

1 A bill to be entitled
2 An act relating to education funding; amending s.
3 11.45, F.S.; requiring the Legislative Auditing
4 Committee to refer certain financial matters to the
5 State Board of Education or the Board of Governors;
6 conforming provisions; amending ss. 218.50, 218.501,
7 218.503, and 218.504, F.S.; including Florida College
8 System institutions and State University System
9 institutions in annual financial audit and audit
10 report requirements, determinations of financial
11 emergency, financial management procedures, and
12 cessation of state action upon resolution of financial
13 emergency conditions; repealing s. 1001.27, F.S.,
14 relating to a state satellite network; amending s.
15 1001.28, F.S.; deleting a duty of the Department of
16 Education to manage the state's satellite transponder
17 resources; amending s. 1001.281, F.S.; revising funds
18 deposited in the Operating Trust Fund; amending s.
19 1001.42, F.S.; revising district school board duties
20 relating to virtual instruction; creating s.
21 1001.7065, F.S.; creating the preeminent state
22 research universities program; establishing a
23 collaborative partnership between the Board of
24 Governors and the Legislature to elevate the academic
25 and research preeminence of the highest-performing
26 state research universities; establishing academic and
27 research excellence standards for a university to be
28 designated a preeminent state research university;

29 providing for a preeminent state research university
30 to establish an institute for online learning;
31 providing duties and responsibilities of an advisory
32 board, the university, and the Board of Governors to
33 provide high-quality, fully online baccalaureate
34 degree programs, including establishment of a tuition
35 structure for the institute; providing for the award
36 of funding to preeminent state research universities
37 based upon performance; authorizing a preeminent state
38 research university to establish special course
39 requirements; providing for preeminent state research
40 university flexibility; encouraging the Board of
41 Governors to promote additional programs of
42 excellence; amending s. 1002.37, F.S.; revising and
43 clarifying requirements for reporting and funding a
44 full-time equivalent student in the Florida Virtual
45 School; providing requirements for funding a home
46 education student enrolled in the Florida Virtual
47 School; providing reporting requirements relating to
48 Florida Virtual School Global; amending s. 1002.45,
49 F.S.; authorizing a school district to provide part-
50 time virtual instruction for K-12 students in all
51 courses; revising requirements for the use of virtual
52 instruction in core-curricula courses for the purpose
53 of meeting class size requirements; revising
54 requirements for approval as a provider of virtual
55 instruction programs; providing requirements for
56 conditional approval; revising and clarifying the

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57 requirements for reporting and funding a full-time
58 equivalent student enrolled in a virtual instruction
59 program; amending s. 1003.498, F.S.; requiring the
60 Department of Education to provide identifiers for
61 courses to designate their use for blended learning
62 courses; removing restrictions on students taking
63 online courses across district lines; clarifying the
64 requirements for reporting a full-time equivalent
65 student; prohibiting a school district from requiring
66 a public school student to take an online course at
67 certain times or places; amending s. 1006.29, F.S.;;
68 requiring the department to publish technology
69 requirements related to instructional materials;
70 amending s. 1006.73, F.S.;; revising purposes, duties,
71 and responsibilities of the Florida Virtual Campus;
72 amending s. 1006.735, F.S.;; establishing the Complete
73 Florida Degree Program and providing requirements for
74 its implementation; amending s. 1007.271, F.S.;;
75 revising provisions relating to the full-time
76 equivalent student membership value for dual enrolled
77 students; revising dual enrollment articulation
78 agreement requirements; revising funding provisions
79 delineating costs incurred by the institution
80 providing instruction; creating s. 1008.322, F.S.;;
81 providing Board of Governors oversight authority;
82 requiring state university compliance with laws,
83 rules, and regulations; authorizing certain actions
84 for noncompliance; amending s. 1009.24, F.S.;; revising

85 | certain state university student fees; amending s.
86 | 1009.40, F.S.; conforming provisions; amending s.
87 | 1009.89, F.S.; revising eligibility criteria to
88 | receive a William L. Boyd, IV, Florida resident access
89 | grant; repealing s. 1009.891, F.S., relating to the
90 | Access to Better Learning and Education Grant Program;
91 | amending s. 1009.94, F.S.; conforming provisions;
92 | repealing s. 1010.79, F.S., relating to the Sophomore
93 | Level Test Trust Fund; terminating the Sophomore Level
94 | Test Trust Fund and providing for the transfer of
95 | funds and payment of outstanding obligations; amending
96 | s. 1010.81, F.S.; renaming the Knott Data Center
97 | Working Capital Trust Fund and revising the deposit
98 | and use of funds; amending s. 1011.40, F.S.; providing
99 | requirements for maintaining fund balances in the
100 | education and general fund of state universities;
101 | amending s. 1011.61, F.S.; revising and clarifying the
102 | definition of a full-time equivalent student; revising
103 | provisions relating to funding based on student
104 | completion of end-of-course examinations; revising
105 | provisions relating to the maximum value for funding a
106 | student; amending s. 1011.62, F.S.; revising
107 | provisions relating to the full-time equivalent
108 | student membership value for dual enrolled students;
109 | creating s. 1011.622, F.S.; providing for funding
110 | adjustments for students without a common student
111 | identifier; amending s. 1011.80, F.S.; revising
112 | provisions relating to funding for coenrolled students

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113 | in workforce education programs; creating s. 1011.815,
114 | F.S.; providing requirements for maintaining fund
115 | balances in the general fund of Florida College System
116 | institutions; amending ss. 1012.885, 1012.886, and
117 | 1012.975, and 1012.976, F.S.; extending indefinitely
118 | provisions relating to remuneration of Florida College
119 | System institution presidents, Florida College System
120 | institution administrative employees, state university
121 | presidents, and state university administrative
122 | employees; providing requirements for school readiness
123 | program eligibility, enrollment, and funding and the
124 | school readiness market rate schedule, notwithstanding
125 | certain provisions of law; specifying the formula to
126 | be used for the 2012-2013 fiscal year in calculating
127 | the alternate compliance calculation amounts to the
128 | class size operating categorical fund, notwithstanding
129 | certain provisions of law; providing effective dates.

130

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

132

133 | Section 1. Paragraph (j) of subsection (7) and subsection
134 | (8) of section 11.45, Florida Statutes, are amended to read:

135 | 11.45 Definitions; duties; authorities; reports; rules.—

136 | (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

137 | (j) The Auditor General shall notify the Legislative
138 | Auditing Committee of any financial or operational audit report
139 | prepared pursuant to this section which indicates that a state
140 | university or Florida College System institution has failed to

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141 take full corrective action in response to a recommendation that
142 was included in the two preceding financial or operational audit
143 reports.

144 1. The committee may direct the governing body of the
145 state university or Florida College System institution to
146 provide a written statement to the committee explaining why full
147 corrective action has not been taken or, if the governing body
148 intends to take full corrective action, describing the
149 corrective action to be taken and when it will occur.

150 2. If the committee determines that the written statement
151 is not sufficient, the committee may require the chair of the
152 governing body of the state university or Florida College System
153 institution, or the chair's designee, to appear before the
154 committee.

155 3. If the committee determines that the state university
156 or Florida College System institution has failed to take full
157 corrective action for which there is no justifiable reason or
158 has failed to comply with committee requests made pursuant to
159 this section, the committee shall refer the matter to the State
160 Board of Education or the Board of Governors, as appropriate, to
161 proceed in accordance with ss. 1008.32 and 1008.322,
162 respectively ~~may proceed in accordance with s. 11.40(2).~~

163 (8) RULES OF THE AUDITOR GENERAL.—The Auditor General, in
164 consultation with the Board of Accountancy, shall adopt rules
165 for the form and conduct of all financial audits performed by
166 independent certified public accountants pursuant to ss.
167 215.981, 218.39, 1001.453, 1004.28, and 1004.70. The rules for
168 audits of local governmental entities, charter schools, charter

169 technical career centers, ~~and~~ district school boards, Florida
 170 College System institutions, and State University System
 171 institutions must include, but are not limited to, requirements
 172 for the reporting of information necessary to carry out the
 173 purposes of the Local Governmental Entity, Charter School,
 174 Charter Technical Career Center, ~~and~~ District School Board,
 175 Florida College System Institution, and State University System
 176 Institution Financial Emergencies Act as stated in s. 218.501.

177 Section 2. Section 218.50, Florida Statutes, is amended to
 178 read:

179 218.50 Short title.—Sections 218.50-218.504 may be cited
 180 as the "Local Governmental Entity, Charter School, Charter
 181 Technical Career Center, ~~and~~ District School Board, Florida
 182 College System Institution, and State University System
 183 Institution Financial Emergencies Act."

184 Section 3. Section 218.501, Florida Statutes, is amended
 185 to read:

186 218.501 Purposes.—The purposes of ss. 218.50-218.504 are:

187 (1) To promote the fiscal responsibility of local
 188 governmental entities, charter schools, charter technical career
 189 centers, ~~and~~ district school boards, Florida College System
 190 institutions, and State University System institutions.

191 (2) To assist local governmental entities, charter
 192 schools, charter technical career centers, ~~and~~ district school
 193 boards, Florida College System institutions, and State
 194 University System institutions in providing essential services
 195 without interruption and in meeting their financial obligations.

196 (3) To assist local governmental entities, charter

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197 schools, charter technical career centers, ~~and~~ district school
 198 boards, Florida College System institutions, and State
 199 University System institutions through the improvement of local
 200 financial management procedures.

201 Section 4. Section 218.503, Florida Statutes, is amended
 202 to read:

203 218.503 Determination of financial emergency.—

204 (1) Local governmental entities, charter schools, charter
 205 technical career centers, ~~and~~ district school boards, Florida
 206 College System institutions, and State University System
 207 institutions shall be subject to review and oversight by the
 208 Governor, the charter school sponsor, the charter technical
 209 career center sponsor, ~~or~~ the Commissioner of Education, the
 210 Chancellor of the Florida College System, or the Chancellor of
 211 the State University System, as appropriate, when any one of the
 212 following conditions occurs:

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

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

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

- 222 1. Taxes withheld on the income of employees; or
- 223 2. Employer and employee contributions for:
 - 224 a. Federal social security; or

225 b. Any pension, retirement, or benefit plan of an
 226 employee.

227 (d) Failure for one pay period to pay, due to lack of
 228 funds:

229 1. Wages and salaries owed to employees; or
 230 2. Retirement benefits owed to former employees.

231 (2) A local governmental entity shall notify the Governor
 232 and the Legislative Auditing Committee; a charter school shall
 233 notify the charter school sponsor, the Commissioner of
 234 Education, and the Legislative Auditing Committee; a charter
 235 technical career center shall notify the charter technical
 236 career center sponsor, the Commissioner of Education, and the
 237 Legislative Auditing Committee; ~~and~~ a district school board
 238 shall notify the Commissioner of Education and the Legislative
 239 Auditing Committee; a Florida College System institution shall
 240 notify the Chancellor of the Florida College System and the
 241 Legislative Auditing Committee; and a State University System
 242 institution shall notify the Chancellor of the State University
 243 System and the Legislative Auditing Committee, when one or more
 244 of the conditions specified in subsection (1) have occurred or
 245 will occur if action is not taken to assist the local
 246 governmental entity, charter school, charter technical career
 247 center, ~~or~~ district school board, Florida College System
 248 institution, or State University System institution. In
 249 addition, any state agency must, within 30 days after a
 250 determination that one or more of the conditions specified in
 251 subsection (1) have occurred or will occur if action is not
 252 taken to assist the local governmental entity, charter school,

253 charter technical career center, ~~or~~ district school board,
 254 Florida College System institution, or State University System
 255 institution, notify the Governor, charter school sponsor,
 256 charter technical career center sponsor, ~~or the~~ Commissioner of
 257 Education, Chancellor of the Florida College System, or
 258 Chancellor of the State University System, as appropriate, and
 259 the Legislative Auditing Committee.

260 (3) Upon notification that one or more of the conditions
 261 in subsection (1) have occurred or will occur if action is not
 262 taken to assist the local governmental entity, ~~or~~ district
 263 school board, Florida College System institution, or State
 264 University System institution, the Governor or his or her
 265 designee shall contact the local governmental entity, ~~or~~ the
 266 Commissioner of Education or his or her designee shall contact
 267 the district school board, the Chancellor of the Florida College
 268 System shall contact the president of the Florida College System
 269 institution, or the Chancellor of the State University System
 270 shall contact the president of the State University System
 271 institution to determine what actions have been taken ~~by the~~
 272 ~~local governmental entity or the district school board~~ to
 273 resolve or prevent the condition. The information requested must
 274 be provided within 45 days after the date of the request. If the
 275 local governmental entity or the district school board does not
 276 comply with the request, the Governor or his or her designee or
 277 the Commissioner of Education or his or her designee shall
 278 notify the members of the Legislative Auditing Committee who may
 279 take action pursuant to s. 11.40. If the Florida College System
 280 institution or the State University System institution does not

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281 comply with the request, the Chancellor of the Florida College
282 System or the Chancellor of the State University System shall
283 notify the members of the Legislative Auditing Committee who may
284 take action pursuant to s. 11.45(7)(j)3. The Governor, ~~or~~ the
285 Commissioner of Education, the Chancellor of the Florida College
286 System, or the Chancellor of the State University System, as
287 appropriate, shall determine whether the local governmental
288 entity, ~~or the~~ district school board, Florida College System
289 institution, or State University System institution needs state
290 assistance to resolve or prevent the condition. If state
291 assistance is needed, the local governmental entity, ~~or~~ district
292 school board, Florida College System institution, or State
293 University System institution is considered to be in a state of
294 financial emergency. The Governor, ~~or~~ the Commissioner of
295 Education, the Chancellor of the Florida College System, or the
296 Chancellor of the State University System, as appropriate, has
297 the authority to implement measures as set forth in ss. 218.50-
298 218.504 to assist ~~the local governmental entity or district~~
299 ~~school board~~ in resolving the financial emergency. Such measures
300 may include, but are not limited to:

301 (a) Requiring approval of the local governmental entity's
302 budget by the Governor, ~~or~~ approval of the district school
303 board's budget by the Commissioner of Education, approval of the
304 Florida College System institution's budget by the Chancellor of
305 the Florida College System, or approval of the State University
306 System institution's budget by the Chancellor of the State
307 University System.

