.305, Florida Statutes, a public or nonpublic school exempt from licensure under s. 402.3025, Florida Statutes, a faith-based child care facility exempt from licensure under s. 402.316, Florida Statutes, that does not hold a Gold Seal Quality Care designation, a large family child care home licensed under s. 402.3131, Florida Statutes, or a family day care home licensed or registered under s. 402.313, Florida Statutes.

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2054 (b) Differentiate rates by the type of child care services
2055 provided for children with special needs or risk categories,
2056 infants, toddlers, preschool-age children, and school-age
2057 children.

2058 (c) Differentiate rates between full-time and part-time
2059 child care services.

2060 (d) Consider discounted rates for child care services for
2061 multiple children in a single family.

2062 (4) The market rate schedule must be based exclusively on
2063 the prices charged for child care services.

2064 (5) The market rate schedule shall be considered by an
2065 early learning coalition in the adoption of a payment schedule.
2066 The payment schedule must take into consideration the average
2067 market rate, include the projected number of children to be
2068 served, and be submitted for approval by the Division of Early
2069 Learning. Informal child care arrangements shall be reimbursed
2070 at not more than 50 percent of the rate adopted for a family day
2071 care home.

2072 (6) The Division of Early Learning may contract with one
2073 or more qualified entities to administer this section and
2074 provide support and technical assistance for child care
2075 providers.

2076 (7) The Division of Early Learning may adopt rules for
2077 establishing procedures for the collection of child care
2078 providers' market rate, the calculation of the average market
2079 rate by program care level and provider type in a predetermined
2080 geographic market, and the publication of the market rate
2081 schedule.

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2082 Section 36. Notwithstanding the required review by the
 2083 Legislative Budget Commission pursuant to s. 1003.03(4)(c),
 2084 Florida Statutes, for the 2012-2013 fiscal year, the alternate
 2085 compliance calculation amounts to the class size operating
 2086 categorical fund authorized by s. 1003.03(4)(c), Florida
 2087 Statutes, shall be the reduction calculation required by s.
 2088 1003.03(4), Florida Statutes. The Commissioner of Education
 2089 shall modify payments to school districts as required by s.
 2090 1003.03(4), Florida Statutes, for the 2012-2013 fiscal year.
 2091 This section shall take effect upon this act becoming a law.

2092 Section 37. Except as otherwise expressly provided in this
 2093 act and except for this section, which shall take effect upon
 2094 this act becoming a law, this act shall take effect July 1,
 2095 2013.

2096
 2097 -----

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to education funding; amending s.
 11.45, F.S.; requiring the Legislative Auditing
 Committee to refer certain financial matters to the
 State Board of Education or the Board of Governors;
 conforming provisions; amending ss. 218.50, 218.501,
 218.503, and 218.504, F.S.; including Florida College
 System institutions and State University System
 institutions in annual financial audit and audit
 report requirements, determinations of financial

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2110 emergency, financial management procedures, and
2111 cessation of state action upon resolution of financial
2112 emergency conditions; repealing s. 1001.27, F.S.,
2113 relating to a state satellite network; amending s.
2114 1001.28, F.S.; deleting a duty of the Department of
2115 Education to manage the state's satellite transponder
2116 resources; amending s. 1001.281, F.S.; revising funds
2117 deposited in the Operating Trust Fund; amending s.
2118 1001.42, F.S.; revising district school board duties
2119 relating to virtual instruction; creating s.
2120 1001.7065, F.S.; creating the preeminent state
2121 research universities program; establishing a
2122 collaborative partnership between the Board of
2123 Governors and the Legislature to elevate the academic
2124 and research preeminence of the highest-performing
2125 state research universities; establishing academic and
2126 research excellence standards for a university to be
2127 designated a preeminent state research university;
2128 providing for a preeminent state research university
2129 to establish an institute for online learning;
2130 providing duties and responsibilities of an advisory
2131 board, the university, and the Board of Governors to
2132 provide high-quality, fully online baccalaureate
2133 degree programs, including establishment of a tuition
2134 structure for the institute; providing for the award
2135 of funding to preeminent state research universities
2136 based upon performance; authorizing a preeminent state
2137 research university to establish special course

