

1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes; amending ss.
3 1000.01, 1000.02, 1000.04, 1000.05, 1000.06, 1000.07,
4 1000.21, 1001.02, 1001.03, 1001.10, 1001.11, 1001.20,
5 1001.27, 1001.271, 1001.28, 1001.43, 1001.60, 1001.61,
6 1001.62, 1001.63, 1001.64, 1001.65, 1001.705, 1001.706,
7 1002.20, 1002.21, 1002.33, 1002.34, 1002.41, 1002.45,
8 1003.03, 1003.41, 1003.4156, 1003.433, 1003.435, 1003.49,
9 1003.51, 1003.52, 1004.02, 1004.03, 1004.04, 1004.05,
10 1004.06, 1004.07, 1004.085, 1004.095, 1004.226, 1004.645,
11 1004.648, 1004.65, 1004.66, 1004.67, 1004.68, 1004.70,
12 1004.71, 1004.725, 1004.726, 1004.74, 1004.75, 1004.77,
13 1004.78, 1004.79, 1004.80, 1004.81, 1004.86, 1004.91,
14 1004.92, 1004.93, 1004.94, 1004.95, 1004.97, 1004.98,
15 1004.99, 1005.21, 1006.15, 1006.17, 1006.50, 1006.51,
16 1006.55, 1006.60, 1006.62, 1006.63, 1006.65, 1006.68,
17 1006.70, 1006.71, 1006.72, 1007.21, 1007.22, 1007.23,
18 1007.235, 1007.24, 1007.25, 1007.2615, 1007.262, 1007.263,
19 1007.264, 1007.265, 1007.27, 1007.271, 1007.272, 1007.28,
20 1007.33, 1007.34, 1007.35, 1008.30, 1008.31, 1008.32,
21 1008.345, 1008.385, 1008.405, 1008.41, 1008.42, 1008.43,
22 1008.45, 1009.21, 1009.22, 1009.23, 1009.25, 1009.26,
23 1009.265, 1009.27, 1009.28, 1009.285, 1009.286, 1009.29,
24 1009.40, 1009.42, 1009.44, 1009.50, 1009.505, 1009.533,
25 1009.535, 1009.55, 1009.56, 1009.60, 1009.605, 1009.65,
26 1009.67, 1009.70, 1009.72, 1009.77, 1009.89, 1009.891,
27 1009.97, 1009.971, 1009.98, 1009.981, 1010.01, 1010.02,
28 1010.03, 1010.04, 1010.06, 1010.07, 1010.08, 1010.09,

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29 | 1010.11, 1010.22, 1010.23, 1010.30, 1010.33, 1010.34,
 30 | 1010.58, 1011.01, 1011.011, 1011.012, 1011.30, 1011.31,
 31 | 1011.32, 1011.51, 1011.62, 1011.68, 1011.75, 1011.80,
 32 | 1011.801, 1011.81, 1011.82, 1011.83, 1011.84, 1011.85,
 33 | 1011.86, 1012.01, 1012.35, 1012.56, 1012.80, 1012.81,
 34 | 1012.82, 1012.83, 1012.84, 1012.85, 1012.855, 1012.86,
 35 | 1012.865, 1012.87, 1012.875, 1012.88, 1012.885, 1012.98,
 36 | 1013.01, 1013.02, 1013.03, 1013.12, 1013.13, 1013.19,
 37 | 1013.23, 1013.231, 1013.25, 1013.27, 1013.28, 1013.31,
 38 | 1013.36, 1013.37, 1013.371, 1013.40, 1013.44, 1013.51,
 39 | 1013.52, 1013.60, 1013.64, 1013.65, and 1013.81, F.S., to
 40 | conform to the directive in section 21 of chapter 2010-70,
 41 | Laws of Florida, to prepare a reviser's bill for
 42 | consideration by the 2011 Regular Session of the
 43 | Legislature to substitute the term "Florida College System
 44 | Institution" for the terms "Florida college," "community
 45 | college," and "junior college" where those terms appear in
 46 | the Florida K-20 Education Code; providing an effective
 47 | date.

48 |
 49 | Be It Enacted by the Legislature of the State of Florida:

50 |
 51 | Section 1. Paragraph (b) of subsection (5) of section
 52 | 1000.01, Florida Statutes, is amended to read:

53 | 1000.01 The Florida K-20 education system; technical
 54 | provisions.—

55 | (5) EDUCATION GOVERNANCE TRANSFERS.—

56 | (b) All rules of the State Board of Education, the

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57 Commissioner of Education, and the Department of Education, and
 58 all rules of the district school boards, the Florida College
 59 System institution ~~community college~~ boards of trustees, and the
 60 state university boards of trustees, in effect on January 2,
 61 2003, remain in effect until specifically amended or repealed in
 62 the manner provided by law.

63 Section 2. Paragraph (e) of subsection (1) of section
 64 1000.02, Florida Statutes, is amended to read:

65 1000.02 Policy and guiding principles for the Florida K-20
 66 education system.—

67 (1) It is the policy of the Legislature:

68 (e) To provide for the decentralization of authority to
 69 the schools, Florida College System institutions ~~community~~
 70 ~~colleges~~, universities, and other education institutions that
 71 deliver educational services to the public.

72 Section 3. Section 1000.04, Florida Statutes, is amended
 73 to read:

74 1000.04 Components for the delivery of public education
 75 within the Florida K-20 education system.—Florida's K-20
 76 education system provides for the delivery of public education
 77 through publicly supported and controlled K-12 schools, Florida
 78 College System institutions ~~community colleges~~, state
 79 universities and other postsecondary educational institutions,
 80 other educational institutions, and other educational services
 81 as provided or authorized by the Constitution and laws of the
 82 state.

83 (1) PUBLIC K-12 SCHOOLS.—The public K-12 schools include
 84 charter schools and consist of kindergarten classes; elementary,

85 middle, and high school grades and special classes; school
 86 district virtual instruction programs; workforce education;
 87 career centers; adult, part-time, and evening schools, courses,
 88 or classes, as authorized by law to be operated under the
 89 control of district school boards; and lab schools operated
 90 under the control of state universities.

91 (2) PUBLIC POSTSECONDARY EDUCATIONAL INSTITUTIONS.—Public
 92 postsecondary educational institutions include workforce
 93 education; Florida College System institutions ~~community~~
 94 ~~colleges; colleges~~; state universities; and all other state-
 95 supported postsecondary educational institutions that are
 96 authorized and established by law.

97 (3) FLORIDA SCHOOL FOR THE DEAF AND THE BLIND.—The Florida
 98 School for the Deaf and the Blind is a component of the delivery
 99 of public education within Florida's K-20 education system.

100 (4) THE FLORIDA VIRTUAL SCHOOL.—The Florida Virtual School
 101 is a component of the delivery of public education within
 102 Florida's K-20 education system.

103 Section 4. Paragraphs (d) and (e) of subsection (3),
 104 subsection (4), paragraph (a) of subsection (5), and paragraphs
 105 (a), (b), (c), (e), (f), and (g) of subsection (6) of section
 106 1000.05, Florida Statutes, are amended to read:

107 1000.05 Discrimination against students and employees in
 108 the Florida K-20 public education system prohibited; equality of
 109 access required.—

110 (3)

111 (d) A public K-20 educational institution which operates
 112 or sponsors interscholastic, intercollegiate, club, or

113 intramural athletics shall provide equal athletic opportunity
 114 for members of both genders.

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

117 2. The Commissioner of Education shall determine whether
 118 equal opportunities are available in school districts and
 119 Florida College System institutions ~~community colleges~~. In
 120 determining whether equal opportunities are available in school
 121 districts and Florida College System institutions ~~community~~
 122 ~~colleges~~, the Commissioner of Education shall consider, among
 123 other factors:

124 a. Whether the selection of sports and levels of
 125 competition effectively accommodate the interests and abilities
 126 of members of both genders.

127 b. The provision of equipment and supplies.

128 c. Scheduling of games and practice times.

129 d. Travel and per diem allowances.

130 e. Opportunities to receive coaching and academic
 131 tutoring.