308 (b) Authorizing a state loan to a local governmental

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309 entity and providing for repayment of same.

310 (c) Prohibiting a local governmental entity, ~~or~~ district
311 school board, Florida College System institution, or State
312 University System institution from issuing bonds, notes,
313 certificates of indebtedness, or any other form of debt until
314 such time as it is no longer subject to this section.

315 (d) Making such inspections and reviews of records,
316 information, reports, and assets of the local governmental
317 entity, ~~or~~ district school board, Florida College System
318 institution, or State University System institution as are
319 needed. The appropriate local officials shall cooperate in such
320 inspections and reviews.

321 (e) Consulting with officials and auditors of the local
322 governmental entity, ~~or the~~ district school board, Florida
323 College System institution, or State University System
324 institution and the appropriate state officials regarding any
325 steps necessary to bring the books of account, accounting
326 systems, financial procedures, and reports into compliance with
327 state requirements.

328 (f) Providing technical assistance to the local
329 governmental entity, ~~or the~~ district school board, Florida
330 College System institution, or State University System
331 institution.

332 (g)1. Establishing a financial emergency board to oversee
333 the activities of the local governmental entity, ~~or the~~ district
334 school board, Florida College System institution, or State
335 University System institution. If a financial emergency board is
336 established for a local governmental entity, the Governor shall

337 | appoint board members and select a chair. If a financial
338 | emergency board is established for a district school board, the
339 | State Board of Education shall appoint board members and select
340 | a chair. If a financial emergency board is established for a
341 | Florida College System institution, the Chancellor of the
342 | Florida College System shall appoint board members and select a
343 | chair. If a financial emergency board is established for a State
344 | University System institution, the Chancellor of the State
345 | University System shall appoint board members and select a
346 | chair. The financial emergency board shall adopt such rules as
347 | are necessary for conducting board business. The board may:
348 | a. Make such reviews of records, reports, and assets of
349 | the local governmental entity, ~~or the~~ district school board,
350 | Florida College System institution, or State University System
351 | institution as are needed.
352 | b. Consult with officials and auditors of the local
353 | governmental entity, ~~or the~~ district school board, Florida
354 | College System institution, or State University System
355 | institution and the appropriate state officials regarding any
356 | steps necessary to bring the books of account, accounting
357 | systems, financial procedures, and reports of the local
358 | governmental entity, ~~or the~~ district school board, Florida
359 | College System institution, or State University System
360 | institution into compliance with state requirements.
361 | c. Review the operations, management, efficiency,
362 | productivity, and financing of functions and operations of the
363 | local governmental entity, ~~or the~~ district school board, Florida
364 | College System institution, or State University System

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365 | institution.

366 | d. Consult with other governmental entities for the
367 | consolidation of all administrative direction and support
368 | services, including, but not limited to, services for asset
369 | sales, economic and community development, building inspections,
370 | parks and recreation, facilities management, engineering and
371 | construction, insurance coverage, risk management, planning and
372 | zoning, information systems, fleet management, and purchasing.

373 | 2. The recommendations and reports made by the financial
374 | emergency board must be submitted to the Governor for local
375 | governmental entities, ~~or~~ to the Commissioner of Education and
376 | the State Board of Education for district school boards, to the
377 | Chancellor of the Florida College System for Florida College
378 | System institutions, or to the Chancellor of the State
379 | University System for State University System institutions for
380 | appropriate action.

381 | (h) Requiring and approving a plan, to be prepared by
382 | officials of the local governmental entity, ~~or the~~ district
383 | school board, Florida College System institution, or State
384 | University System institution in consultation with the
385 | appropriate state officials, prescribing actions that will cause
386 | the local governmental entity, ~~or~~ district school board, Florida
387 | College System institution, or State University System
388 | institution to no longer be subject to this section. The plan
389 | must include, but need not be limited to:

390 | 1. Provision for payment in full of obligations outlined
391 | in subsection (1), designated as priority items, which are
392 | currently due or will come due.

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

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

397 4. Provisions implementing the consolidation, sourcing, or
398 discontinuance of all administrative direction and support
399 services, including, but not limited to, services for asset
400 sales, economic and community development, building inspections,
401 parks and recreation, facilities management, engineering and
402 construction, insurance coverage, risk management, planning and
403 zoning, information systems, fleet management, and purchasing.

404 (4) (a) Upon notification that one or more of the
405 conditions in subsection (1) have occurred or will occur if
406 action is not taken to assist the charter school, the charter
407 school sponsor or the sponsor's designee and the Commissioner of
408 Education shall contact the charter school governing body to
409 determine what actions have been taken by the charter school
410 governing body to resolve or prevent the condition. The
411 Commissioner of Education has the authority to require and
412 approve a financial recovery plan, to be prepared by the charter
413 school governing body, prescribing actions that will resolve or
414 prevent the condition.

415 (b) Upon notification that one or more of the conditions
416 in subsection (1) have occurred or will occur if action is not
417 taken to assist the charter technical career center, the charter
418 technical career center sponsor or the sponsor's designee and
419 the Commissioner of Education shall contact the charter
420 technical career center governing body to determine what actions

421 have been taken by the governing body to resolve or prevent the
 422 condition. The Commissioner of Education may require and approve
 423 a financial recovery plan, to be prepared by the charter
 424 technical career center governing body, prescribing actions that
 425 will resolve or prevent the condition.

426 (c) The Commissioner of Education shall determine if the
 427 charter school or charter technical career center needs a
 428 financial recovery plan to resolve the condition. If the
 429 Commissioner of Education determines that a financial recovery
 430 plan is needed, the charter school or charter technical career
 431 center is considered to be in a state of financial emergency.

432
 433 The Department of Education, with the involvement of sponsors,
 434 charter schools, and charter technical career centers, shall
 435 establish guidelines for developing a financial recovery plan.

436 (5) A local governmental entity, ~~or~~ district school board,
 437 Florida College System institution, or State University System
 438 institution may not seek application of laws under the
 439 bankruptcy provisions of the United States Constitution except
 440 with the prior approval of the Governor for local governmental
 441 entities, ~~or~~ the Commissioner of Education for district school
 442 boards, the Chancellor of the Florida College System for a
 443 Florida College System institution, or the Chancellor of the
 444 State University System for a State University System
 445 institution.

446 (6) The failure of the members of the governing body of a
 447 local governmental entity, ~~or~~ the failure of the members of a
 448 district school board, the failure of a Florida College System

449 institution's board of trustees, or the failure of a State
 450 University System institution's board of trustees to resolve a
 451 state of financial emergency constitutes malfeasance,
 452 misfeasance, and neglect of duty for purposes of s. 7, Art. IV
 453 of the State Constitution.

454 Section 5. Section 218.504, Florida Statutes, is amended
 455 to read:

456 218.504 Cessation of state action.—The Governor, ~~or~~ the
 457 Commissioner of Education, the Chancellor of the Florida College
 458 System, or the Chancellor of the State University System, as
 459 appropriate, has the authority to terminate all state actions
 460 pursuant to ss. 218.50-218.504. Cessation of state action must
 461 not occur until the Governor, ~~or~~ the Commissioner of Education,
 462 the Chancellor of the Florida College System, or the Chancellor
 463 of the State University System, as appropriate, has determined
 464 that:

465 (1) The local governmental entity, charter school, charter
 466 technical career center, ~~or~~ district school board, Florida
 467 College System institution, or State University System
 468 institution:

469 (a) Has established and is operating an effective
 470 financial accounting and reporting system.

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

472 (2) None of the conditions outlined in s. 218.503(1)
 473 exists.

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

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

477 1001.28 Distance learning duties.—The duties of the
 478 Department of Education concerning distance learning include,
 479 but are not limited to, the duty to:

480 ~~(8) Manage the state's satellite transponder resources and~~
 481 ~~enter into lease agreements to maximize the use of available~~
 482 ~~transponder time. All net revenue realized through the leasing~~
 483 ~~of available transponder time, after deducting the costs of~~
 484 ~~performing the management function, shall be recycled to support~~
 485 ~~the public education distance learning in this state based upon~~
 486 ~~an allocation formula of one third to the Department of~~
 487 ~~Education, one third to Florida College System institutions, and~~
 488 ~~one third to state universities.~~

489 (8)~~(9)~~ Hire appropriate staff which may include a position
 490 that shall be exempt from part II of chapter 110 and is included
 491 in the Senior Management Service in accordance with s. 110.205.

492
 493 Nothing in this section shall be construed to abrogate,
 494 supersede, alter, or amend the powers and duties of any state
 495 agency, district school board, Florida College System
 496 institution board of trustees, university board of trustees, the
 497 Board of Governors, or the State Board of Education.

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

500 1001.281 Operating Trust Fund.—

501 (2) The fund is established for use as a depository for
 502 funds to be used for program operations funded by program
 503 revenues. Moneys to be credited to the trust fund include, but
 504 are not limited to, revenues received from the payment of fees

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505 associated with high school equivalency examinations ~~leasing of~~
506 ~~available transponder time for the state's satellite transponder~~
507 ~~resources.~~

508 Section 9. Subsection (23) of section 1001.42, Florida
509 Statutes, is amended to read:

510 1001.42 Powers and duties of district school board.—The
511 district school board, acting as a board, shall exercise all
512 powers and perform all duties listed below:

513 (23) ~~FLORIDA VIRTUAL~~ INSTRUCTION SCHOOL.—Provide students
514 with access to courses available through a virtual instruction
515 program option or the Florida Virtual School and award credit
516 for successful completion of such courses. ~~Access shall be~~
517 ~~available to students during and after the normal school day and~~
518 ~~through summer school enrollment.~~

519 Section 10. Section 1001.7065, Florida Statutes, is
520 created to read:

521 1001.7065 Preeminent state research universities program.—

522 (1) STATE UNIVERSITY SYSTEM SHARED GOVERNANCE
523 COLLABORATION.—A collaborative partnership is established
524 between the Board of Governors and the Legislature to elevate
525 the academic and research preeminence of Florida's highest-
526 performing state research universities in accordance with this
527 section. The partnership stems from the State University System
528 Governance Agreement executed on March 24, 2010, wherein the
529 Board of Governors and leaders of the Legislature agreed to a
530 framework for the collaborative exercise of their joint
531 authority and shared responsibility for the State University
532 System. The governance agreement confirmed the commitment of the

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533 Board of Governors and the Legislature to continue collaboration
534 on accountability measures, the use of data, and recommendations
535 derived from such data.

536 (2) ACADEMIC AND RESEARCH EXCELLENCE STANDARDS.—Effective
537 July 1, 2013, the following academic and research excellence
538 standards are established for the preeminent state research
539 universities program:

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

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

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

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

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

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

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

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

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

568 (j) Four hundred or more doctoral degrees awarded
 569 annually, as reported in the Board of Governors Annual
 570 Accountability Report.

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

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

575 (3) PREEMINENT STATE RESEARCH UNIVERSITY DESIGNATION.—The
 576 Board of Governors shall designate each state research
 577 university that meets at least 11 of the 12 academic and
 578 research excellence standards identified in subsection (2) a
 579 preeminent state research university.

580 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR
 581 ONLINE LEARNING.—The state research university that has attained
 582 the highest level on the academic and research excellence
 583 standards identified in subsection (2), as verified by the Board
 584 of Governors, shall establish an institute for online learning.
 585 The institute shall establish a robust offering of high-quality,

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586 fully online baccalaureate degree programs at an affordable cost
587 in accordance with this subsection.

588 (a) By August 1, 2013, the Board of Governors shall
589 convene an advisory board to support the development of high-
590 quality, fully online baccalaureate degree programs at the
591 preeminent university.

592 (b) The advisory board shall:

593 1. Offer expert advice, as requested by the preeminent
594 university, in the development and implementation of a business
595 plan to expand the offering of high-quality, fully online
596 baccalaureate degree programs.

597 2. Authorize the release of funding to the preeminent
598 university upon approval by the Board of Governors of the plan
599 developed by the preeminent university.

600 3. Monitor, evaluate, and report on the implementation of
601 the plan to the Board of Governors, the Governor, the President
602 of the Senate, and the Speaker of the House of Representatives.

603 (c) The advisory board shall be composed of the following
604 five members:

605 1. The chair of the Board of Governors or the chair's
606 permanent designee.

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

609 3. A member with expertise in global marketing, appointed
610 by the Governor.

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

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

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

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

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

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

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

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

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

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

633 6. A budget for developing and marketing the online
634 baccalaureate degree programs.

635 7. Detailed strategies for ensuring the success of
636 students and the sustainability of the online baccalaureate
637 degree programs.

638

639 Upon recommendation of the plan by the advisory board and
640 approval by the Board of Governors, the Board of Governors shall

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641 award the university \$10 million in nonrecurring funds and \$5
642 million in recurring funds for fiscal year 2013-2014 and \$5
643 million annually thereafter, subject to appropriation in the
644 General Appropriations Act.

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

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

648 2. Have the same rigorous admissions criteria as
649 equivalent on-campus degree programs.

650 3. Offer curriculum of equivalent rigor to on-campus
651 degree programs.

652 4. Offer rolling enrollment or multiple opportunities for
653 enrollment throughout the year.

654 5. Do not require any on-campus courses. However, for
655 courses or programs that require clinical training or
656 laboratories that cannot be delivered online, the university
657 shall offer convenient locational options to the student, which
658 may include, but are not limited to, the option to complete such
659 requirements at a summer-in-residence on the university campus.

660 The university may provide a network of sites at convenient
661 locations and contract with commercial testing centers or
662 identify other secure testing services for the purpose of
663 proctoring assessments or testing.

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

666 (h) The university may offer a fully online Masters in
667 Business Administration degree program and other master's degree
668 programs.

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

672 (j) The university shall periodically expand its offering
673 of online baccalaureate degree programs to meet student and
674 market demands.