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2138 requirements; providing for preeminent state research
2139 university flexibility; encouraging the Board of
2140 Governors to promote additional programs of
2141 excellence; amending s. 1002.37, F.S.; revising and
2142 clarifying requirements for reporting and funding a
2143 full-time equivalent student in the Florida Virtual
2144 School; providing requirements for funding a home
2145 education student enrolled in the Florida Virtual
2146 School; providing reporting requirements relating to
2147 Florida Virtual School Global; amending s. 1002.45,
2148 F.S.; authorizing a school district to provide part-
2149 time virtual instruction for K-12 students in all
2150 courses; revising requirements for the use of virtual
2151 instruction in core-curricula courses for the purpose
2152 of meeting class size requirements; revising
2153 requirements for approval as a provider of virtual
2154 instruction programs; providing requirements for
2155 conditional approval; revising and clarifying the
2156 requirements for reporting and funding a full-time
2157 equivalent student enrolled in a virtual instruction
2158 program; amending s. 1003.498, F.S.; requiring the
2159 Department of Education to provide identifiers for
2160 courses to designate their use for blended learning
2161 courses; removing restrictions on students taking
2162 online courses across district lines; clarifying the
2163 requirements for reporting a full-time equivalent
2164 student; prohibiting a school district from requiring
2165 a public school student to take an online course at

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2166 certain times or places; amending s. 1006.29, F.S.;

2167 requiring the department to publish technology

2168 requirements related to instructional materials;

2169 amending s. 1006.73, F.S.; revising purposes, duties,

2170 and responsibilities of the Florida Virtual Campus;

2171 amending s. 1006.735, F.S.; establishing the Complete

2172 Florida Degree Program and providing requirements for

2173 its implementation; amending s. 1007.271, F.S.;

2174 revising provisions relating to the full-time

2175 equivalent student membership value for dual enrolled

2176 students; revising dual enrollment articulation

2177 agreement requirements; revising funding provisions

2178 delineating costs incurred by the institution

2179 providing instruction; creating s. 1008.322, F.S.;

2180 providing Board of Governors oversight authority;

2181 requiring state university compliance with laws,

2182 rules, and regulations; authorizing certain actions

2183 for noncompliance; amending s. 1009.24, F.S.; revising

2184 certain state university student fees; repealing s.

2185 1010.79, F.S., relating to the Sophomore Level Test

2186 Trust Fund; terminating the Sophomore Level Test Trust

2187 Fund and providing for the transfer of funds and

2188 payment of outstanding obligations; amending s.

2189 1010.81, F.S.; renaming the Knott Data Center Working

2190 Capital Trust Fund and revising the deposit and use of

2191 funds; amending s. 1011.40, F.S.; providing

2192 requirements for maintaining fund balances in the

2193 education and general fund of state universities;

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2194 amending s. 1011.61, F.S.; revising and clarifying the
2195 definition of a full-time equivalent student; revising
2196 provisions relating to funding based on student
2197 completion of end-of-course examinations; revising
2198 provisions relating to the maximum value for funding a
2199 student; amending s. 1011.62, F.S.; revising
2200 provisions relating to the full-time equivalent
2201 student membership value for dual enrolled students;
2202 creating s. 1011.622, F.S.; providing for funding
2203 adjustments for students without a common student
2204 identifier; amending s. 1011.80, F.S.; revising
2205 provisions relating to funding for coenrolled students
2206 in workforce education programs; creating s. 1011.815,
2207 F.S.; providing requirements for maintaining fund
2208 balances in the general fund of Florida College System
2209 institutions; amending ss. 1012.885, 1012.886, and
2210 1012.975, and 1012.976, F.S.; extending indefinitely
2211 provisions relating to remuneration of Florida College
2212 System institution presidents, Florida College System
2213 institution administrative employees, state university
2214 presidents, and state university administrative
2215 employees; providing requirements for school readiness
2216 program eligibility, enrollment, and funding and the
2217 school readiness market rate schedule, notwithstanding
2218 certain provisions of law; specifying the formula to
2219 be used for the 2012-2013 fiscal year in calculating
2220 the alternate compliance calculation amounts to the

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2221 class size operating categorical fund, notwithstanding
2222 certain provisions of law; providing effective dates.