132 f. Assignment and compensation of coaches and tutors.

133 g. Provision of locker room, practice, and competitive
 134 facilities.

135 h. Provision of medical and training facilities and
 136 services.

137 i. Provision of housing and dining facilities and
 138 services.

139 j. Publicity.
 140

141 Unequal aggregate expenditures for members of each gender or
 142 unequal expenditures for male and female teams if a public
 143 school or Florida College System institution ~~community college~~
 144 operates or sponsors separate teams do not constitute
 145 nonimplementation of this subsection, but the Commissioner of
 146 Education shall consider the failure to provide necessary funds
 147 for teams for one gender in assessing equality of opportunity
 148 for members of each gender.

149 (e) A public school or Florida College System institution
 150 ~~community college~~ may provide separate toilet, locker room, and
 151 shower facilities on the basis of gender, but such facilities
 152 shall be comparable to such facilities provided for students of
 153 the other gender.

154 (4) Public schools and Florida College System institutions
 155 ~~community colleges~~ shall develop and implement methods and
 156 strategies to increase the participation of students of a
 157 particular race, ethnicity, national origin, gender, disability,
 158 or marital status in programs and courses in which students of
 159 that particular race, ethnicity, national origin, gender,
 160 disability, or marital status have been traditionally
 161 underrepresented, including, but not limited to, mathematics,
 162 science, computer technology, electronics, communications
 163 technology, engineering, and career education.

164 (5) (a) The State Board of Education shall adopt rules to
 165 implement this section as it relates to school districts and
 166 Florida College System institutions ~~community colleges~~.

167 (6) The functions of the Office of Equal Educational
 168 Opportunity of the Department of Education shall include, but

169 are not limited to:

170 (a) Requiring all district school boards and Florida
 171 College System institution ~~community college~~ boards of trustees
 172 to develop and submit plans for the implementation of this
 173 section to the Department of Education.

174 (b) Conducting periodic reviews of school districts and
 175 Florida College System institutions ~~community colleges~~ to
 176 determine compliance with this section and, after a finding that
 177 a school district or a Florida College System institution
 178 ~~community college~~ is not in compliance with this section,
 179 notifying the entity of the steps that it must take to attain
 180 compliance and performing followup monitoring.

181 (c) Providing technical assistance, including assisting
 182 school districts or Florida College System institutions
 183 ~~community colleges~~ in identifying unlawful discrimination and
 184 instructing them in remedies for correction and prevention of
 185 such discrimination and performing followup monitoring.

186 (e) Requiring all district school boards and Florida
 187 College System institution ~~community college~~ boards of trustees
 188 to submit data and information necessary to determine compliance
 189 with this section. The Commissioner of Education shall prescribe
 190 the format and the date for submission of such data and any
 191 other educational equity data. If any board does not submit the
 192 required compliance data or other required educational equity
 193 data by the prescribed date, the commissioner shall notify the
 194 board of this fact and, if the board does not take appropriate
 195 action to immediately submit the required report, the State
 196 Board of Education shall impose monetary sanctions.

197 (f) Based upon rules of the State Board of Education,
 198 developing and implementing enforcement mechanisms with
 199 appropriate penalties to ensure that public K-12 schools and
 200 Florida College System institutions ~~community colleges~~ comply
 201 with Title IX of the Education Amendments of 1972 and subsection
 202 (3) of this section. However, the State Board of Education may
 203 not force a public school or Florida College System institution
 204 ~~community college~~ to conduct, nor penalize such entity for not
 205 conducting, a program of athletic activity or athletic
 206 scholarship for female athletes unless it is an athletic
 207 activity approved for women by a recognized association whose
 208 purpose is to promote athletics and a conference or league
 209 exists to promote interscholastic or intercollegiate competition
 210 for women in that athletic activity.

211 (g) Reporting to the Commissioner of Education any
 212 district school board or Florida College System institution
 213 ~~community college~~ board of trustees found to be out of
 214 compliance with rules of the State Board of Education adopted as
 215 required by paragraph (f) or paragraph (3)(d). To penalize the
 216 board, the State Board of Education shall:

217 1. Declare the school district or Florida College System
 218 institution ~~community college~~ ineligible for competitive state
 219 grants.

220 2. Notwithstanding the provisions of s. 216.192, direct
 221 the Chief Financial Officer to withhold general revenue funds
 222 sufficient to obtain compliance from the school district or
 223 Florida College System institution ~~community college~~.
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225 | The school district or Florida College System institution
 226 | ~~community college~~ shall remain ineligible and the funds shall
 227 | not be paid until the institution comes into compliance or the
 228 | State Board of Education approves a plan for compliance.

229 | Section 5. Subsection (2) of section 1000.06, Florida
 230 | Statutes, is amended to read:

231 | 1000.06 Display of flags.—

232 | (2) Each public K-20 educational institution that is
 233 | provided or authorized by the Constitution and laws of Florida
 234 | shall display daily in each classroom the flag of the United
 235 | States. The flag must be made in the United States, must be at
 236 | least 2 feet by 3 feet, and must be properly displayed in
 237 | accordance with Title 4 U.S.C. Each educational institution
 238 | shall acquire the necessary number of flags to implement the
 239 | provisions of this subsection. The principal, director, or
 240 | president of each educational institution shall attempt to
 241 | acquire the flags through donations or fundraising for 1 year
 242 | prior to securing other funding sources or allocating funds for
 243 | the purchase of flags. The president of each state university or
 244 | Florida College System institution ~~community college~~ must
 245 | present to the governing board of the institution the results of
 246 | donations and fundraising activities relating to the acquisition
 247 | of flags prior to requesting the governing board to approve a
 248 | funding source for the purchase of flags. A flag must be
 249 | displayed in each classroom pursuant to this subsection no later
 250 | than August 1, 2005.

251 | Section 6. Paragraph (a) of subsection (2) of section
 252 | 1000.07, Florida Statutes, is amended to read:

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253 1000.07 Florida Business and Education Collaborative.—
 254 (2) The Florida Business and Education Collaborative is
 255 established as a state-level advisory group to the Governor; the
 256 Legislature; the State Board of Education; the Board of
 257 Governors of the State University System; boards of independent
 258 colleges, universities, and career schools; and other interested
 259 parties.

260 (a) Members of the collaborative shall be appointed by the
 261 Governor and shall include state business leaders; state
 262 legislative members; representative leaders of state and
 263 nonpublic ~~community colleges,~~ colleges, universities, career
 264 schools, and workforce education institutions and entities; and
 265 national education and economic development policy leaders.

266 Section 7. Subsection (3) of section 1000.21, Florida
 267 Statutes, is amended to read:

268 1000.21 Systemwide definitions.—As used in the Florida K-
 269 20 Education Code:

270 (3) "Florida College System institution ~~Florida college~~"
 271 ~~or "community college,"~~ except as otherwise specifically
 272 provided, includes all of the following public postsecondary
 273 educational institutions in the Florida College System and any
 274 branch campuses, centers, or other affiliates of the
 275 institution:

276 (a) Brevard Community College, which serves Brevard
 277 County.

278 (b) Broward College, which serves Broward County.

279 (c) College of Central Florida, which serves Citrus, Levy,
 280 and Marion Counties.

- 281 (d) Chipola College, which serves Calhoun, Holmes,
282 Jackson, Liberty, and Washington Counties.
- 283 (e) Daytona State College, which serves Flagler and
284 Volusia Counties.
- 285 (f) Edison State College, which serves Charlotte, Collier,
286 Glades, Hendry, and Lee Counties.
- 287 (g) Florida State College at Jacksonville, which serves
288 Duval and Nassau Counties.
- 289 (h) Florida Keys Community College, which serves Monroe
290 County.
- 291 (i) Gulf Coast Community College, which serves Bay,
292 Franklin, and Gulf Counties.
- 293 (j) Hillsborough Community College, which serves
294 Hillsborough County.
- 295 (k) Indian River State College, which serves Indian River,
296 Martin, Okeechobee, and St. Lucie Counties.
- 297 (l) Florida Gateway College, which serves Baker, Columbia,
298 Dixie, Gilchrist, and Union Counties.
- 299 (m) Lake-Sumter Community College, which serves Lake and
300 Sumter Counties.
- 301 (n) State College of Florida, Manatee-Sarasota, which
302 serves Manatee and Sarasota Counties.
- 303 (o) Miami Dade College, which serves Miami-Dade County.
- 304 (p) North Florida Community College, which serves
305 Hamilton, Jefferson, Lafayette, Madison, Suwannee, and Taylor
306 Counties.
- 307 (q) Northwest Florida State College, which serves Okaloosa
308 and Walton Counties.