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

678 1. For students classified as residents for tuition
679 purposes, tuition for an online baccalaureate degree program
680 shall be set at no more than 75 percent of the tuition rate as
681 specified in the General Appropriations Act pursuant to s.
682 1009.24(4) and 75 percent of the tuition differential pursuant
683 to s. 1009.24(16). No distance learning fee, fee for campus
684 facilities, or fee for on-campus services may be assessed,
685 except that online students shall pay the university's
686 technology fee, financial aid fee, and Capital Improvement Trust
687 Fund fee. The revenues generated from the Capital Improvement
688 Trust Fund fee shall be dedicated to the university's institute
689 for online learning.

690 2. For students classified as nonresidents for tuition
691 purposes, tuition may be set at market rates in accordance with
692 the business plan.

693 3. Tuition for an online degree program shall include all
694 costs associated with instruction, materials, and enrollment,
695 excluding costs associated with the provision of textbooks
696 pursuant to s. 1004.085 and physical laboratory supplies.

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697 4. Subject to the limitations in subparagraph 1., tuition
698 may be differentiated by degree program as appropriate to the
699 instructional and other costs of the program in accordance with
700 the business plan. Pricing must incorporate innovative
701 approaches that incentivize persistence and completion,
702 including, but not limited to, a fee for assessment, a bundled
703 or all-inclusive rate, and sliding scale features.

704 5. The university must accept advance payment contracts
705 and student financial aid.

706 6. Fifty percent of the net revenues generated from the
707 online institute of the university shall be used to enhance and
708 enrich the online institute offerings, and 50 percent of the net
709 revenues generated from the online institute shall be used to
710 enhance and enrich the university's campus state-of-the-art
711 research programs and facilities.

712 7. The institute may charge additional local user fees
713 pursuant to s. 1009.24(14) upon the approval of the Board of
714 Governors.

715 8. The institute shall submit a proposal to the president
716 of the university authorizing additional user fees for the
717 provision of voluntary student participation in activities and
718 additional student services.

719 (5) PREEMINENT STATE RESEARCH UNIVERSITY SUPPORT.—The
720 state research university that has attained the highest level on
721 the academic and research excellence standards identified in
722 subsection (2), as verified by the Board of Governors, shall
723 submit to the Board of Governors a 5-year benchmark plan with
724 target rankings on key performance metrics for national

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725 excellence. Upon approval by the Board of Governors, and upon
726 the university's meeting the benchmark plan goals annually, the
727 Board of Governors shall award the university \$15 million
728 annually throughout the 5-year period. Funding for this purpose
729 is contingent upon specific appropriation in the General
730 Appropriations Act.

731 (6) PREEMINENT STATE RESEARCH UNIVERSITY ENHANCEMENT
732 INITIATIVE.—The state research university that has attained the
733 second highest level on the academic and research excellence
734 standards identified in subsection (2), as verified by the Board
735 of Governors, shall submit to the Board of Governors a 5-year
736 benchmark plan with target rankings on key performance metrics
737 for national excellence. Upon the university's meeting the
738 benchmark plan goals annually, the Board of Governors shall
739 award the university \$12.5 million annually throughout the 5-
740 year period for the purpose of recruiting National Academy
741 Members, expediting the provision of a master's degree in cloud
742 virtualization, and instituting an entrepreneurs-in-residence
743 program throughout its campus. Funding for this purpose is
744 contingent upon specific appropriation in the General
745 Appropriations Act.

746 (7) PREEMINENT STATE RESEARCH UNIVERSITY SPECIAL COURSE
747 REQUIREMENT AUTHORITY.—In order to provide a jointly shared
748 educational experience, a university that is designated a
749 preeminent state research university may require its incoming
750 first-time-in-college students to take a 9-to-12-credit set of
751 unique courses specifically determined by the university and
752 published on the university's website. The university may

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753 stipulate that credit for such courses may not be earned through
754 any acceleration mechanism pursuant to s. 1007.27 or s. 1007.271
755 or any other transfer credit. All accelerated credits earned up
756 to the limits specified in ss. 1007.27 and 1007.271 shall be
757 applied toward graduation at the student's request.

758 (8) PREEMINENT STATE RESEARCH UNIVERSITY FLEXIBILITY
759 AUTHORITY.—The Board of Governors is encouraged to identify and
760 grant all reasonable, feasible authority and flexibility to
761 ensure that a designated preeminent state research university is
762 free from unnecessary restrictions.

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

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

772 1002.37 The Florida Virtual School. —

773 (3) Funding for the Florida Virtual School shall be
774 provided as follows:

775 (a)1. For a student in grades 9 through 12, a "full-time
776 equivalent student" is one student who has successfully
777 completed six full-credit courses that count toward the minimum
778 number of credits required for high school graduation. A student
779 who completes fewer than six full-credit courses is a fraction
780 of a full-time equivalent student. Half-credit course

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781 completions shall be included in determining a full-time
782 equivalent student. ~~Credit completed by a student in excess of~~
783 ~~the minimum required for that student for high school graduation~~
784 ~~is not eligible for funding.~~

785 2. For a student in kindergarten through grade 8, a "full-
786 time equivalent student" is one student who has successfully
787 completed six courses or the prescribed level of content that
788 counts toward promotion to the next grade. A student who
789 completes fewer than six courses or the prescribed level of
790 content shall be a fraction of a full-time equivalent student.

791 3. For a student in a home education program, funding
792 shall be provided in accordance with this subsection upon course
793 completion if the parent verifies, upon enrollment for each
794 course, that the student is registered with the school district
795 as a home education student pursuant to s. 1002.41(1)(a).
796 Beginning in the 2016-2017 ~~2014-2015~~ fiscal year, ~~when s.~~
797 ~~1008.22(3)(g) is implemented,~~ the reported full-time equivalent
798 students and associated funding of students enrolled in courses
799 requiring passage of an end-of-course assessment under s.
800 1003.4282 to earn a standard high school diploma shall be
801 adjusted if after the student does not pass ~~completes~~ the end-
802 of-course assessment. However, no adjustment shall be made for
803 home education program students who choose not to take an end-
804 of-course assessment or for a student who enrolls in a segmented
805 remedial course delivered online.

806
807 For purposes of this paragraph, the calculation of "full-time
808 equivalent student" shall be as prescribed in s.

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809 | 1011.61(1)(c)1.b.(V) and is subject to the requirements in s.
810 | 1011.61(4).

811 | (6) The board of trustees shall annually submit to the
812 | Governor, the Legislature, the Commissioner of Education, and
813 | the State Board of Education a complete and detailed report
814 | setting forth:

815 | (a) The operations and accomplishments of the Florida
816 | Virtual School within the state and those occurring outside the
817 | state as Florida Virtual School Global.

818 | (b) The marketing and operational plan for the Florida
819 | Virtual School and Florida Virtual School Global, including
820 | recommendations regarding methods for improving the delivery of
821 | education through the Internet and other distance learning
822 | technology.

823 | (c) The assets and liabilities of the Florida Virtual
824 | School and Florida Virtual School Global at the end of the
825 | fiscal year.

826 | (d) A copy of an annual financial audit of the accounts
827 | and records of the Florida Virtual School and Florida Virtual
828 | School Global, conducted by an independent certified public
829 | accountant and performed in accordance with rules adopted by the
830 | Auditor General.

831 | (e) Recommendations regarding the unit cost of providing
832 | services to students through the Florida Virtual School and
833 | Florida Virtual School Global. In order to most effectively
834 | develop public policy regarding any future funding of the
835 | Florida Virtual School, it is imperative that the cost of the
836 | program is accurately identified. The identified cost of the

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837 program must be based on reliable data.

838 (f) Recommendations regarding an accountability mechanism
839 to assess the effectiveness of the services provided by the
840 Florida Virtual School and Florida Virtual School Global.

841 (8)

842 (b) For students receiving part-time instruction in
843 kindergarten through grade 5 and students receiving full-time
844 instruction in kindergarten through grade 12 from the Florida
845 Virtual School, the full-time equivalent student enrollment
846 calculated under this subsection is subject to the requirements
847 in s. 1011.61(4) combined total of all FTE reported by both the
848 school district and the Florida Virtual School may not exceed
849 1.0 FTE.

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

853 1002.45 Virtual instruction programs.—

854 (1) PROGRAM.—

855 (b) Each school district that is eligible for the sparsity
856 supplement pursuant to s. 1011.62(7)(a) and (b) shall provide
857 all enrolled public school students within its boundaries the
858 option of participating in part-time and full-time virtual
859 instruction programs. Each school district that is not eligible
860 for the sparsity supplement pursuant to s. 1011.62(7)(a) and (b)
861 shall provide at least three options for part-time and full-time
862 virtual instruction. All school districts must provide parents
863 with timely written notification of at least one open enrollment
864 period for full-time students of 90 days or more which ends 30

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865 days before the first day of the school year. The purpose of the
866 program is to make quality virtual instruction available to
867 students using online and distance learning technology in the
868 nontraditional classroom. A school district virtual instruction
869 program shall consist of the following:

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

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

875 ~~2.3.~~ Full-time or part-time virtual instruction for
876 students enrolled in dropout prevention and academic
877 intervention programs under s. 1003.53, Department of Juvenile
878 Justice education programs under s. 1003.52, core-curricula
879 courses delivered in a virtual learning laboratory on a school
880 campus to meet class size requirements under s. 1003.03, or
881 Florida College System institutions under this section.

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

885 1. Contract with the Florida Virtual School or establish a
886 franchise of the Florida Virtual School for the provision of a
887 program under paragraph (b). Using this option is subject to the
888 requirements of this section and s. 1011.61(1)(c)1.b.(III) and
889 (IV) and (4) 1011.61(1)(c)1.b.(III) and (IV).

890 2. Contract with an approved provider under subsection (2)
891 for the provision of a full-time or part-time program under
892 paragraph (b) subparagraph (b)1. or subparagraph (b)3. or a

893 | ~~part-time program under subparagraph (b)2. or subparagraph (b)3.~~

894 | 3. Enter into an agreement with other school districts to
 895 | allow the participation of its students in an approved virtual
 896 | instruction program provided by the other school district. The
 897 | agreement must indicate a process for the transfer of funds
 898 | required by paragraph (7)(f).

899 | 4. Establish school district operated part-time or full-
 900 | time kindergarten through grade 12 virtual instruction programs
 901 | under paragraph (b) for students enrolled in the school
 902 | district. A full-time program shall operate under its own Master
 903 | School Identification Number.

904 | 5. Enter into an agreement with a virtual charter school
 905 | authorized by the school district under s. 1002.33.

906 |
 907 | Contracts under subparagraph 1. or subparagraph 2. may include
 908 | multidistrict contractual arrangements that may be executed by a
 909 | regional consortium for its member districts. A multidistrict
 910 | contractual arrangement or an agreement under subparagraph 3. is
 911 | not subject to s. 1001.42(4)(d) and does not require the
 912 | participating school districts to be contiguous. These
 913 | arrangements may be used to fulfill the requirements of
 914 | paragraph (b).

915 | (d) A virtual charter school may provide full-time virtual
 916 | instruction for students in kindergarten through grade 12 if the
 917 | virtual charter school has a charter approved pursuant to s.
 918 | 1002.33 authorizing full-time virtual instruction. A virtual
 919 | charter school may:

920 | 1. Contract with the Florida Virtual School.

921 2. Contract with an approved provider under subsection
922 (2).

923 3. Enter into an agreement with a school district to allow
924 the participation of the virtual charter school's students in
925 the school district's virtual instruction program. The agreement
926 must indicate a process for reporting of student enrollment and
927 the transfer of funds required by paragraph (7) (f).

928 (2) PROVIDER QUALIFICATIONS.—

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

932 1. Is nonsectarian in its programs, admission policies,
933 employment practices, and operations;

934 2. Complies with the antidiscrimination provisions of s.
935 1000.05;

936 3. ~~Locates an administrative office or offices in this~~
937 ~~state, requires its administrative staff to be state residents,~~
938 Requires all instructional staff to be Florida-certified
939 teachers under chapter 1012~~7~~, and conducts background screenings
940 for all employees or contracted personnel, as required by s.
941 1012.32, using state and national criminal history records;

942 4. Provides to parents and students specific information
943 posted and accessible online that includes, but is not limited
944 to, the following teacher-parent and teacher-student contact
945 information for each course:

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

948 b. How to contact technical support via phone, e-mail, or

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949 online messaging tools.

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

952 d. Any requirement for regular contact with the instructor
953 for the course and clear expectations for meeting the
954 requirement.

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

958 ~~5.4.~~ Possesses prior, successful experience offering
959 online courses to elementary, middle, or high school students as
960 demonstrated by quantified student learning gains in each
961 subject area and grade level provided for consideration as an
962 instructional program option. However, for a provider without
963 sufficient prior, successful experience offering online courses,
964 the department may conditionally approve the provider to offer
965 courses measured pursuant to subparagraph (8) (a)2. Conditional
966 approval shall be valid for 1 school year only and, based on the
967 provider's experience in offering the courses, the department
968 shall determine whether to grant approval to offer a virtual
969 instruction program;

970 ~~6.5.~~ Is accredited by a regional accrediting association as
971 defined by State Board of Education rule;

972 ~~7.6.~~ Ensures instructional and curricular quality through a
973 detailed curriculum and student performance accountability plan
974 that addresses every subject and grade level it intends to
975 provide through contract with the school district, including:

976 a. Courses and programs that meet the standards of the

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977 International Association for K-12 Online Learning and the
978 Southern Regional Education Board.

979 b. Instructional content and services that align with, and
980 measure student attainment of, student proficiency in the Next
981 Generation Sunshine State Standards.

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

985 ~~8.7.~~ Publishes for the general public, in accordance with
986 disclosure requirements adopted in rule by the State Board of
987 Education, as part of its application as a provider and in all
988 contracts negotiated pursuant to this section:

989 a. Information and data about the curriculum of each full-
990 time and part-time program.

991 b. School policies and procedures.

992 c. Certification status and physical location of all
993 administrative and instructional personnel.

994 d. Hours and times of availability of instructional
995 personnel.

996 e. Student-teacher ratios.

997 f. Student completion and promotion rates.

998 g. Student, educator, and school performance
999 accountability outcomes;

1000 ~~9.8.~~ If the provider is a Florida College System
1001 institution, employs instructors who meet the certification
1002 requirements for instructional staff under chapter 1012; and

1003 ~~10.9.~~ Performs an annual financial audit of its accounts
1004 and records conducted by an independent certified public

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1005 accountant which is in accordance with rules adopted by the
 1006 Auditor General, is conducted in compliance with generally
 1007 accepted auditing standards, and includes a report on financial
 1008 statements presented in accordance with generally accepted
 1009 accounting principles.

1010 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL
 1011 FUNDING.—

1012 (a) Students enrolled in a virtual instruction program or
 1013 a virtual charter school shall be funded through the Florida
 1014 Education Finance Program as provided in the General
 1015 Appropriations Act. However, such funds may not be provided for
 1016 the purpose of fulfilling the class size requirements in ss.
 1017 1003.03 and 1011.685.

1018 (b) For purposes of a virtual instruction program or a
 1019 virtual charter school, "full-time equivalent student" has the
 1020 same meaning as provided in s. 1011.61(1)(c)1.b.(III) or (IV).

1021 (c) For a student enrolled in a kindergarten through grade
 1022 12 virtual instruction program, a "full-time equivalent student"
 1023 has the same meaning as provided in s. 1011.61(1)(c)1.b.(III)
 1024 and (IV).

1025 (d) The full-time equivalent student enrollment calculated
 1026 under this subsection is subject to the requirements in s.
 1027 1011.61(4). ~~A student may not be reported as more than 1.0 full-~~
 1028 ~~time equivalent student in any given school year.~~

1029 (e) Beginning in the 2016-2017 ~~2014-2015~~ fiscal year, ~~when~~
 1030 ~~s. 1008.22(3)(g) is implemented,~~ the reported full-time
 1031 equivalent students and associated funding of students enrolled
 1032 in courses requiring passage of an end-of-course assessment

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1033 | under s. 1003.4282 to earn a standard high school diploma shall
1034 | be adjusted if after the student does not pass ~~completes~~ the
1035 | end-of-course assessment. However, no adjustment shall be made
1036 | for a student who enrolls in a segmented remedial course
1037 | delivered online.

1038 | (f) The school district providing virtual instruction
1039 | shall report full-time equivalent students for a virtual
1040 | instruction program or a virtual charter school, including
1041 | credits completed during the summer, to the department in a
1042 | manner prescribed by the department, and funding shall be
1043 | provided through the Florida Education Finance Program.

1044 | (g) A Florida College System institution provider may not
1045 | report students who are served in a virtual instruction program
1046 | for funding under the Florida College System Program Fund.

1047 | Section 13. Section 1003.498, Florida Statutes, is amended
1048 | to read:

1049 | 1003.498 School district virtual course offerings.—

1050 | (1) School districts may deliver courses in the
1051 | traditional school setting by personnel certified pursuant to s.
1052 | 1012.55 who provide direct instruction through virtual
1053 | instruction or through blended learning courses consisting of
1054 | both traditional classroom and online instructional techniques.
1055 | Students in a blended learning course must be full-time students
1056 | of the school and receive the online instruction in a classroom
1057 | setting at the school. The funding, performance, and
1058 | accountability requirements for blended learning courses are the
1059 | same as those for traditional courses. To facilitate the
1060 | delivery and coding of blended learning courses, the department

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1061 shall provide identifiers for existing courses to designate that
1062 they are being used for blended learning courses for the purpose
1063 of ensuring the efficient reporting of such courses.

1064 (2) School districts may offer virtual courses for
1065 students enrolled in the school district. These courses must be
1066 identified in the course code directory. Students who meet the
1067 eligibility requirements of s. 1002.455 may participate in these
1068 virtual course offerings.

1069 (a) Any eligible student who is enrolled in a school
1070 district may register and enroll in an online course offered by
1071 his or her school district.

1072 (b)1. Any eligible student who is enrolled in a school
1073 district may register and enroll in an online course offered by
1074 any other school district in the state, ~~except as limited by the~~
1075 ~~following:~~

1076 ~~1. A student may not enroll in a course offered through a~~
1077 ~~virtual instruction program provided pursuant to s. 1002.45.~~

1078 ~~2. A student may not enroll in a virtual course offered by~~
1079 ~~another school district if:~~

1080 ~~a. The course is offered online by the school district in~~
1081 ~~which the student resides; or~~

1082 ~~b. The course is offered in the school in which the~~
1083 ~~student is enrolled. However, a student may enroll in an online~~
1084 ~~course offered by another school district if the school in which~~
1085 ~~the student is enrolled offers the course but the student is~~
1086 ~~unable to schedule the course in his or her school.~~

1087 ~~3.~~ The school district in which the student completes the
1088 course shall report the student's completion of that course for

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1089 funding pursuant to s. 1011.61(1)(c)1.b.(VI), and the home
1090 school district shall not report the student for funding for
1091 that course.

1092 2. The full-time equivalent student enrollment calculated
1093 under this subsection is subject to the requirements in s.
1094 1011.61(4). ~~For purposes of this paragraph, the combined total~~
1095 ~~of all school district reported FTE may not be reported as more~~
1096 ~~than 1.0 full-time equivalent student in any given school year.~~
1097 The Department of Education shall establish procedures to enable
1098 interdistrict coordination for the delivery and funding of this
1099 online option.

1100 (3) A school district may not require a public school
1101 student to take a course outside the school day that is in
1102 addition to the student's courses for a given term or on school
1103 grounds.

1104 Section 14. Subsection (4) of section 1006.29, Florida
1105 Statutes, is renumbered as subsection (5), and a new subsection
1106 (4) is added to that section to read:

1107 1006.29 State instructional materials reviewers.—

1108 (4) By October 1, 2013, the department shall publish
1109 minimum and recommended technology requirements that include
1110 specifications for hardware, software, networking, security, and
1111 guidelines on the number of students per device necessary to
1112 ensure that students can access all electronic and digital
1113 instructional materials.

1114 Section 15. Paragraphs (b), (c), and (d) of subsection
1115 (1), subsection (2), paragraphs (b) and (c) of subsection (5),
1116 and subsection (6) of section 1006.73, Florida Statutes, are

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1117 amended, and paragraph (i) is added to subsection (5) of that
1118 section, to read:

1119 1006.73 Florida Virtual Campus.—

1120 (1) The Florida Virtual Campus is established to provide
1121 access to online student and library support services and to
1122 serve as a statewide resource and clearinghouse for public
1123 postsecondary education distance learning courses and degree
1124 programs. The primary purposes of the Florida Virtual Campus are
1125 to:

1126 (b) Provide information and ~~Enhance and expand educational~~
1127 access to distance learning courses and degree programs offered
1128 by the state's and increase public postsecondary education
1129 institutions degree attainment across the state.

1130 (c) Coordinate with the Florida College System and the
1131 State University System to identify and provide online academic
1132 support services and resources when the multi-institutional
1133 provision of such services and resources is more cost or
1134 operationally effective. ~~Address the educational needs of~~
1135 ~~traditional students, place-bound students, time-bound students,~~
1136 ~~and adult learners.~~

1137 ~~(d) Increase workforce skills and expand professional~~
1138 ~~development opportunities.~~

1139 (2) The chancellors of the Florida College System and the
1140 State University System shall exercise joint oversight of the
1141 Florida Virtual Campus and shall establish its governance and
1142 reporting structure, administrative and operational guidelines
1143 and processes, staffing requirements, and operational budget.
1144 Effective January 31, 2014, all data center services needed by

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1145 the Florida Virtual Campus shall be provided by the Northwest
1146 Regional Data Center ~~a primary data center~~ established pursuant
1147 to ~~s. ss. 282.201 and~~ 1004.649. The chancellors may delegate the
1148 authority and responsibility granted in this subsection.

1149 (a) In carrying out the purposes of this section:

1150 1. The campus is not an "agency" as defined in s.
1151 20.03(11) and is not subject to chapter 287.

1152 2. The campus shall be deemed to be acting as an
1153 instrumentality of the state for purposes of sovereign immunity
1154 pursuant to s. 768.28(2).

1155 3. All records of the campus are public records unless
1156 made confidential or exempt from law.

1157 (b) The campus shall maintain an unencumbered balance of
1158 not less than 5 percent of its approved operating budget.

1159 (c) The campus may secure comprehensive general liability
1160 coverage, professional liability coverage, property and casualty
1161 coverage, and any other insurance coverage deemed appropriate by
1162 the chancellors.

1163 (d) The campus may contract for administrative services
1164 with a public postsecondary education institution. The
1165 administrative overhead costs charged by the institution may not
1166 exceed the actual cost of providing the services and shall
1167 require a specific appropriation in the General Appropriations
1168 Act.

1169 (5) The Florida Virtual Campus shall:

1170 (b) Develop and manage a statewide Internet-based catalog
1171 of distance learning courses, degree programs, and resources
1172 offered by public postsecondary education institutions which is

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1173 intended to assist in the coordination and collaboration of
1174 articulation and access pursuant to parts II and III of chapter
1175 1007. The campus shall establish operational guidelines and
1176 procedures for the catalog which must:

1177 1. Require participating institutions to provide
1178 information concerning the distance learning course or degree
1179 program to include course number and classification of
1180 instructional programs number and information on the
1181 availability of the course or degree program; the type of
1182 required technology; any prerequisite course or technology
1183 competency or skill; the availability of academic support
1184 services and financial aid resources; and course costs, fees,
1185 and payment policies.

1186 2. Require that distance learning courses and degree
1187 programs meet applicable accreditation standards and criteria.

1188 3. Require that, at a minimum, the catalog is reviewed at
1189 the start of each academic semester to ensure that distance
1190 learning courses and degree programs comply with all operational
1191 guidelines and procedures.

1192 4. Define and describe the catalog's search and retrieval
1193 options that, at a minimum, will allow users to search by
1194 academic term or course start date; institution, multiple
1195 institutions, or all institutions; and course or program
1196 delivery method, course type, course availability, subject or
1197 discipline, and course number or classification of instructional
1198 programs number.

1199 ~~5.4.~~ Use an Internet-based analytic tool that allows for
1200 the collection and analysis of data, including, but not limited

1201 to:

1202 a. The number and type of students who use the catalog to

1203 search for distance learning courses and degree programs.

1204 b. The number and type of requests for information on

1205 distance learning courses and degree programs that are not

1206 listed in the catalog.

1207 c. A summary of specific requests by course type or course

1208 number, delivery method, offering institution, and semester.

1209 ~~6.5.~~ Periodically obtain and analyze data from the Florida

1210 College System and the State University System concerning:

1211 a. Costs of distance learning courses and degree programs.

1212 b. Completion, graduation, and retention rates of students

1213 enrolled in distance learning course and degree programs.

1214 c. Distance learning course completion.

1215 (c) Implement a streamlined, automated, online admissions

1216 application process for undergraduate transient students who are

1217 currently enrolled and pursuing a degree at a public

1218 postsecondary education institution and who enroll in a course

1219 offered by a public postsecondary education institution that is

1220 not the student's degree-granting institution. The Florida

1221 Virtual Campus shall work with the Florida College System and

1222 the State University System to implement this process which

1223 requires all Florida College System institutions and state

1224 universities to:

1225 1. Use the transient student admissions application

1226 available through the statewide computer-assisted student

1227 advising system established pursuant to paragraph (d). This

1228 admissions application is the only application required for the

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1229 enrollment of a transient student as described in this
1230 paragraph.

1231 2. Implement the financial aid procedures required by the
1232 transient student admissions application process.

1233 3. Transfer credit awarded by the institutions offering
1234 the course to the transient student's degree-granting
1235 institution.

1236 4. ~~By December 1, 2012,~~ Provide for an interface between
1237 the institutional advising system and the statewide computer-
1238 assisted student advising system established pursuant to
1239 paragraph (d) in order to electronically send, receive, and
1240 process the transient student admissions application.

1241 (i) In consultation with the public postsecondary
1242 education institutions, develop and implement a plan that
1243 describes the services and resources available at the Florida
1244 Virtual Campus to encourage current and prospective students'
1245 use of such services and resources.

1246 (6) Beginning September 30, 2013, and annually thereafter,
1247 the chancellors of the Florida College System and the State
1248 University System shall jointly publish a report regarding the
1249 activities of the Florida Virtual Campus in the prior fiscal
1250 year. The report shall include, but not be limited to,
1251 information related to the provision of library services and
1252 electronic resources, to include those resources licensed
1253 pursuant to s. 1006.72; distance learning resources; the
1254 computer-assisted student advising system; the transient student
1255 online admissions process; and other provided programs,
1256 activities, and services.

1257 Section 16. Section 1006.735, Florida Statutes, is
 1258 amended to read:

1259 1006.735 Complete Florida Degree Program Completion ~~Pilot~~
 1260 ~~Project.~~—

1261 (1) The Complete Florida Degree Program Completion ~~Pilot~~
 1262 ~~Project~~ is established for the purpose of recruiting,
 1263 recovering, and retaining the state's adult learners and
 1264 assisting them in completing an associate degree or a
 1265 baccalaureate degree that is aligned to high-wage, high-skill
 1266 workforce needs. As used in this section, the term "adult
 1267 learner" means a student who has successfully completed college-
 1268 level coursework in multiple semesters but has left an
 1269 institution in good standing before completing his or her
 1270 degree. The program ~~pilot project~~ shall give priority to adult
 1271 learners who are veterans or active duty members of the United
 1272 States Armed Forces.

1273 (2) The Complete Florida Degree Program ~~pilot project~~
 1274 shall be implemented by the University of West Florida, acting
 1275 as the lead institution, in coordination with Florida College
 1276 System institutions, state universities, and private
 1277 postsecondary institutions, as appropriate. ~~The program; the~~
 1278 ~~University of South Florida; Florida State College at~~
 1279 ~~Jacksonville; and St. Petersburg College~~ and shall include the
 1280 associate, applied baccalaureate, and baccalaureate degree
 1281 programs that these institutions have selected. Other partnering
 1282 public postsecondary education institutions shall provide areas
 1283 of specialization or concentration.