309 (r) Palm Beach State College, which serves Palm Beach
310 County.

311 (s) Pasco-Hernando Community College, which serves
312 Hernando and Pasco Counties.

313 (t) Pensacola Junior College, which serves Escambia and
314 Santa Rosa Counties.

315 (u) Polk State College, which serves Polk County.

316 (v) St. Johns River Community College, which serves Clay,
317 Putnam, and St. Johns Counties.

318 (w) St. Petersburg College, which serves Pinellas County.

319 (x) Santa Fe College, which serves Alachua and Bradford
320 Counties.

321 (y) Seminole State College of Florida, which serves
322 Seminole County.

323 (z) South Florida Community College, which serves DeSoto,
324 Hardee, and Highlands Counties.

325 (aa) Tallahassee Community College, which serves Gadsden,
326 Leon, and Wakulla Counties.

327 (bb) Valencia Community College, which serves Orange and
328 Osceola Counties.

329 Section 8. Paragraph (u) of subsection (2), paragraph (a)
330 of subsection (3), paragraphs (a), (b), (c), (d), (e), (f), and
331 (g) of subsection (4), and subsections (5) and (6) of section
332 1001.02, Florida Statutes, are amended to read:

333 1001.02 General powers of State Board of Education.—

334 (2) The State Board of Education has the following duties:

335 (u) To adopt criteria and implementation plans for future
336 growth issues, such as new Florida College System institutions

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337 ~~community colleges~~ and Florida College System institution
 338 ~~community college~~ campus mergers, and to provide for cooperative
 339 agreements between and within public and private education
 340 sectors.

341 (3) (a) The State Board of Education shall adopt a
 342 strategic plan that specifies goals and objectives for the
 343 state's public schools and Florida College System institutions
 344 ~~community colleges~~. The plan shall be formulated in conjunction
 345 with plans of the Board of Governors in order to provide for the
 346 roles of the universities and Florida College System
 347 institutions ~~community colleges~~ to be coordinated to best meet
 348 state needs and reflect cost-effective use of state resources.
 349 The strategic plan must clarify mission statements and identify
 350 degree programs to be offered at each Florida College System
 351 institution ~~community college~~ in accordance with the objectives
 352 provided in this subsection. The strategic plan must cover a
 353 period of 5 years, with modification of the program lists after
 354 2 years. Development of each 5-year plan must be coordinated
 355 with and initiated after completion of the master plan. The
 356 strategic plans must specifically include programs and
 357 procedures for responding to the educational needs of teachers
 358 and students in the public schools of this state. The state
 359 board shall submit a report to the President of the Senate and
 360 the Speaker of the House of Representatives upon modification of
 361 the plan.

362 (4) The State Board of Education shall:

363 (a) Provide for each Florida College System institution
 364 ~~community college~~ to offer educational training and service

365 programs designed to meet the needs of both students and the
 366 communities served.

367 (b) Specify, by rule, procedures to be used by the Florida
 368 College System institution ~~community college~~ boards of trustees
 369 in the annual evaluations of presidents and review the
 370 evaluations of presidents by the boards of trustees.

371 (c) Establish, in conjunction with the Board of Governors,
 372 an effective information system that will provide composite data
 373 concerning the Florida College System institutions ~~community~~
 374 ~~colleges~~ and state universities and ensure that special analyses
 375 and studies concerning the institutions are conducted, as
 376 necessary, for provision of accurate and cost-effective
 377 information concerning the institutions.

378 (d) Establish criteria for making recommendations for
 379 modifying district boundary lines for Florida College System
 380 institutions ~~community colleges~~.

381 (e) Establish criteria for making recommendations
 382 concerning all proposals for the establishment of additional
 383 centers or campuses for Florida College System institutions
 384 ~~community colleges~~.

385 (f) Examine the annual administrative review of each
 386 Florida College System institution ~~community college~~.

387 (g) Specify, by rule, the college credit courses that may
 388 be taken by Florida College System institution ~~community college~~
 389 students concurrently enrolled in college-preparatory
 390 instruction.

391 (5) The State Board of Education is responsible for
 392 reviewing and administering the state program of support for the

393 Florida College System institutions ~~community colleges~~ and,
 394 subject to existing law, shall establish the tuition and out-of-
 395 state fees for college-preparatory instruction and for credit
 396 instruction that may be counted toward an associate in arts
 397 degree, an associate in applied science degree, or an associate
 398 in science degree.

399 (6) The State Board of Education shall prescribe minimum
 400 standards, definitions, and guidelines for Florida College
 401 System institutions ~~community colleges~~ that will ensure the
 402 quality of education, coordination among the Florida College
 403 System institutions ~~community colleges~~ and state universities,
 404 and efficient progress toward accomplishing the Florida College
 405 System institution ~~community college~~ mission. At a minimum,
 406 these rules must address:

407 (a) Personnel.

408 (b) Contracting.

409 (c) Program offerings and classification, including
 410 college-level communication and computation skills associated
 411 with successful performance in college and with tests and other
 412 assessment procedures that measure student achievement of those
 413 skills. The performance measures must provide that students
 414 moving from one level of education to the next acquire the
 415 necessary competencies for that level.

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

419 1. Provide for the award of an associate in arts degree to
 420 a student who successfully completes 60 semester credit hours at

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421 the Florida College System institution ~~community college~~.

422 2. Require all of the credits accepted for the associate
423 in arts degree to be in the statewide course numbering system as
424 credits toward a baccalaureate degree offered by a state
425 university or a Florida College System institution ~~community~~
426 ~~college~~.

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

430

431 The rules should encourage Florida College System institutions
432 ~~community colleges~~ to enter into agreements with state
433 universities that allow Florida College System institution
434 ~~community college~~ students to complete upper-division-level
435 courses at a Florida College System institution ~~community~~
436 ~~college~~. An agreement may provide for concurrent enrollment at
437 the Florida College System institution ~~community college~~ and the
438 state university and may authorize the Florida College System
439 institution ~~community college~~ to offer an upper-division-level
440 course or distance learning.

441 (e) Student admissions, conduct and discipline,
442 nonclassroom activities, and fees.

443 (f) Budgeting.

444 (g) Business and financial matters.

445 (h) Student services.

446 (i) Reports, surveys, and information systems, including
447 forms and dates of submission.

448 Section 9. Subsections (10), (13), and (15) of section

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449 | 1001.03, Florida Statutes, are amended to read:

450 | 1001.03 Specific powers of State Board of Education.—

451 | (10) COMMON PLACEMENT TESTING FOR PUBLIC POSTSECONDARY
 452 | EDUCATION.—The State Board of Education, in conjunction with the
 453 | Board of Governors, shall develop and implement a common
 454 | placement test to assess the basic computation and communication
 455 | skills of students who intend to enter a degree program at any
 456 | Florida College System institution ~~community college~~ or state
 457 | university.

458 | (13) CYCLIC REVIEW OF POSTSECONDARY ACADEMIC PROGRAMS.—The
 459 | State Board of Education shall provide for the cyclic review of
 460 | all academic programs in Florida College System institutions
 461 | ~~community colleges~~ at least every 7 years. Program reviews shall
 462 | document how individual academic programs are achieving stated
 463 | student learning and program objectives within the context of
 464 | the institution's mission. The results of the program reviews
 465 | shall inform strategic planning, program development, and
 466 | budgeting decisions at the institutional level.