1284 (3) For purposes of selecting the degree programs that

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1285 will be given priority in the Complete Florida Degree Program
1286 ~~pilot project~~, the institutions identified in subsection (2)
1287 shall partner with public and private job recruitment and
1288 placement agencies and use labor market data and projections,
1289 including those identified in the Board of Governors' Commission
1290 on Higher Education Access and Educational Attainment gap
1291 analysis, to identify the specific workforce needs and targeted
1292 occupations of the state.

1293 (4) The Complete Florida Degree Program ~~pilot project~~
1294 shall provide adult learners with a single point of access to
1295 information and links to innovative online and accelerated
1296 distance learning courses, student and library support services,
1297 and electronic resources that will guide the adult learner
1298 toward the successful completion of a postsecondary degree.

1299 (5) By the end of ~~Beginning with~~ the 2013-2014 ~~2012-2013~~
1300 academic year, the Complete Florida Degree Program ~~pilot project~~
1301 shall be implemented and must:

1302 (a) Use the distance learning course catalog established
1303 pursuant to s. 1006.73 to communicate course availability to the
1304 adult learner.

1305 (b) Develop and implement an advising and student support
1306 system that includes the use of degree completion specialists,
1307 is based upon best practices and processes, and includes
1308 academic and career support services designed specifically for
1309 the adult learner. The program must identify proposed changes to
1310 the statewide computer-assisted student advising system
1311 established pursuant to s. 1006.73 to assist the adult learner
1312 in using the system.

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1313 (c) Use the streamlined, automated, online admissions
1314 application process for transient students established pursuant
1315 to s. 1006.73. The program ~~pilot-project~~ shall identify any
1316 additional admissions and registration policies and practices
1317 that could be further streamlined and automated for purposes of
1318 assisting the adult learner.

1319 (d) Use existing and, if necessary, develop new
1320 competency-based instructional and evaluation tools to assess
1321 prior performance, experience, and education for the award of
1322 college credit in order to reduce the time required for adult
1323 learners to complete their degrees. The tools may include the
1324 use of the American Council on Education's collaborative link
1325 between the United States Department of Defense and higher
1326 education through the review of military training and
1327 experiences for the award of equivalent college credit for
1328 members of the United States Armed Forces.

1329 (e) Develop and implement an evaluation process that
1330 collects, analyzes, and provides to the chancellors of the
1331 Florida College System and the State University System, the
1332 participating postsecondary education institutions, the chairs
1333 of the legislative appropriations committees, and the Executive
1334 Office of the Governor information on the effectiveness of the
1335 program ~~pilot-project~~ and the attainment of its goals. Such a
1336 process shall include a management information system that
1337 collects the appropriate student, programmatic, and fiscal data
1338 necessary to complete the evaluation of the program ~~pilot~~
1339 ~~project~~. Institutions involved in the program ~~pilot-project~~
1340 shall also collect job placement and employment data on the

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1341 adult learners who have completed their degrees as a result of
1342 the program ~~pilot project~~.

1343 (f) Develop and implement a statewide student recruitment
1344 ~~marketing~~ campaign targeted toward ~~recruiting~~ adult learners,
1345 particularly veterans and active duty members of the United
1346 States Armed Forces, for enrollment in the degree programs
1347 offered through the program ~~pilot project~~.

1348 (6) For purposes of the Complete Florida Degree Program
1349 ~~pilot project~~, each institution's current tuition and fee
1350 structure shall be used. However, all participating institutions
1351 shall collaboratively identify the applicable cost components
1352 involved in the development and delivery of distance learning
1353 courses, collect information on these cost components, and
1354 submit the information to the ~~Florida Virtual Campus~~. The
1355 chancellors of the Florida College System and the State
1356 University System. The chancellors shall submit a report to the
1357 chairs of the legislative appropriations committees no later
1358 than December 31, 2014 ~~2013~~, on the need for a differentiated
1359 tuition and fee structure for the development and delivery of
1360 distance learning courses.

1361 (7) The University of West Florida, in collaboration with
1362 its partners ~~the University of South Florida, Florida State~~
1363 ~~College at Jacksonville, and St. Petersburg College~~, shall
1364 submit to the chairs of the Board of Governors, the State Board
1365 of Education, and the legislative appropriations committees no
1366 later than September 1, 2013 ~~June 1, 2012~~, a detailed program
1367 ~~project~~ plan that defines the major work activities, student
1368 eligibility criteria, timeline, and cost for implementing the

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1369 Complete Florida Degree Program ~~pilot project.~~

1370 ~~(8) The University of West Florida, in collaboration with~~
1371 ~~the University of South Florida, Florida State College at~~
1372 ~~Jacksonville, and St. Petersburg College, shall develop and~~
1373 ~~implement a transition plan that transfers the administration of~~
1374 ~~the pilot project to the Florida Virtual Campus no later than~~
1375 ~~June 30, 2013.~~

1376 Section 17. Subsections (2) and (4) and paragraph (n) of
1377 subsection (21) of section 1007.271, Florida Statutes, are
1378 amended to read:

1379 1007.271 Dual enrollment programs.—

1380 (2) For the purpose of this section, an eligible secondary
1381 student is a student who is enrolled in a Florida public
1382 secondary school or in a Florida private secondary school which
1383 is in compliance with s. 1002.42(2) and provides a secondary
1384 curriculum pursuant to s. 1003.428, s. 1003.429, or s. 1003.43.
1385 Students who are eligible for dual enrollment pursuant to this
1386 section may enroll in dual enrollment courses conducted during
1387 school hours, after school hours, and during the summer term.
1388 However, if the student is projected to graduate from high
1389 school before the scheduled completion date of a postsecondary
1390 course, the student may not register for that course through
1391 dual enrollment. The student may apply to the postsecondary
1392 institution and pay the required registration, tuition, and fees
1393 if the student meets the postsecondary institution's admissions
1394 requirements under s. 1007.263. Instructional time for dual
1395 enrollment may vary from 900 hours; however, the full-time
1396 equivalent student membership value shall be subject to the

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1397 provisions in school district may only report the student for a
1398 ~~maximum of 1.0 FTE, as provided in s. 1011.61(4).~~ Any student
1399 enrolled as a dual enrollment student is exempt from the payment
1400 of registration, tuition, and laboratory fees. Vocational-
1401 preparatory instruction, college-preparatory instruction, and
1402 other forms of precollegiate instruction, as well as physical
1403 education courses that focus on the physical execution of a
1404 skill rather than the intellectual attributes of the activity,
1405 are ineligible for inclusion in the dual enrollment program.
1406 Recreation and leisure studies courses shall be evaluated
1407 individually in the same manner as physical education courses
1408 for potential inclusion in the program.

1409 (4) District school boards may not refuse to enter into a
1410 dual enrollment articulation agreement with a local Florida
1411 College System institution if that Florida College System
1412 institution has the capacity to offer dual enrollment courses. ~~A~~
1413 ~~Florida College System institution may limit dual enrollment~~
1414 ~~participation based upon capacity. Such limitation must be~~
1415 ~~clearly specified in the dual enrollment articulation agreement.~~

1416 (21) Each district school superintendent and Florida
1417 College System institution president shall develop a
1418 comprehensive dual enrollment articulation agreement for the
1419 respective school district and Florida College System
1420 institution. The superintendent and president shall establish an
1421 articulation committee for the purpose of developing the
1422 agreement. Each state university president may designate a
1423 university representative to participate in the development of a
1424 dual enrollment articulation agreement. A dual enrollment

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1425 articulation agreement shall be completed and submitted annually
1426 by the Florida College System institution to the Department of
1427 Education on or before August 1. The agreement must include, but
1428 is not limited to:

1429 (n) A funding provision that delineates costs incurred by
1430 each entity. School districts shall pay the standard tuition
1431 rate per credit hour from funds provided in the Florida
1432 Education Finance Program to the institution providing
1433 instruction when such instruction takes place on the
1434 postsecondary campus ~~should share funding~~ to cover instructional
1435 and support costs incurred by the postsecondary institution.
1436 When dual enrollment is provided on the high school site by
1437 postsecondary institution faculty, the school district shall
1438 reimburse the costs associated with the proportion of salary and
1439 benefits and other actual costs of the postsecondary institution
1440 to provide the instruction. When dual enrollment is provided on
1441 the high school site by school district faculty, the school
1442 district shall be responsible only for the postsecondary
1443 institution's actual costs associated with offering the program.
1444 A postsecondary institution may enter into an agreement with the
1445 school district to authorize teachers who teach dual enrollment
1446 courses at the high school site or the postsecondary
1447 institution. A school district may not deny a student access to
1448 dual enrollment unless the student is ineligible to participate
1449 in the program subject to provisions specifically outlined in
1450 this section.

1451 Section 18. Section 1008.322, Florida Statutes, is created
1452 to read:

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1453 1008.322 Board of Governors oversight authority.—

1454 (1) The Board of Governors of the State University System
1455 shall oversee the performance of state university boards of
1456 trustees in the enforcement of laws, rules, and regulations.
1457 State university boards of trustees shall be primarily
1458 responsible for compliance with laws and board rules and
1459 regulations.

1460 (2) The Board of Governors' constitutional authority to
1461 operate, regulate, control, and be fully responsible for the
1462 management of the whole university system mandates that the
1463 state universities comply with all requests by the board for
1464 information, data, and reports. The state university presidents
1465 are responsible for the accuracy of the information and data
1466 reported to the board.

1467 (3) The Chancellor of the State University System may
1468 investigate allegations of noncompliance with law or board rule
1469 or regulation and determine probable cause. The chancellor shall
1470 report determinations of probable cause to the board, which
1471 shall require the university board of trustees to document
1472 compliance with law or board rule or regulation.

1473 (4) If the university board of trustees cannot
1474 satisfactorily document compliance, the board may order
1475 compliance within a specified timeframe.

1476 (5) If the board determines that a university board of
1477 trustees is unwilling or unable to comply with law or board rule
1478 or regulation within the specified time, the board, in addition
1479 to actions constitutionally authorized, has the authority to
1480 initiate any of the following actions:

1481 (a) Report to the Legislature that the university has been
 1482 unwilling or unable to comply with law or board rule or
 1483 regulation and recommend action to be taken by the Legislature.

1484 (b) Withhold the transfer of state funds, discretionary
 1485 grant funds, or any other funds specified as eligible for this
 1486 purpose by the Legislature until the university complies with
 1487 the law or board rule or regulation.

1488 (c) Declare the university ineligible for competitive
 1489 grants.

1490 (6) Nothing in this section shall be construed to create a
 1491 private cause of action or create any rights for individuals or
 1492 entities in addition to those provided elsewhere in law, rule,
 1493 or regulation.

1494 Section 19. Paragraph (e) of subsection (4), subsection
 1495 (7), paragraph (c) of subsection (8), and subsection (13) of
 1496 section 1009.24, Florida Statutes, are amended to read:

1497 1009.24 State university student fees.—

1498 (4)

1499 (e) The sum of the activity and service, health, and
 1500 athletic fees a student is required to pay to register for a
 1501 course shall not exceed 40 percent of the sum of tuition and the
 1502 tuition differential established in law or in the General
 1503 Appropriations Act. No university shall be required to lower any
 1504 fee in effect on the effective date of this act in order to
 1505 comply with this subsection. Within the 40 percent cap,
 1506 universities may not increase the aggregate sum of activity and
 1507 service, health, and athletic fees more than 5 percent per year,
 1508 or the same percentage increase in tuition authorized under

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1509 paragraph (b), whichever is greater, unless specifically
1510 authorized in law or in the General Appropriations Act. A
1511 university may increase its athletic fee to defray the costs
1512 associated with changing National Collegiate Athletic
1513 Association divisions. Any such increase in the athletic fee may
1514 exceed both the 40 percent cap and the 5 percent cap imposed by
1515 this subsection. Any such increase must be approved by the
1516 athletic fee committee in the process outlined in subsection
1517 (12) and cannot exceed \$2 per credit hour. Notwithstanding the
1518 provisions of ss. 1009.534, 1009.535, and 1009.536, that portion
1519 of any increase in an athletic fee pursuant to this subsection
1520 that causes the sum of the activity and service, health, and
1521 athletic fees to exceed the 40 percent cap or the annual
1522 increase in such fees to exceed the 5 percent cap shall not be
1523 included in calculating the amount a student receives for a
1524 Florida Academic Scholars award, a Florida Medallion Scholars
1525 award, or a Florida Gold Seal Vocational Scholars award.
1526 Notwithstanding this paragraph and subject to approval by the
1527 board of trustees, each state university is authorized to exceed
1528 the 5-percent cap on the annual increase to the aggregate sum of
1529 activity and service, health, and athletic fees for the 2010-
1530 2011 fiscal year. Any such increase shall not exceed 15 percent
1531 or the amount required to reach the 2009-2010 fiscal year
1532 statewide average for the aggregate sum of activity and service,
1533 health, and athletic fees at the main campuses, whichever is
1534 greater. The aggregate sum of the activity and service, health,
1535 and athletic fees shall not exceed 40 percent of tuition. Any
1536 increase in the activity and service fee, health fee, or

1537 athletic fee must be approved by the appropriate fee committee
 1538 pursuant to subsection (10), subsection (11), or subsection
 1539 (12).

1540 (7) A university board of trustees is authorized to
 1541 collect for financial aid purposes an amount not to exceed 5
 1542 percent of the sum of tuition, the tuition differential, and
 1543 out-of-state fees ~~fee~~. The revenues from fees are to remain at
 1544 each campus and replace existing financial aid fees. Such funds
 1545 shall be disbursed to students as quickly as possible. A minimum
 1546 of 75 percent of funds from the student financial aid fee shall
 1547 be used to provide financial aid based on absolute need. The
 1548 Board of Governors shall develop criteria for making financial
 1549 aid awards. Each university shall report annually to the Board
 1550 of Governors and the Department of Education on the revenue
 1551 collected pursuant to this subsection, the amount carried
 1552 forward, the criteria used to make awards, the amount and number
 1553 of awards for each criterion, and a delineation of the
 1554 distribution of such awards. The report shall include an
 1555 assessment by category of the financial need of every student
 1556 who receives an award, regardless of the purpose for which the
 1557 award is received. Awards which are based on financial need
 1558 shall be distributed in accordance with a nationally recognized
 1559 system of need analysis approved by the Board of Governors. An
 1560 award for academic merit shall require a minimum overall grade
 1561 point average of 3.0 on a 4.0 scale or the equivalent for both
 1562 initial receipt of the award and renewal of the award.

1563 (8)

1564 (c) The fee may not exceed 20 ~~10~~ percent of the sum of

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1565 | tuition and the tuition differential for resident students or 20
1566 | ~~10~~ percent of the sum of tuition, the tuition differential, and
1567 | out-of-state fees for nonresident students. The fee for resident
1568 | students shall be limited to an increase of \$3 ~~\$2~~ per credit
1569 | hour over the prior year. The Capital Improvement Trust Fund fee
1570 | may be used to fund any project or real property acquisition
1571 | that meets the requirements of chapter 1013. The Division of
1572 | Bond Finance of the State Board of Administration shall analyze
1573 | any proposed reductions to the Capital Improvement Trust Fund
1574 | fee to ensure consistency with prudent financial management of
1575 | the bond program associated with the revenues from the fee. The
1576 | Board of Governors shall approve any proposed fee reductions
1577 | provided that no such reduction reduces the fee below the level
1578 | established in paragraph (a).

1579 | (13) Each university board of trustees may establish a
1580 | technology fee of up to 5 percent of the sum of tuition and the
1581 | tuition differential per credit hour. The revenue from this fee
1582 | shall be used to enhance instructional technology resources for
1583 | students and faculty. The technology fee may not be included in
1584 | any award under the Florida Bright Futures Scholarship Program
1585 | established pursuant to ss. 1009.53-1009.538.

1586 | Section 20. Paragraph (a) of subsection (1) of section
1587 | 1009.40, Florida Statutes, is amended to read:

1588 | 1009.40 General requirements for student eligibility for
1589 | state financial aid awards and tuition assistance grants.—

1590 | (1) (a) The general requirements for eligibility of
1591 | students for state financial aid awards and tuition assistance
1592 | grants consist of the following:

1593 1. Achievement of the academic requirements of and
 1594 acceptance at a state university or Florida College System
 1595 institution; a nursing diploma school approved by the Florida
 1596 Board of Nursing; a Florida college or university which is
 1597 accredited by an accrediting agency recognized by the State
 1598 Board of Education; any Florida institution the credits of which
 1599 are acceptable for transfer to state universities; any career
 1600 center; or any private career institution accredited by an
 1601 accrediting agency recognized by the State Board of Education.

1602 2. Residency in this state for no less than 1 year
 1603 preceding the award of aid or a tuition assistance grant for a
 1604 program established pursuant to s. 1009.50, s. 1009.505, s.
 1605 1009.51, s. 1009.52, s. 1009.53, s. 1009.56, s. 1009.60, s.
 1606 1009.62, s. 1009.68, s. 1009.72, s. 1009.73, s. 1009.77, or s.
 1607 1009.89, ~~or s. 1009.891~~. Residency in this state must be for
 1608 purposes other than to obtain an education. Resident status for
 1609 purposes of receiving state financial aid awards shall be
 1610 determined in the same manner as resident status for tuition
 1611 purposes pursuant to s. 1009.21.

1612 3. Submission of certification attesting to the accuracy,
 1613 completeness, and correctness of information provided to
 1614 demonstrate a student's eligibility to receive state financial
 1615 aid awards or tuition assistance grants. Falsification of such
 1616 information shall result in the denial of any pending
 1617 application and revocation of any award or grant currently held
 1618 to the extent that no further payments shall be made.
 1619 Additionally, students who knowingly make false statements in
 1620 order to receive state financial aid awards or tuition

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1621 assistance grants commit a misdemeanor of the second degree
1622 subject to the provisions of s. 837.06 and shall be required to
1623 return all state financial aid awards or tuition assistance
1624 grants wrongfully obtained.

1625 Section 21. Subsections (1), (3), and (4) of section
1626 1009.89, Florida Statutes, are amended to read:

1627 1009.89 The William L. Boyd, IV, Florida resident access
1628 grants.—

1629 (1) The Legislature finds and declares that independent
1630 private ~~nonprofit~~ colleges and universities eligible to
1631 participate in the William L. Boyd, IV, Florida Resident Access
1632 Grant Program are an integral part of the higher education
1633 system in this state and that a significant number of state
1634 residents choose this form of higher education. The Legislature
1635 further finds that a strong and viable system of independent
1636 private ~~nonprofit~~ colleges and universities reduces the tax
1637 burden on the citizens of the state. Because the William L.
1638 Boyd, IV, Florida Resident Access Grant Program is not related
1639 to a student's financial need or other criteria upon which
1640 financial aid programs are based, it is the intent of the
1641 Legislature that the William L. Boyd, IV, Florida Resident
1642 Access Grant Program not be considered a financial aid program
1643 but rather a tuition assistance program for Florida residents
1644 ~~its citizens~~.

1645 (3) The department shall issue through the program a
1646 William L. Boyd, IV, Florida resident access grant to any full-
1647 time degree-seeking undergraduate student who is:

1648 (a) Registered at an independent nonprofit or for-profit

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1649 college or university which is located in and chartered by the
 1650 state; which is accredited by the Commission on Colleges of the
 1651 Southern Association of Colleges and Schools; which grants
 1652 baccalaureate degrees; which is not a state university or
 1653 Florida College System institution; and which has a secular
 1654 purpose, so long as the receipt of state aid by students at the
 1655 institution would not have the primary effect of advancing or
 1656 impeding religion or result in an excessive entanglement between
 1657 the state and any religious sect. Any independent college or
 1658 university that was eligible to receive tuition vouchers on
 1659 January 1, 1989, and which continues to meet the criteria under
 1660 which its eligibility was established, shall remain eligible to
 1661 receive William L. Boyd, IV, Florida resident access grant
 1662 payments; or

1663 (b) Registered at an independent nonprofit college or
 1664 university that is chartered outside the state, has been located
 1665 in the state for 10 years or more, and is accredited by the
 1666 Commission on Colleges of the Southern Association of Colleges
 1667 and Schools, the Middle States Association of Colleges and
 1668 Schools, the North Central Association of Colleges and Schools,
 1669 or the New England Association of Colleges and Schools; that
 1670 grants baccalaureate degrees; that is not a state university or
 1671 Florida College System institution; and that has a secular
 1672 purpose if the receipt of state aid by students at the
 1673 institution would not have the primary effect of advancing or
 1674 impeding religion or result in an excessive entanglement between
 1675 the state and any religious sect.

1676 (4) A person is eligible to receive such William L. Boyd,

1677 IV, Florida resident access grant if:

1678 (a) He or she meets the general requirements, including
 1679 residency, for student eligibility as provided in s. 1009.40,
 1680 except as otherwise provided in this section; and

1681 (b)1. He or she is enrolled as a full-time undergraduate
 1682 student seeking a baccalaureate or associate degree at an
 1683 eligible private college or university;

1684 2. He or she is not enrolled in a program of study leading
 1685 to a degree in theology or divinity; and

1686 3. He or she is making satisfactory academic progress as
 1687 defined by the college or university in which he or she is
 1688 enrolled. ~~;~~ ~~and~~

1689 ~~(c) He or she submits a Free Application for Federal~~
 1690 ~~Student Aid which is complete and error free prior to~~
 1691 ~~disbursement.~~

1692 Section 22. Section 1009.891, Florida Statutes, is
 1693 repealed.

1694 Section 23. Paragraph (c) of subsection (2) of section
 1695 1009.94, Florida Statutes, is amended to read:

1696 1009.94 Student financial assistance database.—

1697 (2) For purposes of this section, financial assistance
 1698 includes:

1699 (c) Any financial assistance provided under s. 1009.50, s.
 1700 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.55, s.
 1701 1009.56, s. 1009.60, s. 1009.62, s. 1009.68, s. 1009.70, s.
 1702 1009.701, s. 1009.72, s. 1009.73, s. 1009.74, s. 1009.77, or s.
 1703 1009.89, ~~or s. 1009.891.~~

1704 Section 24. Section 1010.79, Florida Statutes, is

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1705 repealed.

1706 Section 25. (1) The Sophomore Level Test Trust Fund, FLAIR
 1707 number 48-2-646, within the Department of Education is
 1708 terminated.

1709 (2) All current balances remaining in, and all revenues
 1710 of, the trust fund shall be transferred to the General Revenue
 1711 Fund.

1712 (3) The Department of Education shall pay any outstanding
 1713 debts or obligations of the terminated trust fund as soon as
 1714 practicable, and the Chief Financial Officer shall close out and
 1715 remove the terminated trust fund from the various state
 1716 accounting systems using generally accepted accounting
 1717 principles concerning warrants outstanding, assets, and
 1718 liabilities.

1719 Section 26. Section 1010.81, Florida Statutes, is amended
 1720 to read:

1721 1010.81 Education Knott Data Center Working Capital Trust
 1722 Fund. ~~Chapter 99-29, Laws of Florida, re-created~~ The Education
 1723 Knott Data Center Working Capital Trust Fund shall be
 1724 administered by the Department of Education as a depository for
 1725 funds received to record the revenue from fees paid for services
 1726 provided by the department's technology office, interest
 1727 earnings, and cash advances from customer entities. Moneys
 1728 deposited in the trust fund shall be used to fund the services
 1729 provided by the department's technology office ~~Department of~~
 1730 ~~Education's data center and disbursements to pay the costs of~~
 1731 ~~operating the data center as authorized in s. 216.272.~~

1732 Section 27. Subsection (5) is added to section 1011.40,

1733 Florida Statutes, to read:

1734 1011.40 Budgets for universities.—

1735 (5) GUIDELINES FOR EDUCATION AND GENERAL FUND.—

1736 (a) Each state university shall maintain an education and
 1737 general fund ending fund balance that is sufficient to address
 1738 normal contingencies and to meet the requirements in subsection
 1739 (2).

1740 (b) If at any time the unencumbered portion of the
 1741 education and general fund's ending fund balance in the
 1742 institution's approved operating budget is projected to fall
 1743 below 3 percent of the projected education and general fund
 1744 revenues during the current fiscal year, the university's board
 1745 of trustees shall provide written notification to the Board of
 1746 Governors and the Chancellor of the State University System.

1747 (c) If at any time the unencumbered portion of the
 1748 education and general fund's ending fund balance in the
 1749 institution's approved operating budget is projected to fall
 1750 below 2 percent of projected education and general fund revenues
 1751 during the current fiscal year, the university's board of
 1752 trustees shall provide written notification to the Board of
 1753 Governors and the Chancellor of the State University System.
 1754 Within 14 days after receiving such notification, if the
 1755 chancellor determines that the institution does not have a plan
 1756 that is reasonably anticipated to avoid a financial emergency as
 1757 determined pursuant to s. 218.503, the chancellor shall appoint
 1758 a financial emergency board that shall operate under the
 1759 requirements, powers, and duties specified in s. 218.503(3)(g).

1760 Section 28. Paragraph (c) of subsection (1) and subsection

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1761 (4) of section 1011.61, Florida Statutes, are amended to read:

1762 1011.61 Definitions.—Notwithstanding the provisions of s.
1763 1000.21, the following terms are defined as follows for the
1764 purposes of the Florida Education Finance Program:

1765 (1) A "full-time equivalent student" in each program of
1766 the district is defined in terms of full-time students and part-
1767 time students as follows:

1768 (c)1. A "full-time equivalent student" is:

1769 a. A full-time student in any one of the programs listed
1770 in s. 1011.62(1)(c); or

1771 b. A combination of full-time or part-time students in any
1772 one of the programs listed in s. 1011.62(1)(c) which is the
1773 equivalent of one full-time student based on the following
1774 calculations:

1775 (I) A full-time student in a combination of programs
1776 listed in s. 1011.62(1)(c) shall be a fraction of a full-time
1777 equivalent membership in each program equal to the number of net
1778 hours per school year for which he or she is a member, divided
1779 by the appropriate number of hours set forth in subparagraph

1780 (a)1. or subparagraph (a)2. The difference between that fraction
1781 or sum of fractions and the maximum value as set forth in
1782 subsection (4) for each full-time student is presumed to be the
1783 balance of the student's time not spent in a nonbasic program
1784 and shall be recorded as time in the appropriate basic program.

1785 ~~The sum of the fractions for each program may not exceed the~~
1786 ~~maximum value set forth in subsection (4).~~

1787 (II) A prekindergarten student with a disability shall
1788 meet the requirements specified for kindergarten students.

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1789 (III) A full-time equivalent student for students in
1790 kindergarten through grade 12 in a full-time virtual instruction
1791 program under s. 1002.45 or a virtual charter school under s.
1792 1002.33 shall consist of six full-credit completions or the
1793 prescribed level of content that counts toward promotion to the
1794 next grade in programs listed in s. 1011.62(1)(c). Credit
1795 completions may be a combination of full-credit courses or half-
1796 credit courses. Beginning in the 2016-2017 ~~2014-2015~~ fiscal
1797 year, ~~when s. 1008.22(3)(g) is implemented,~~ the reported full-
1798 time equivalent students and associated funding of students
1799 enrolled in courses requiring passage of an end-of-course
1800 assessment under s. 1003.4282 to earn a standard high school
1801 diploma shall be adjusted if after the student does not pass
1802 ~~completes~~ the end-of-course assessment. However, no adjustment
1803 shall be made for a student who enrolls in a segmented remedial
1804 course delivered online.