467 | (15) FLORIDA COLLEGE SYSTEM INSTITUTION ~~COMMUNITY COLLEGE~~
 468 | BACCALAUREATE DEGREE PROGRAMS.—The State Board of Education
 469 | shall provide for the review and approval of proposals by
 470 | Florida College System institutions ~~community colleges~~ to offer
 471 | baccalaureate degree programs pursuant to s. 1007.33. A Florida
 472 | College System institution ~~community college~~, as defined in s.
 473 | 1000.21, that is approved to offer baccalaureate degrees
 474 | pursuant to s. 1007.33 remains under the authority of the State
 475 | Board of Education and the Florida College System institution's
 476 | ~~community college's~~ board of trustees.

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477 Section 10. Paragraph (k) of subsection (6) of section
 478 1001.10, Florida Statutes, is amended to read:

479 1001.10 Commissioner of Education; general powers and
 480 duties.—

481 (6) Additionally, the commissioner has the following
 482 general powers and duties:

483 (k) To implement a program of school improvement and
 484 education accountability designed to provide all students the
 485 opportunity to make adequate learning gains in each year of
 486 school as provided by statute and State Board of Education rule
 487 based upon the achievement of the state education goals,
 488 recognizing the following:

489 1. The district school board is responsible for school and
 490 student performance.

491 2. The individual school is the unit for education
 492 accountability.

493 3. The Florida College System institution ~~community~~
 494 ~~college~~ board of trustees is responsible for Florida College
 495 System institution ~~community college~~ performance and student
 496 performance.

497 Section 11. Paragraphs (d) and (e) of subsection (1) of
 498 section 1001.11, Florida Statutes, are amended to read:

499 1001.11 Commissioner of Education; other duties.—

500 (1) The Commissioner of Education must independently
 501 perform the following duties:

502 (d) Integrally work with the boards of trustees of the
 503 Florida College System institutions ~~community colleges~~.

504 (e) Monitor the activities of the State Board of Education

505 and provide information related to current and pending policies
 506 to the members of the boards of trustees of the Florida College
 507 System institutions ~~community colleges~~ and state universities.

508 Section 12. Paragraph (e) of subsection (4) of section
 509 1001.20, Florida Statutes, is amended to read:

510 1001.20 Department under direction of state board.—

511 (4) The Department of Education shall establish the
 512 following offices within the Office of the Commissioner of
 513 Education which shall coordinate their activities with all other
 514 divisions and offices:

515 (e) *Office of Inspector General.*—Organized using existing
 516 resources and funds and responsible for promoting
 517 accountability, efficiency, and effectiveness and detecting
 518 fraud and abuse within school districts, the Florida School for
 519 the Deaf and the Blind, and Florida College System institutions
 520 ~~community colleges in Florida~~. If the Commissioner of Education
 521 determines that a district school board, the Board of Trustees
 522 for the Florida School for the Deaf and the Blind, or a Florida
 523 College System institution ~~community college~~ board of trustees
 524 is unwilling or unable to address substantiated allegations made
 525 by any person relating to waste, fraud, or financial
 526 mismanagement within the school district, the Florida School for
 527 the Deaf and the Blind, or the Florida College System
 528 institution ~~community college~~, the office shall conduct,
 529 coordinate, or request investigations into such substantiated
 530 allegations. The office shall have access to all information and
 531 personnel necessary to perform its duties and shall have all of
 532 its current powers, duties, and responsibilities authorized in

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533 s. 20.055.

534 Section 13. Subsection (2) and paragraphs (b) and (c) of
 535 subsection (3) of section 1001.27, Florida Statutes, are amended
 536 to read:

537 1001.27 State satellite network.—

538 (2) The network shall consist of compatible satellite
 539 receiving equipment at public educational institutions in each
 540 of the 28 Florida College System institution ~~community college~~
 541 regions.

542 (3) The department, in consultation with the Department of
 543 Management Services, shall implement the provisions of this
 544 section and coordinate the network. Specifically, the department
 545 shall:

546 (b) Acquire by competitive sealed bid and place
 547 appropriate receiving equipment in those Florida College System
 548 institution ~~community college~~ regions of the state in which such
 549 equipment is presently not available at a public postsecondary
 550 educational institution.

551 (c) Develop an implementation plan that provides for
 552 designation of a site in each Florida College System institution
 553 ~~community college~~ region for inclusion in the initial network.

554 Criteria for selection shall include:

555 1. Accessibility to a substantial portion of the
 556 population of the region.

557 2. Demonstrated institutional commitment to support and
 558 encourage use of the network both within the region and
 559 statewide.

560 3. Willingness to complement state support with matching

561 institutional resources.

562 4. Evidence of cooperation and coordinated planning with
563 other postsecondary educational institutions in the region.

564 5. Availability of existing telecommunications equipment
565 which is compatible or adaptable for use in the network.

566 Section 14. Section 1001.271, Florida Statutes, is amended
567 to read:

568 1001.271 Florida Information Resource Network.—Upon
569 requisition by school districts, Florida College System
570 institutions ~~community colleges~~, universities, or other eligible
571 users of the Florida Information Resource Network, the
572 Commissioner of Education shall purchase the nondiscounted
573 portion of Internet access services, including, but not limited
574 to, circuits, encryption, content filtering, support, and any
575 other services needed for the effective and efficient operation
576 of the network. For the 2009-2010 fiscal year, each school
577 district, the Florida School for the Deaf and the Blind, and the
578 regional educational consortia eligible for the e-rate must
579 submit a requisition to the Commissioner of Education for at
580 least the same level of Internet access services used through
581 the Florida Information Resource Network contract in the 2008-
582 2009 fiscal year. Each user shall identify in its requisition
583 the source of funds from which the commissioner is to make
584 payments.

585 Section 15. Section 1001.28, Florida Statutes, is amended
586 to read:

587 1001.28 Distance learning duties.—The duties of the
588 Department of Education concerning distance learning include,

589 | but are not limited to, the duty to:

590 | (1) Facilitate the implementation of a statewide
591 | coordinated system and resource system for cost-efficient
592 | advanced telecommunications services and distance education
593 | which will increase overall student access to education.

594 | (2) Coordinate the use of existing resources, including,
595 | but not limited to, the state's satellite transponders, the
596 | Florida Information Resource Network (FIRN), the Florida
597 | Knowledge Network, and distance learning initiatives.

598 | (3) Assist in the coordination of the utilization of the
599 | production and uplink capabilities available through Florida's
600 | public television stations, eligible facilities, independent
601 | colleges and universities, private firms, and others as needed.

602 | (4) Seek the assistance and cooperation of Florida's cable
603 | television providers in the implementation of the statewide
604 | advanced telecommunications services and distance learning
605 | network.

606 | (5) Seek the assistance and cooperation of Florida's
607 | telecommunications carriers to provide affordable student access
608 | to advanced telecommunications services and to distance
609 | learning.

610 | (6) Coordinate partnerships for development, acquisition,
611 | use, and distribution of distance learning.

612 | (7) Secure and administer funding for programs and
613 | activities for distance learning from federal, state, local, and
614 | private sources and from fees derived from services and
615 | materials.

616 | (8) Manage the state's satellite transponder resources and

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617 enter into lease agreements to maximize the use of available
 618 transponder time. All net revenue realized through the leasing
 619 of available transponder time, after deducting the costs of
 620 performing the management function, shall be recycled to support
 621 the public education distance learning in this state based upon
 622 an allocation formula of one-third to the Department of
 623 Education, one-third to Florida College System institutions
 624 ~~community colleges~~, and one-third to state universities.

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

628
 629 Nothing in this section shall be construed to abrogate,
 630 supersede, alter, or amend the powers and duties of any state
 631 agency, district school board, Florida College System
 632 institution ~~community college~~ board of trustees, university
 633 board of trustees, the Board of Governors, or the State Board of
 634 Education.

635 Section 16. Subsection (13) of section 1001.43, Florida
 636 Statutes, is amended to read:

637 1001.43 Supplemental powers and duties of district school
 638 board.—The district school board may exercise the following
 639 supplemental powers and duties as authorized by this code or
 640 State Board of Education rule.

641 (13) COOPERATION WITH FLORIDA COLLEGE SYSTEM INSTITUTIONS
 642 ~~COMMUNITY COLLEGES~~.—The district school board shall work with
 643 the Florida College System institutions ~~community colleges~~ in
 644 the district to ensure that the Florida College System

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645 institution ~~community college~~ students have access to remedial
 646 education.

647 Section 17. Subsection (2) of section 1001.60, Florida
 648 Statutes, is amended to read:

649 1001.60 Florida College System.—

650 (2) FLORIDA COLLEGE SYSTEM.—There shall be a single
 651 Florida College System comprised of the Florida College System
 652 institutions ~~colleges~~ identified in s. 1000.21(3). A Florida
 653 College System institution ~~college~~ may not offer graduate degree
 654 programs.

655 (a) The programs and services offered by Florida College
 656 System institutions ~~colleges~~ in providing associate and
 657 baccalaureate degrees shall be delivered in a cost-effective
 658 manner that demonstrates substantial savings to the student and
 659 to the state over the cost of providing the degree at a state
 660 university.

661 (b)1. With the approval of its district board of trustees,
 662 a Florida College System institution ~~college~~ may change the
 663 institution's name set forth in s. 1000.21(3) and use the
 664 designation "college" or "state college" if it has been
 665 authorized to grant baccalaureate degrees pursuant to s. 1007.33
 666 and has been accredited as a baccalaureate-degree-granting
 667 institution by the Commission on Colleges of the Southern
 668 Association of Colleges and Schools.

669 2. With the approval of its district board of trustees, a
 670 Florida College System institution ~~college~~ that does not meet
 671 the criteria in subparagraph 1. may request approval from the
 672 State Board of Education to change the institution's name set

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673 | forth in s. 1000.21(3) and use the designation "college." The
 674 | State Board of Education may approve the request if the Florida
 675 | College System institution ~~college~~ enters into an agreement with
 676 | the State Board of Education to do the following:

677 | a. Maintain as its primary mission responsibility for
 678 | responding to community needs for postsecondary academic
 679 | education and career degree education as prescribed in s.
 680 | 1004.65(5).

681 | b. Maintain an open-door admissions policy for associate-
 682 | level degree programs and workforce education programs.

683 | c. Continue to provide outreach to underserved
 684 | populations.

685 | d. Continue to provide remedial education.

686 | e. Comply with all provisions of the statewide
 687 | articulation agreement that relate to 2-year and 4-year public
 688 | degree-granting institutions as adopted by the State Board of
 689 | Education pursuant to s. 1007.23.

690 | (c) A district board of trustees that approves a change to
 691 | the name of an institution under paragraph (b) must seek
 692 | statutory codification of such name change in s. 1000.21(3)
 693 | during the next regular legislative session.

694 | (d) A Florida College System institution ~~college~~ may not
 695 | use the designation "university."

696 | Section 18. Section 1001.61, Florida Statutes, is amended
 697 | to read:

698 | 1001.61 Florida College System institution ~~Community~~
 699 | ~~college~~ boards of trustees; membership.—

700 | (1) Florida College System institution ~~Community college~~

701 boards of trustees shall be comprised of five members when a
 702 Florida College System institution ~~community college~~ district is
 703 confined to one school board district; seven members when a
 704 Florida College System institution ~~community college~~ district is
 705 confined to one school board district and the board of trustees
 706 so elects; and not more than nine members when the district
 707 contains two or more school board districts, as provided by
 708 rules of the State Board of Education. However, Florida State
 709 College at Jacksonville shall have an odd number of trustees.

710 (2) Trustees shall be appointed by the Governor and
 711 confirmed by the Senate in regular session.

712 (3) Members of the board of trustees shall receive no
 713 compensation but may receive reimbursement for expenses as
 714 provided in s. 112.061.

715 (4) At its first regular meeting after July 1 of each
 716 year, each Florida College System institution ~~community college~~
 717 board of trustees shall organize by electing a chair, whose duty
 718 as such is to preside at all meetings of the board, to call
 719 special meetings thereof, and to attest to actions of the board,
 720 and a vice chair, whose duty as such is to act as chair during
 721 the absence or disability of the elected chair. It is the
 722 further duty of the chair of each board of trustees to notify
 723 the Governor, in writing, whenever a board member fails to
 724 attend three consecutive regular board meetings in any one
 725 fiscal year, which absences may be grounds for removal.

726 (5) A Florida College System institution ~~community college~~
 727 president shall serve as the executive officer and corporate
 728 secretary of the board of trustees and shall be responsible to

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729 | the board of trustees for setting the agenda for meetings of the
 730 | board of trustees in consultation with the chair. The president
 731 | also serves as the chief administrative officer of the Florida
 732 | College System institution ~~community college~~, and all the
 733 | components of the institution and all aspects of its operation
 734 | are responsible to the board of trustees through the president.

735 | Section 19. Section 1001.62, Florida Statutes, is amended
 736 | to read:

737 | 1001.62 Transfer of benefits arising under local or
 738 | special acts.—All local or special acts in force on July 1,
 739 | 1968, that provide benefits for a Florida College System
 740 | institution ~~community college~~ through a district school board
 741 | shall continue in full force and effect, and such benefits shall
 742 | be transmitted to the Florida College System institution
 743 | ~~community college~~ board of trustees.

744 | Section 20. Section 1001.63, Florida Statutes, is amended
 745 | to read:

746 | 1001.63 Florida College System institution ~~Community~~
 747 | ~~college~~ board of trustees; board of trustees to constitute a
 748 | corporation.—Each Florida College System institution ~~community~~
 749 | ~~college~~ board of trustees is constituted a body corporate by the
 750 | name of "The District Board of Trustees of ...(name of Florida
 751 | College System institution ~~community college~~)..., Florida" with
 752 | all the powers and duties of a body corporate, including the
 753 | power to adopt a corporate seal, to contract and be contracted
 754 | with, to sue or be sued, to plead and be impleaded in all courts
 755 | of law or equity, and to give and receive donations. In all
 756 | suits against a board of trustees, service of process shall be

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757 | made on the chair of the board of trustees or, in the absence of
 758 | the chair, the corporate secretary or designee of the chair.

759 | Section 21. Section 1001.64, Florida Statutes, is amended
 760 | to read:

761 | 1001.64 Florida College System institution ~~Community~~
 762 | ~~college~~ boards of trustees; powers and duties.-

763 | (1) The boards of trustees shall be responsible for cost-
 764 | effective policy decisions appropriate to the Florida College
 765 | System institution's ~~community college's~~ mission, the
 766 | implementation and maintenance of high-quality education
 767 | programs within law and rules of the State Board of Education,
 768 | the measurement of performance, the reporting of information,
 769 | and the provision of input regarding state policy, budgeting,
 770 | and education standards.

771 | (2) Each board of trustees is vested with the
 772 | responsibility to govern its respective Florida College System
 773 | institution ~~community college~~ and with such necessary authority
 774 | as is needed for the proper operation and improvement thereof in
 775 | accordance with rules of the State Board of Education.

776 | (3) A board of trustees shall have the power to take
 777 | action without a recommendation from the president and shall
 778 | have the power to require the president to deliver to the board
 779 | of trustees all data and information required by the board of
 780 | trustees in the performance of its duties.

781 | (4) (a) The board of trustees, after considering
 782 | recommendations submitted by the Florida College System
 783 | institution ~~community college~~ president, may adopt rules
 784 | pursuant to ss. 120.536(1) and 120.54 to implement the

785 provisions of law conferring duties upon it. These rules may
 786 supplement those prescribed by the State Board of Education if
 787 they will contribute to the more orderly and efficient operation
 788 of Florida College System institutions ~~community colleges~~.

789 (b) Each board of trustees is specifically authorized to
 790 adopt rules, procedures, and policies, consistent with law and
 791 rules of the State Board of Education, related to its mission
 792 and responsibilities as set forth in s. 1004.65, its governance,
 793 personnel, budget and finance, administration, programs,
 794 curriculum and instruction, buildings and grounds, travel and
 795 purchasing, technology, students, contracts and grants, or
 796 college property.