1805 (IV) A full-time equivalent student for students in
1806 kindergarten through grade 12 in a part-time virtual instruction
1807 program under s. 1002.45 shall consist of six full-credit
1808 completions in programs listed in s. 1011.62(1)(c)1. and 3.
1809 Credit completions may be a combination of full-credit courses
1810 or half-credit courses. Beginning in the 2016-2017 ~~2014-2015~~
1811 fiscal year, ~~when s. 1008.22(3)(g) is implemented,~~ the reported
1812 full-time equivalent students and associated funding of students
1813 enrolled in courses requiring passage of an end-of-course
1814 assessment under s. 1003.4282 to earn a standard high school
1815 diploma shall be adjusted if after the student does not pass
1816 ~~completes~~ the end-of-course assessment. However, no adjustment

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1817 shall be made for a student who enrolls in a segmented remedial
1818 course delivered online.

1819 (V) A Florida Virtual School full-time equivalent student
1820 shall consist of six full-credit completions or the prescribed
1821 level of content that counts toward promotion to the next grade
1822 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
1823 participating in kindergarten through grade 12 part-time virtual
1824 instruction and the programs listed in s. 1011.62(1)(c) for
1825 students participating in kindergarten through grade 12 full-
1826 time virtual instruction. Credit completions may be a
1827 combination of full-credit courses or half-credit courses.
1828 Beginning in the 2016-2017 ~~2014-2015~~ fiscal year, ~~when s.~~
1829 ~~1008.22(3)(g) is implemented,~~ the reported full-time equivalent
1830 students and associated funding of students enrolled in courses
1831 requiring passage of an end-of-course assessment under s.
1832 1003.4282 to earn a standard high school diploma shall be
1833 adjusted if after the student does not pass completes the end-
1834 of-course assessment. However, no adjustment shall be made for a
1835 student who enrolls in a segmented remedial course delivered
1836 online.

1837 (VI) Each successfully completed full-credit course earned
1838 through an online course delivered by a district other than the
1839 one in which the student resides shall be calculated as 1/6
1840 FTE.

1841 ~~(VII) Each successfully completed credit earned under the~~
1842 ~~alternative high school course credit requirements authorized in~~
1843 ~~s. 1002.375, which is not reported as a portion of the 900 net~~

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1844 ~~hours of instruction pursuant to subparagraph (1)(a)1., shall be~~
1845 ~~calculated as 1/6 FTE.~~

1846 (VII) ~~(VIII)(A)~~ A full-time equivalent student for courses
1847 requiring passage of a statewide, standardized end-of-course
1848 assessment under s. 1003.4282 to earn a standard high school
1849 diploma pursuant to s. 1008.22(3)(c)2.a. shall be defined and
1850 reported based on the number of instructional hours as provided
1851 in this subsection until the 2016-2017 fiscal year ~~for the first~~
1852 ~~3 years of administering the end-of-course assessment.~~ Beginning
1853 in the 2016-2017 fiscal year ~~fourth year of administering the~~
1854 ~~end-of-course assessment,~~ the FTE for the course shall be
1855 assessment-based ~~credit-based~~ and each course shall be equal to
1856 1/6 FTE. The reported FTE shall be adjusted if ~~after~~ the student
1857 does not pass ~~successfully completes~~ the end-of-course
1858 assessment pursuant to s. 1008.22(3)(c)2.a. However, no
1859 adjustment shall be made for a student who enrolls in a
1860 segmented remedial course delivered online.

1861 (VIII) ~~(B)~~ For students enrolled in a school district as a
1862 full-time student, the district may report 1/6 FTE for each
1863 student who passes a statewide, standardized end-of-course
1864 assessment without being enrolled in the corresponding course.

1865 ~~(C) The FTE earned under this sub-sub-subparagraph and any~~
1866 ~~FTE for courses or programs listed in s. 1011.62(1)(c) that do~~
1867 ~~not require passing a statewide, standardized end-of-course~~
1868 ~~assessment are subject to the requirements in subsection (4).~~

1869 2. A student in membership in a program scheduled for more
1870 or less than 180 school days or the equivalent on an hourly
1871 basis as specified by rules of the State Board of Education is a

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1872 fraction of a full-time equivalent membership equal to the
 1873 number of instructional hours in membership divided by the
 1874 appropriate number of hours set forth in subparagraph (a)1.;
 1875 however, for the purposes of this subparagraph, membership in
 1876 programs scheduled for more than 180 days is limited to students
 1877 enrolled in:

1878 a. Juvenile justice education programs.

1879 b. ~~and~~ The Florida Virtual School.

1880 c. Virtual instruction programs and virtual charter
 1881 schools pursuant to ss. 1002.45 and 1003.498 for the purpose of
 1882 course completion and credit recovery.

1883 3. The department shall determine and implement an
 1884 equitable method of equivalent funding for experimental schools
 1885 and for schools operating under emergency conditions, which
 1886 schools have been approved by the department to operate for less
 1887 than the minimum school day.

1888
 1889 The full-time equivalent student enrollment calculated under
 1890 this subsection is subject to the requirements in subsection
 1891 (4).

1892 (4) The maximum value for funding a student in
 1893 kindergarten through grade 12 or in a prekindergarten program
 1894 for exceptional children as provided in s. 1003.21(1)(e) shall
 1895 be the sum of the calculations in paragraphs (a), (b), and (c)
 1896 as calculated by the department ~~is one full-time equivalent~~
 1897 ~~student membership for a school year or equivalent.~~

1898 (a) The sum of the student's full-time equivalent student
 1899 membership value for the school year or the equivalent derived

1900 | from paragraphs (1)(a) and (b), subparagraph (1)(c)1., sub-
 1901 | subparagraphs (1)(c)2.b. and c., subparagraph (1)(c)3., and
 1902 | subsection (2). If the sum is greater than 1.0, the full-time
 1903 | equivalent student membership value for each program or course
 1904 | shall be reduced by an equal proportion so that the student's
 1905 | total full-time equivalent student membership value is equal to
 1906 | 1.0.

1907 | (b) If the result in paragraph (a) is less than 1.0 full-
 1908 | time equivalent student and the student has full-time equivalent
 1909 | student enrollment pursuant to sub-sub-subparagraph
 1910 | (1)(c)1.b.(VIII), calculate an amount that is the lesser of the
 1911 | value in sub-sub-subparagraph (1)(c)1.b.(VIII) or the value of
 1912 | 1.0 less the value in paragraph (a).

1913 | (c) The full-time equivalent student enrollment value in
 1914 | sub-subparagraph (1)(c)2.a.

1915 | Section 29. Paragraph (i) of subsection (1) of section
 1916 | 1011.62, Florida Statutes, is amended to read:

1917 | 1011.62 Funds for operation of schools.—If the annual
 1918 | allocation from the Florida Education Finance Program to each
 1919 | district for operation of schools is not determined in the
 1920 | annual appropriations act or the substantive bill implementing
 1921 | the annual appropriations act, it shall be determined as
 1922 | follows:

1923 | (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 1924 | OPERATION.—The following procedure shall be followed in
 1925 | determining the annual allocation to each district for
 1926 | operation:

1927 | (i) Calculation of full-time equivalent membership with

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1928 | respect to dual enrollment instruction.—Students enrolled in
 1929 | dual enrollment instruction pursuant to s. 1007.271 may be
 1930 | included in calculations of full-time equivalent student
 1931 | memberships for basic programs for grades 9 through 12 by a
 1932 | district school board. Instructional time for dual enrollment
 1933 | may vary from 900 hours; however, the full-time equivalent
 1934 | student membership value shall be subject to the provisions in
 1935 | ~~school district may only report the student for a maximum of 1.0~~
 1936 | ~~full-time equivalent student membership, as provided in s.~~
 1937 | 1011.61(4). Dual enrollment full-time equivalent student
 1938 | membership shall be calculated in an amount equal to the hours
 1939 | of instruction that would be necessary to earn the full-time
 1940 | equivalent student membership for an equivalent course if it
 1941 | were taught in the school district. Students in dual enrollment
 1942 | courses may also be calculated as the proportional shares of
 1943 | full-time equivalent enrollments they generate for a Florida
 1944 | College System institution or university conducting the dual
 1945 | enrollment instruction. Early admission students shall be
 1946 | considered dual enrollments for funding purposes. Students may
 1947 | be enrolled in dual enrollment instruction provided by an
 1948 | eligible independent college or university and may be included
 1949 | in calculations of full-time equivalent student memberships for
 1950 | basic programs for grades 9 through 12 by a district school
 1951 | board. However, those provisions of law which exempt dual
 1952 | enrolled and early admission students from payment of
 1953 | instructional materials and tuition and fees, including
 1954 | laboratory fees, shall not apply to students who select the
 1955 | option of enrolling in an eligible independent institution. An

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1956 independent college or university which is located and chartered
 1957 in Florida, is not for profit, is accredited by the Commission
 1958 on Colleges of the Southern Association of Colleges and Schools
 1959 or the Accrediting Council for Independent Colleges and Schools,
 1960 and confers degrees as defined in s. 1005.02 shall be eligible
 1961 for inclusion in the dual enrollment or early admission program.
 1962 Students enrolled in dual enrollment instruction shall be exempt
 1963 from the payment of tuition and fees, including laboratory fees.
 1964 No student enrolled in college credit mathematics or English
 1965 dual enrollment instruction shall be funded as a dual enrollment
 1966 unless the student has successfully completed the relevant
 1967 section of the entry-level examination required pursuant to s.
 1968 1008.30.

1969 Section 30. Section 1011.622, Florida Statutes, is created
 1970 to read:

1971 1011.622 Adjustments for students without a common student
 1972 identifier.—For a student without a common student identifier
 1973 who transfers from a public school district or the Florida
 1974 Virtual School to another public school district or the Florida
 1975 Virtual School, the Department of Education shall decrease the
 1976 Florida Education Finance Program funds from the district or the
 1977 Florida Virtual School which the student attended prior to the
 1978 transfer.

1979 Section 31. Subsection (10) of section 1011.80, Florida
 1980 Statutes, is amended to read:

1981 1011.80 Funds for operation of workforce education
 1982 programs.—

1983 (10) A high school student dually enrolled under s.

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1984 1007.271 in a workforce education program operated by a Florida
 1985 College System institution or school district career center
 1986 generates the amount calculated for workforce education funding,
 1987 including any payment of performance funding, and the
 1988 proportional share of full-time equivalent enrollment generated
 1989 through the Florida Education Finance Program for the student's
 1990 enrollment in a high school. If a high school student is dually
 1991 enrolled in a Florida College System institution program,
 1992 including a program conducted at a high school, the Florida
 1993 College System institution earns the funds generated for
 1994 workforce education funding, and the school district earns the
 1995 proportional share of full-time equivalent funding from the
 1996 Florida Education Finance Program. If a student is dually
 1997 enrolled in a career center operated by the same district as the
 1998 district in which the student attends high school, that district
 1999 earns the funds generated for workforce education funding and
 2000 also earns the proportional share of full-time equivalent
 2001 funding from the Florida Education Finance Program. If a student
 2002 is dually enrolled in a workforce education program provided by
 2003 a career center operated by a different school district, the
 2004 funds must be divided between the two school districts
 2005 proportionally from the two funding sources. A student may not
 2006 be reported for funding in a dual enrollment workforce education
 2007 program unless the student has completed the basic skills
 2008 assessment pursuant to s. 1004.91. A student who is coenrolled
 2009 in a K-12 education program and an adult education program may
 2010 ~~not~~ be reported for purposes of funding in an adult education
 2011 program if the student is, ~~except that for the 2011-2012 and~~

2012 | ~~2012-2013 fiscal years, students who are~~ coenrolled in core
 2013 | curricula courses for credit recovery or dropout prevention
 2014 | purposes and does ~~do~~ not have a pattern of excessive absenteeism
 2015 | or habitual truancy or a history of disruptive behavior in
 2016 | school, and the student may be reported for funding for up to
 2017 | two courses per year student. Such a student is ~~students are~~
 2018 | exempt from the payment of the block tuition for adult general
 2019 | education programs provided in s. 1009.22(3)(c). The Department
 2020 | of Education shall develop a list of courses to be designated as
 2021 | core curricula courses for the purposes of coenrollment.

2022 | Section 32. Section 1011.815, Florida Statutes, is created
 2023 | to read:

2024 | 1011.815 Guidelines for general funds.—

2025 | (1) Each Florida College System institution shall maintain
 2026 | a general fund ending fund balance that is sufficient to address
 2027 | normal contingencies and to meet the requirements in s.
 2028 | 1011.84(3)(e).

2029 | (2) If at any time the unencumbered portion of the general
 2030 | fund's ending fund balance in the institution's approved
 2031 | operating budget is projected to fall below 3 percent of the
 2032 | projected general fund revenues during the current fiscal year,
 2033 | the president of the institution shall provide written
 2034 | notification to the State Board of Education and the Chancellor
 2035 | of the Florida College System.

2036 | (3) If at any time the unencumbered portion of the general
 2037 | fund's ending fund balance in the institution's approved
 2038 | operating budget is projected to fall below 2 percent of
 2039 | projected general fund revenues during the current fiscal year,

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2040 the president of the institution shall provide written
2041 notification to the State Board of Education and the Chancellor
2042 of the Florida College System. Within 14 days after receiving
2043 such notification, if the chancellor determines that the
2044 institution does not have a plan that is reasonably anticipated
2045 to avoid a financial emergency as determined pursuant to s.
2046 218.503, the chancellor shall appoint a financial emergency
2047 board that shall operate under the requirements, powers, and
2048 duties specified in s. 218.503(3)(g).

2049 Section 33. Subsection (4) of section 1012.885, Florida
2050 Statutes, is amended to read:

2051 1012.885 Remuneration of Florida College System
2052 institution presidents; limitations.—

2053 (4) LIMITATION ON REMUNERATION.—Notwithstanding the
2054 provisions of this section, ~~for the 2012-2013 fiscal year,~~ a
2055 Florida College System institution president may not receive
2056 more than \$200,000 in remuneration from appropriated state
2057 funds. Only compensation, as defined in s. 121.021(22), provided
2058 to a Florida College System institution president may be used in
2059 calculating benefits under chapter 121.