797 (5) Each board of trustees shall have responsibility for
 798 the use, maintenance, protection, and control of Florida College
 799 System institution ~~community college~~ owned or Florida College
 800 System institution ~~community college~~ controlled buildings and
 801 grounds, property and equipment, name, trademarks and other
 802 proprietary marks, and the financial and other resources of the
 803 Florida College System institution ~~community college~~. Such
 804 authority may include placing restrictions on activities and on
 805 access to facilities, firearms, food, tobacco, alcoholic
 806 beverages, distribution of printed materials, commercial
 807 solicitation, animals, and sound.

808 (6) Each board of trustees has responsibility for the
 809 establishment and discontinuance of program and course offerings
 810 in accordance with law and rule; provision for instructional and
 811 noninstructional community services, location of classes, and
 812 services provided; and dissemination of information concerning

813 such programs and services. New programs must be approved
 814 pursuant to s. 1004.03.

815 (7) Each board of trustees has responsibility for:
 816 ensuring that students have access to general education courses
 817 as identified in rule; requiring no more than 60 semester hours
 818 of degree program coursework, including 36 semester hours of
 819 general education coursework, for an associate in arts degree;
 820 notifying students that earned hours in excess of 60 semester
 821 hours may not be accepted by state universities; notifying
 822 students of unique program prerequisites; and ensuring that
 823 degree program coursework beyond general education coursework is
 824 consistent with degree program prerequisite requirements adopted
 825 pursuant to s. 1007.25(5).

826 (8) Each board of trustees has authority for policies
 827 related to students, enrollment of students, student records,
 828 student activities, financial assistance, and other student
 829 services.

830 (a) Each board of trustees shall govern admission of
 831 students pursuant to s. 1007.263 and rules of the State Board of
 832 Education. A board of trustees may establish additional
 833 admissions criteria, which shall be included in the district
 834 interinstitutional articulation agreement developed according to
 835 s. 1007.235, to ensure student readiness for postsecondary
 836 instruction. Each board of trustees may consider the past
 837 actions of any person applying for admission or enrollment and
 838 may deny admission or enrollment to an applicant because of
 839 misconduct if determined to be in the best interest of the
 840 Florida College System institution ~~community college~~.

841 (b) Each board of trustees shall adopt rules establishing
 842 student performance standards for the award of degrees and
 843 certificates pursuant to s. 1004.68.

844 (c) Boards of trustees are authorized to establish
 845 intrainstitutional and interinstitutional programs to maximize
 846 articulation pursuant to s. 1007.22.

847 (d) Boards of trustees shall identify their core
 848 curricula, which shall include courses required by the State
 849 Board of Education, pursuant to the provisions of s. 1007.25(6).

850 (e) Each board of trustees must adopt a written antihazing
 851 policy, provide a program for the enforcement of such rules, and
 852 adopt appropriate penalties for violations of such rules
 853 pursuant to the provisions of s. 1006.63.

854 (f) Each board of trustees may establish a uniform code of
 855 conduct and appropriate penalties for violation of its rules by
 856 students and student organizations, including rules governing
 857 student academic honesty. Such penalties, unless otherwise
 858 provided by law, may include fines, the withholding of diplomas
 859 or transcripts pending compliance with rules or payment of
 860 fines, and the imposition of probation, suspension, or
 861 dismissal.

862 (g) Each board of trustees pursuant to s. 1006.53 shall
 863 adopt a policy in accordance with rules of the State Board of
 864 Education that reasonably accommodates the religious observance,
 865 practice, and belief of individual students in regard to
 866 admissions, class attendance, and the scheduling of examinations
 867 and work assignments.

868 (9) A board of trustees may contract with the board of

869 trustees of a state university for the Florida College System
 870 institution ~~community college~~ to provide college-preparatory
 871 instruction on the state university campus.

872 (10) Each board of trustees shall establish fees pursuant
 873 to ss. 1009.22, 1009.23, 1009.25, 1009.26, and 1009.27.

874 (11) Each board of trustees shall submit an institutional
 875 budget request, including a request for fixed capital outlay,
 876 and an operating budget to the State Board of Education for
 877 approval in accordance with guidelines established by the State
 878 Board of Education.

879 (12) Each board of trustees shall account for expenditures
 880 of all state, local, federal and other funds in the manner
 881 described by the Department of Education.

882 (13) Each board of trustees is responsible for the uses
 883 for the proceeds of academic improvement trust funds pursuant to
 884 s. 1011.85.

885 (14) Each board of trustees shall develop a strategic plan
 886 specifying institutional goals and objectives for the Florida
 887 College System institution ~~community college~~ for recommendation
 888 to the State Board of Education.

889 (15) Each board of trustees shall develop an
 890 accountability plan pursuant to s. 1008.45.

891 (16) Each board of trustees must expend performance funds
 892 provided for workforce education pursuant to the provisions of
 893 s. 1011.80.

894 (17) Each board of trustees is accountable for performance
 895 in certificate career education and diploma programs pursuant to
 896 s. 1008.43.

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897 (18) Each board of trustees shall establish the personnel
 898 program for all employees of the Florida College System
 899 institution ~~community college~~, including the president, pursuant
 900 to the provisions of chapter 1012 and rules and guidelines of
 901 the State Board of Education, including: compensation and other
 902 conditions of employment; recruitment and selection;
 903 nonreappointment; standards for performance and conduct;
 904 evaluation; benefits and hours of work; leave policies;
 905 recognition; inventions and work products; travel; learning
 906 opportunities; exchange programs; academic freedom and
 907 responsibility; promotion; assignment; demotion; transfer;
 908 ethical obligations and conflict of interest; restrictive
 909 covenants; disciplinary actions; complaints; appeals and
 910 grievance procedures; and separation and termination from
 911 employment.

912 (19) Each board of trustees shall appoint, suspend, or
 913 remove the president of the Florida College System institution
 914 ~~community college~~. The board of trustees may appoint a search
 915 committee. The board of trustees shall conduct annual
 916 evaluations of the president in accordance with rules of the
 917 State Board of Education and submit such evaluations to the
 918 State Board of Education for review. The evaluation must address
 919 the achievement of the performance goals established by the
 920 accountability process implemented pursuant to s. 1008.45 and
 921 the performance of the president in achieving the annual and
 922 long-term goals and objectives established in the Florida
 923 College System institution's ~~community college's~~ employment
 924 accountability program implemented pursuant to s. 1012.86.

925 (20) Each board of trustees is authorized to enter into
 926 contracts to provide a State Community College System Optional
 927 Retirement Program pursuant to s. 1012.875 and to enter into
 928 consortia with other boards of trustees for this purpose.

929 (21) Each board of trustees is authorized to purchase
 930 annuities for its Florida College System institution ~~community~~
 931 ~~college~~ personnel who have 25 or more years of creditable
 932 service and who have reached age 55 and have applied for
 933 retirement under the Florida Retirement System pursuant to the
 934 provisions of s. 1012.87.

935 (22) A board of trustees may defray all costs of defending
 936 civil actions against officers, employees, or agents of the
 937 board of trustees pursuant to s. 1012.85.

938 (23) Each board of trustees has authority for risk
 939 management, safety, security, and law enforcement operations.
 940 Each board of trustees is authorized to employ personnel,
 941 including police officers pursuant to s. 1012.88, to carry out
 942 the duties imposed by this subsection.

943 (24) Each board of trustees shall provide rules governing
 944 parking and the direction and flow of traffic within campus
 945 boundaries. Except for sworn law enforcement personnel, persons
 946 employed to enforce campus parking rules have no authority to
 947 arrest or issue citations for moving traffic violations. The
 948 board of trustees may adopt a uniform code of appropriate
 949 penalties for violations. Such penalties, unless otherwise
 950 provided by law, may include the levying of fines, the
 951 withholding of diplomas or transcripts pending compliance with
 952 rules or payment of fines, and the imposition of probation,

953 suspension, or dismissal. Moneys collected from parking rule
 954 infractions shall be deposited in appropriate funds at each
 955 Florida College System institution ~~community college~~ for student
 956 financial aid purposes.

957 (25) Each board of trustees constitutes the contracting
 958 agent of the Florida College System institution ~~community~~
 959 ~~college~~. It may when acting as a body make contracts, sue, and
 960 be sued in the name of the board of trustees. In any suit, a
 961 change in personnel of the board of trustees shall not abate the
 962 suit, which shall proceed as if such change had not taken place.

963 (26) Each board of trustees is authorized to contract for
 964 the purchase, sale, lease, license, or acquisition in any
 965 manner, including purchase by installment or lease-purchase
 966 contract which may provide for the payment of interest on the
 967 unpaid portion of the purchase price and for the granting of a
 968 security interest in the items purchased, subject to the
 969 provisions of subsection (38) and ss. 1009.22 and 1009.23, of
 970 goods, materials, equipment, and services required by the
 971 Florida College System institution ~~community college~~. The board
 972 of trustees may choose to consolidate equipment contracts under
 973 master equipment financing agreements made pursuant to s.
 974 287.064.

975 (27) Each board of trustees shall be responsible for
 976 managing and protecting real and personal property acquired or
 977 held in trust for use by and for the benefit of such Florida
 978 College System institution ~~community college~~. To that end, any
 979 board of trustees is authorized to be self-insured, to enter
 980 into risk management programs, or to purchase insurance for

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981 whatever coverage it may choose, or to have any combination
 982 thereof, in anticipation of any loss, damage, or destruction. A
 983 board of trustees may contract for self-insurance services
 984 pursuant to s. 1004.725.

985 (28) Each board of trustees is authorized to enter into
 986 agreements for, and accept, credit card, charge card, and debit
 987 card payments as compensation for goods, services, tuition, and
 988 fees. Each Florida College System institution ~~community college~~
 989 is further authorized to establish accounts in credit card,
 990 charge card, and debit card banks for the deposit of sales
 991 invoices.

992 (29) Each board of trustees may provide incubator
 993 facilities to eligible small business concerns pursuant to s.
 994 1004.79.

995 (30) Each board of trustees may establish a technology
 996 transfer center for the purpose of providing institutional
 997 support to local business and industry and governmental agencies
 998 in the application of new research in technology pursuant to the
 999 provisions of s. 1004.78.

1000 (31) Each board of trustees may establish economic
 1001 development centers for the purpose of serving as liaisons
 1002 between Florida College System institutions ~~community colleges~~
 1003 and the business sector pursuant to the provisions of s.
 1004 1004.80.

1005 (32) Each board of trustees may establish a child
 1006 development training center pursuant to s. 1004.81.

1007 (33) Each board of trustees is authorized to develop and
 1008 produce work products relating to educational endeavors that are

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1009 | subject to trademark, copyright, or patent statutes pursuant to
 1010 | chapter 1004.

1011 | (34) Each board of trustees shall administer the
 1012 | facilities program pursuant to chapter 1013, including but not
 1013 | limited to: the construction of public educational and ancillary
 1014 | plants; the acquisition and disposal of property; compliance
 1015 | with building and life safety codes; submission of data and
 1016 | information relating to facilities and construction; use of
 1017 | buildings and grounds; establishment of safety and sanitation
 1018 | programs for the protection of building occupants; and site
 1019 | planning and selection.

1020 | (35) Each board of trustees may exercise the right of
 1021 | eminent domain pursuant to the provisions of chapter 1013.

1022 | (36) Each board of trustees may enter into lease-purchase
 1023 | arrangements with private individuals or corporations for
 1024 | necessary grounds and buildings for Florida College System
 1025 | institution ~~community college~~ purposes, other than dormitories,
 1026 | or for buildings other than dormitories to be erected for
 1027 | Florida College System institution ~~community college~~ purposes.
 1028 | Such arrangements shall be paid from capital outlay and debt
 1029 | service funds as provided by s. 1011.84(2), with terms not to
 1030 | exceed 30 years at a stipulated rate. The provisions of such
 1031 | contracts, including building plans, are subject to approval by
 1032 | the Department of Education, and no such contract may be entered
 1033 | into without such approval.

1034 | (37) Each board of trustees may purchase, acquire,
 1035 | receive, hold, own, manage, lease, sell, dispose of, and convey
 1036 | title to real property, in the best interests of the Florida

1037 | College System institution ~~community college~~.

1038 | (38) Each board of trustees is authorized to enter into

1039 | short-term loans and installment, lease-purchase, and other

1040 | financing contracts for a term of not more than 5 years,

1041 | including renewals, extensions, and refundings. Payments on

1042 | short-term loans and installment, lease-purchase, and other

1043 | financing contracts pursuant to this subsection shall be subject

1044 | to annual appropriation by the board of trustees. Each board of

1045 | trustees is authorized to borrow funds and incur long-term debt,

1046 | including promissory notes, installment sales agreements, lease-

1047 | purchase agreements, certificates of participation, and other

1048 | similar long-term financing arrangements, only as specifically

1049 | provided in ss. 1009.22(6) and (9) and 1009.23(11) and (12). At

1050 | the option of the board of trustees, bonds issued pursuant to

1051 | ss. 1009.22(6) and (9) and 1009.23(11) and (12) may be secured

1052 | by a combination of revenues authorized to be pledged to bonds

1053 | pursuant to such subsections. Revenue bonds may not be secured

1054 | by or paid from, directly or indirectly, tuition, financial aid

1055 | fees, the Florida College System ~~Community College~~ Program Fund,

1056 | or any other operating revenues of a Florida College System

1057 | institution ~~community college~~. Lease-purchase agreements may be

1058 | secured by a combination of revenues as specifically authorized

1059 | pursuant to ss. 1009.22(7) and 1009.23(10).

1060 | (39) Each board of trustees shall prescribe conditions for

1061 | direct-support organizations to be certified and to use Florida

1062 | College System institution ~~community college~~ property and

1063 | services. Conditions relating to certification must provide for

1064 | audit review and oversight by the board of trustees.

1065 (40) Each board of trustees may adopt policies pursuant to
 1066 s. 1010.02 that provide procedures for transferring to the
 1067 direct-support organization of that Florida College System
 1068 institution ~~community college~~ for administration by such
 1069 organization contributions made to the Florida College System
 1070 institution ~~community college~~.

1071 (41) The board of trustees shall exert every effort to
 1072 collect all delinquent accounts pursuant to s. 1010.03.

1073 (42) Each board of trustees shall implement a plan, in
 1074 accordance with guidelines of the State Board of Education, for
 1075 working on a regular basis with the other Florida College System
 1076 institution ~~community college~~ boards of trustees,
 1077 representatives of the university boards of trustees, and
 1078 representatives of the district school boards to achieve the
 1079 goals of the seamless education system.

1080 (43) Each board of trustees has responsibility for
 1081 compliance with state and federal laws, rules, regulations, and
 1082 requirements.

1083 (44) Each board of trustees may adopt rules, procedures,
 1084 and policies related to institutional governance,
 1085 administration, and management in order to promote orderly and
 1086 efficient operation, including, but not limited to, financial
 1087 management, budget management, physical plant management, and
 1088 property management.

1089 (45) Each board of trustees may adopt rules and procedures
 1090 related to data or technology, including, but not limited to,
 1091 information systems, communications systems, computer hardware
 1092 and software, and networks.

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1093 (46) Each board of trustees may consider the past actions
 1094 of any person applying for employment and may deny employment to
 1095 a person because of misconduct if determined to be in the best
 1096 interest of the Florida College System institution ~~community~~
 1097 ~~college~~.

1098 (47) A board of trustees may not enter into an employment
 1099 contract that requires the Florida College System institution
 1100 ~~community college~~ to pay a Florida College System institution
 1101 ~~community college~~ president an amount from state funds in excess
 1102 of 1 year of the president's annual salary for termination,
 1103 buyout, or any other type of contract settlement. This
 1104 subsection does not prohibit the payment of leave and benefits
 1105 accrued by the president in accordance with the Florida College
 1106 System institution's ~~community college's~~ leave and benefits
 1107 policies before the contract terminates.