2060 Section 34. Effective upon this act becoming a law,
2061 subsection (4) of section 1012.886, Florida Statutes, is amended
2062 to read:

2063 1012.886 Remuneration of Florida College System
2064 institution administrative employees; limitations.—

2065 ~~(4) EXPIRATION. This section expires June 30, 2013.~~

2066 Section 35. Subsection (4) of section 1012.975, Florida
2067 Statutes, is amended to read:

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2068 1012.975 Remuneration of state university presidents;
 2069 limitations.-

2070 (4) LIMITATION ON REMUNERATION.—Notwithstanding the
 2071 provisions of this section, ~~for the 2012-2013 fiscal year,~~ a
 2072 state university president may not receive more than \$200,000 in
 2073 remuneration from public funds. Only compensation, as defined in
 2074 s. 121.021(22), provided to a state university president may be
 2075 used in calculating benefits under chapter 121.

2076 Section 36. Effective upon this act becoming a law,
 2077 subsection (4) of section 1012.976, Florida Statutes, is amended
 2078 to read:

2079 1012.976 Remuneration of state university administrative
 2080 employees; limitations.-

2081 ~~(4) EXPIRATION.—This section expires June 30, 2013.~~

2082 Section 37. Notwithstanding s. 411.01, Florida Statutes,
 2083 school readiness program eligibility and enrollment shall be as
 2084 follows:

2085 (1) Effective August 1, 2013, or upon reevaluation of
 2086 eligibility for children currently served, whichever is later,
 2087 each early learning coalition shall give priority for
 2088 participation in the school readiness program as follows:

2089 (a) Priority shall be given first to a child younger than
 2090 13 years of age from a working family that includes a parent
 2091 receiving temporary cash assistance under chapter 414, Florida
 2092 Statutes, and subject to the federal work requirements or a
 2093 parent who transitions from the work program into employment as
 2094 described in s. 445.032, Florida Statutes.

2095 (b) Priority shall be given next to an at-risk child

2096 | younger than 9 years of age.

2097 | (c) Priority shall be given next to a child from birth to
 2098 | the beginning of the school year for which the child is eligible
 2099 | for admission to kindergarten in a public school under s.
 2100 | 1003.21(1)(a)2., Florida Statutes, from a working family that is
 2101 | economically disadvantaged. However, the child ceases to be
 2102 | eligible if his or her family income exceeds 200 percent of the
 2103 | federal poverty level.

2104 | (d) Priority shall be given next to an at-risk child who
 2105 | is at least 9 years of age but younger than 13 years of age. An
 2106 | at-risk child whose sibling is enrolled in the school readiness
 2107 | program within an eligibility priority category listed in
 2108 | paragraphs (a)-(c) shall be given priority over other children
 2109 | who are eligible under this paragraph.

2110 | (e) Priority shall be given next to a child who has
 2111 | special needs, has been determined eligible as a student with
 2112 | disabilities, has a current individual education plan with a
 2113 | Florida school district, and is not younger than 3 years of age.
 2114 | A special needs child eligible under this paragraph remains
 2115 | eligible until the child is eligible for admission to
 2116 | kindergarten in a public school under s. 1003.21(1)(a)2.

2117 | (f) Priority shall be given next to a child who is younger
 2118 | than 13 years of age from a working family that is economically
 2119 | disadvantaged. A child who is eligible under this paragraph
 2120 | whose sibling is enrolled in the school readiness program under
 2121 | paragraph (c) shall be given priority over other children who
 2122 | are eligible under this paragraph.

2123 | (g) Notwithstanding paragraphs (a)-(d), priority shall be

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2124 given last to a child who otherwise meets one of the eligibility
2125 criteria in paragraphs (a)-(d) but who is also enrolled
2126 concurrently in the federal Head Start Program and the Voluntary
2127 Prekindergarten Education Program.

2128 (2) A school readiness provider may be paid only for
2129 authorized hours of care provided for a child in the school
2130 readiness program. A child enrolled in the Voluntary
2131 Prekindergarten Education Program may receive care from the
2132 school readiness program if the child is eligible according to
2133 the eligibility priorities in this section.

2134 (3) An early learning coalition shall enroll all eligible
2135 children, including those from its uniform waiting list,
2136 according to the eligibility priorities in this section.

2137 (4) The parent of a child enrolled in the school readiness
2138 program must notify the early learning coalition or its designee
2139 within 10 days after any change in employment, income, or family
2140 size. Upon notification by the parent, the child's eligibility
2141 must be reevaluated.

2142 (5) A child whose eligibility priority category requires
2143 the child to be from a working family ceases to be eligible for
2144 the school readiness program if a parent with whom the child
2145 resides does not reestablish employment within 30 days after
2146 becoming unemployed.

2147 (6) Eligibility for each child must be reevaluated
2148 annually. Upon reevaluation, a child may not continue to receive
2149 school readiness services if he or she ceases to be eligible
2150 under this subsection.

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2151 (7) If a coalition disenrolls children from the school
2152 readiness program, the coalition must disenroll the children in
2153 reverse order of the eligibility priorities listed in subsection
2154 (1), beginning with children from families with the highest
2155 family incomes. A notice of disenrollment must be sent to
2156 parents and school readiness providers at least 2 weeks before
2157 disenrollment to provide adequate time for parents to arrange
2158 alternative care for their children. However, an at-risk child
2159 may not be disenrolled from the program without the written
2160 approval of the Family Safety Program Office of the Department
2161 of Children and Families or the community-based lead agency.

2162 (8) If a child is absent from the program for 5
2163 consecutive days without parental notification to the program of
2164 such absences, the school readiness provider shall report the
2165 absences to the early learning coalition for a determination of
2166 the need for continued care.

2167 (9) Notwithstanding s. 39.604, Florida Statutes, a school
2168 readiness provider, regardless of whether the provider is
2169 licensed, shall comply with the reporting requirements of the
2170 Rilya Wilson Act for each at-risk child under the age of school
2171 entry enrolled in the school readiness program.

2172 Section 38. (1) Notwithstanding s. 411.01, Florida
2173 Statutes, funding for the school readiness program shall be
2174 allocated among the early learning coalitions in accordance with
2175 this section and the General Appropriations Act.

2176 (2) The Division of Early Learning shall administer school
2177 readiness funds and shall prepare and submit a unified budget
2178 request for the school readiness system in accordance with

2179 | chapter 216, Florida Statutes.

2180 | (3) All instructions to early learning coalitions for
 2181 | administering this section shall emanate from the Division of
 2182 | Early Learning in accordance with the policies of the
 2183 | Legislature.

2184 | (4) All cost savings and all revenues received through a
 2185 | mandatory sliding fee scale shall be used to increase the number
 2186 | of children served.

2187 | (5) All state, federal, and required local maintenance-of-
 2188 | effort or matching funds provided to an early learning coalition
 2189 | for purposes of this section shall be used for implementation of
 2190 | its approved school readiness plan, including the hiring of
 2191 | staff to effectively operate the coalition's school readiness
 2192 | program.

2193 | (6) Costs shall be kept to the minimum necessary for the
 2194 | efficient and effective administration of the school readiness
 2195 | program with the highest priority of expenditure being direct
 2196 | services for eligible children. However, no more than 5 percent
 2197 | of the funds described in subsection (5) may be used for
 2198 | administrative costs, and, except as otherwise specified in the
 2199 | General Appropriations Act, no more than 18 percent of the funds
 2200 | described in subsection (5) may be used for any combination of
 2201 | administrative costs, quality activities, and nondirect services
 2202 | as follows:

2203 | (a) Administrative costs as described in 45 C.F.R. s.
 2204 | 98.52.

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2205 (b) Activities to improve the quality of child care as
2206 described in 45 C.F.R. s. 98.51, which shall be limited to the
2207 following:

2208 1. Developing, establishing, expanding, operating, and
2209 coordinating resource and referral programs specifically related
2210 to the provision of comprehensive consumer education to parents
2211 and the public regarding participation in the school readiness
2212 program.

2213 2. Awarding grants to school readiness providers to assist
2214 them in meeting applicable state requirements for child care
2215 performance standards, implementing developmentally appropriate
2216 curricula and related classroom resources that support
2217 curricula, providing literacy supports, and providing
2218 professional development.

2219 3. Providing training and technical assistance for school
2220 readiness providers, staff, and parents on child performance
2221 standards, child screenings, child assessments, developmentally
2222 appropriate curricula, character development, teacher-child
2223 interactions, age-appropriate discipline practices, health and
2224 safety, nutrition, first aid, the recognition of communicable
2225 diseases, and child abuse detection and prevention.

2226 4. From among the funds provided for the activities
2227 described in subparagraphs 1.-3., providing adequate funding for
2228 infants and toddlers as necessary to meet federal requirements
2229 related to expenditures for quality activities for infant and
2230 toddler care.

2231 5. Monitoring providers using a standardized methodology
2232 adopted by the Department of Education to improve compliance

2233 with state and federal regulations and law pursuant to the
 2234 requirements of the statewide provider contract adopted by the
 2235 department.

2236 6. Assisting the provider in implementing a pre-assessment
 2237 and post-assessment.

2238 7. Responding to Warm-Line requests by providers and
 2239 parents related to school readiness children, including
 2240 providing developmental and health screenings to school
 2241 readiness children.

2242 (c) Nondirect services as described in 63 Fed. Reg. 39962-
 2243 39963 (July 24, 1998) and applicable Office of Management and
 2244 Budget instructions required to administer the school readiness
 2245 program. Such services include, but are not limited to:

2246 1. Assisting families to complete the required application
 2247 and eligibility documentation.

2248 2. Determining child and family eligibility.

2249 3. Recruiting eligible child care providers.

2250 4. Processing and tracking attendance records.

2251 5. Developing and maintaining a statewide childcare
 2252 information system.

2253
 2254 As used in this paragraph, the term "nondirect services" does
 2255 not include payments to school readiness providers for direct
 2256 services provided to children who are eligible under subsection
 2257 (1) of section 37 of this act, administrative costs described in
 2258 paragraph (a), or quality activities described in paragraph (b).

2259 (7) State funds appropriated for the school readiness
 2260 program may not be used for the construction of new facilities

2261 or the purchase of buses.

2262 (8) Beginning in the 2014-2015 fiscal year, all state-
 2263 appropriated funding for the school readiness program shall be
 2264 allocated to early learning coalitions based on the average
 2265 prior year enrollment and the uniform waiting list as adopted by
 2266 the Early Learning Programs Estimating Conference pursuant to s.
 2267 216.136(8), Florida Statutes, and using the average market rate
 2268 by program care level and provider type pursuant to section 39
 2269 of this act.

2270 Section 39. Notwithstanding s. 411.01013, Florida
 2271 Statutes, the school readiness market rate schedule shall be
 2272 implemented as follows:

2273 (1) As used in this section, the term:

2274 (a) "Average market rate" means the biannually determined
 2275 average of the market rate by program care level and provider
 2276 type in a predetermined geographic market.

2277 (b) "Market rate" means the price that a child care
 2278 provider charges for daily, weekly, or monthly child care
 2279 services.

2280 (2) The Division of Early Learning shall establish
 2281 procedures for the adoption of a market rate schedule. The
 2282 schedule must include, at a minimum, county-by-county rates:

2283 (a) The market rate, including the minimum and the maximum
 2284 rates for child care providers that hold a Gold Seal Quality
 2285 Care designation under s. 402.281, Florida Statutes.

2286 (b) The market rate for child care providers that do not
 2287 hold a Gold Seal Quality Care designation.

2288 (3) The market rate schedule, at a minimum, must:

2289 (a) Differentiate rates by type, including, but not
 2290 limited to, a child care provider that holds a Gold Seal Quality
 2291 Care designation under s. 402.281, Florida Statutes, a child
 2292 care facility licensed under s. 402.305, Florida Statutes, a
 2293 public or nonpublic school exempt from licensure under s.
 2294 402.3025, Florida Statutes, a faith-based child care facility
 2295 exempt from licensure under s. 402.316, Florida Statutes, that
 2296 does not hold a Gold Seal Quality Care designation, a large
 2297 family child care home licensed under s. 402.3131, Florida
 2298 Statutes, or a family day care home licensed or registered under
 2299 s. 402.313, Florida Statutes.

2300 (b) Differentiate rates by the type of child care services
 2301 provided for children with special needs or risk categories,
 2302 infants, toddlers, preschool-age children, and school-age
 2303 children.

2304 (c) Differentiate rates between full-time and part-time
 2305 child care services.

2306 (d) Consider discounted rates for child care services for
 2307 multiple children in a single family.

2308 (4) The market rate schedule must be based exclusively on
 2309 the prices charged for child care services.

2310 (5) The market rate schedule shall be considered by an
 2311 early learning coalition in the adoption of a payment schedule.
 2312 The payment schedule must take into consideration the average
 2313 market rate, include the projected number of children to be
 2314 served, and be submitted for approval by the Division of Early
 2315 Learning. Informal child care arrangements shall be reimbursed
 2316 at not more than 50 percent of the rate adopted for a family day

2317 | care home.

2318 | (6) The Division of Early Learning may contract with one
 2319 | or more qualified entities to administer this section and
 2320 | provide support and technical assistance for child care
 2321 | providers.

2322 | (7) The Division of Early Learning may adopt rules for
 2323 | establishing procedures for the collection of child care
 2324 | providers' market rate, the calculation of the average market
 2325 | rate by program care level and provider type in a predetermined
 2326 | geographic market, and the publication of the market rate
 2327 | schedule.

2328 | Section 40. Notwithstanding the required review by the
 2329 | Legislative Budget Commission pursuant to s. 1003.03(4)(c),
 2330 | Florida Statutes, for the 2012-2013 fiscal year, the alternate
 2331 | compliance calculation amounts to the class size operating
 2332 | categorical fund authorized by s. 1003.03(4)(c), Florida
 2333 | Statutes, shall be the reduction calculation required by s.
 2334 | 1003.03(4), Florida Statutes. The Commissioner of Education
 2335 | shall modify payments to school districts as required by s.
 2336 | 1003.03(4), Florida Statutes, for the 2012-2013 fiscal year.
 2337 | This section shall take effect upon this act becoming a law.

2338 | Section 41. Except as otherwise expressly provided in this
 2339 | act and except for this section, which shall take effect upon
 2340 | this act becoming a law, this act shall take effect July 1,
 2341 | 2013.