1108 Section 22. Section 1001.65, Florida Statutes, is amended
 1109 to read:

1110 1001.65 Florida College System institution ~~Community~~
 1111 ~~college~~ presidents; powers and duties.—The president is the
 1112 chief executive officer of the Florida College System
 1113 institution ~~community college~~, shall be corporate secretary of
 1114 the Florida College System institution ~~community college~~ board
 1115 of trustees, and is responsible for the operation and
 1116 administration of the Florida College System institution
 1117 ~~community college~~. Each Florida College System institution
 1118 ~~community college~~ president shall:

1119 (1) Recommend the adoption of rules, as appropriate, to
 1120 the Florida College System institution ~~community college~~ board

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1121 of trustees to implement provisions of law governing the
 1122 operation and administration of the Florida College System
 1123 institution ~~community college~~, which shall include the specific
 1124 powers and duties enumerated in this section. Such rules shall
 1125 be consistent with law, the mission of the Florida College
 1126 System institution ~~community college~~ and the rules and policies
 1127 of the State Board of Education.

1128 (2) Prepare a budget request and an operating budget
 1129 pursuant to s. 1011.30 for approval by the Florida College
 1130 System institution ~~community college~~ board of trustees at such
 1131 time and in such format as the State Board of Education may
 1132 prescribe.

1133 (3) Establish and implement policies and procedures to
 1134 recruit, appoint, transfer, promote, compensate, evaluate,
 1135 reward, demote, discipline, and remove personnel, within law and
 1136 rules of the State Board of Education and in accordance with
 1137 rules or policies approved by the Florida College System
 1138 institution ~~community college~~ board of trustees.

1139 (4) Govern admissions, subject to law and rules or
 1140 policies of the Florida College System institution ~~community~~
 1141 ~~college~~ board of trustees and the State Board of Education.

1142 (5) Approve, execute, and administer contracts for and on
 1143 behalf of the Florida College System institution ~~community~~
 1144 ~~college~~ board of trustees for licenses; the acquisition or
 1145 provision of commodities, goods, equipment, and services; leases
 1146 of real and personal property; and planning and construction to
 1147 be rendered to or by the Florida College System institution
 1148 ~~community college~~, provided such contracts are within law and

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1149 guidelines of the State Board of Education and in conformance
 1150 with policies of the Florida College System institution
 1151 ~~community college~~ board of trustees, and are for the
 1152 implementation of approved programs of the Florida College
 1153 System institution ~~community college~~.

1154 (6) Act for the Florida College System institution
 1155 ~~community college~~ board of trustees as custodian of all Florida
 1156 College System institution ~~community college~~ property and
 1157 financial resources. The authority vested in the Florida College
 1158 System institution ~~community college~~ president under this
 1159 subsection includes the authority to prioritize the use of
 1160 Florida College System institution ~~community college~~ space,
 1161 property, equipment, and resources and the authority to impose
 1162 charges for the use of those items.

1163 (7) Establish the internal academic calendar of the
 1164 Florida College System institution ~~community college~~ within
 1165 general guidelines of the State Board of Education.

1166 (8) Administer the Florida College System institution's
 1167 ~~community college's~~ program of intercollegiate athletics.

1168 (9) Recommend to the board of trustees the establishment
 1169 and termination of programs within the approved role and scope
 1170 of the Florida College System institution ~~community college~~.

1171 (10) Award degrees.

1172 (11) Recommend to the board of trustees a schedule of
 1173 tuition and fees to be charged by the Florida College System
 1174 institution ~~community college~~, within law and rules of the State
 1175 Board of Education.

1176 (12) Organize the Florida College System institution

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1177 ~~community college~~ to efficiently and effectively achieve the
 1178 goals of the Florida College System institution ~~community~~
 1179 ~~college~~.

1180 (13) Review periodically the operations of the Florida
 1181 College System institution ~~community college~~ in order to
 1182 determine how effectively and efficiently the Florida College
 1183 System institution ~~community college~~ is being administered and
 1184 whether it is meeting the goals of its strategic plan adopted by
 1185 the State Board of Education.

1186 (14) Enter into agreements for student exchange programs
 1187 that involve students at the Florida College System institution
 1188 ~~community college~~ and students in other institutions of higher
 1189 learning.

1190 (15) Approve the internal procedures of student government
 1191 organizations and provide purchasing, contracting, and budgetary
 1192 review processes for these organizations.

1193 (16) Ensure compliance with federal and state laws, rules,
 1194 regulations, and other requirements that are applicable to the
 1195 Florida College System institution ~~community college~~.

1196 (17) Maintain all data and information pertaining to the
 1197 operation of the Florida College System institution ~~community~~
 1198 ~~college~~, and report on the attainment by the Florida College
 1199 System institution ~~community college~~ of institutional and
 1200 statewide performance accountability goals.

1201 (18) Certify to the department a project's compliance with
 1202 the requirements for expenditure of PECO funds prior to release
 1203 of funds pursuant to the provisions of chapter 1013.

1204 (19) Provide to the law enforcement agency and fire

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1205 department that has jurisdiction over the Florida College System
 1206 institution ~~community college~~ a copy of the floor plans and
 1207 other relevant documents for each educational facility as
 1208 defined in s. 1013.01(6). After the initial submission of the
 1209 floor plans and other relevant documents, the Florida College
 1210 System institution ~~community college~~ president shall submit, by
 1211 October 1 of each year, revised floor plans and other relevant
 1212 documents for each educational facility that was modified during
 1213 the preceding year.

1214 (20) Establish a committee to consider requests for
 1215 waivers from the provisions of s. 1008.29 and approve or
 1216 disapprove the committee's recommendations.

1217 (21) Develop and implement jointly with school
 1218 superintendents a comprehensive articulated acceleration
 1219 program, including a comprehensive interinstitutional
 1220 articulation agreement, for the students enrolled in their
 1221 respective school districts and service areas pursuant to the
 1222 provisions of s. 1007.235.

1223 (22) Have authority, after notice to the student of the
 1224 charges and after a hearing thereon, to expel, suspend, or
 1225 otherwise discipline any student who is found to have violated
 1226 any law, ordinance, or rule or regulation of the State Board of
 1227 Education or of the board of trustees of the Florida College
 1228 System institution ~~community college~~ pursuant to the provisions
 1229 of s. 1006.62.

1230 (23) Submit an annual employment accountability plan to
 1231 the Department of Education pursuant to the provisions of s.
 1232 1012.86.

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1233 (24) Annually evaluate, or have a designee annually
 1234 evaluate, each department chairperson, dean, provost, and vice
 1235 president in achieving the annual and long-term goals and
 1236 objectives of the Florida College System institution's ~~community~~
 1237 ~~college's~~ employment accountability plan.

1238 (25) Have vested with the president or the president's
 1239 designee the authority that is vested with the Florida College
 1240 System institution ~~community college~~.

1241 Section 23. Paragraph (b) of subsection (2) of section
 1242 1001.705, Florida Statutes, is amended to read:

1243 1001.705 Responsibility for the State University System
 1244 under s. 7, Art. IX of the State Constitution.—

1245 (2) CONSTITUTIONAL DUTIES OF THE BOARD OF GOVERNORS OF THE
 1246 STATE UNIVERSITY SYSTEM.—In accordance with s. 7, Art. IX of the
 1247 State Constitution, the Board of Governors of the State
 1248 University System has the duty to operate, regulate, control,
 1249 and be fully responsible for the management of the whole
 1250 publicly funded State University System and the board, or the
 1251 board's designee, has responsibility for:

1252 (b) Defining the articulation of each constituent
 1253 university in conjunction with the Legislature's authority over
 1254 the public schools and Florida College System institutions
 1255 ~~community colleges~~.

1256 Section 24. Subsection (9) of section 1001.706, Florida
 1257 Statutes, is amended to read:

1258 1001.706 Powers and duties of the Board of Governors.—

1259 (9) COOPERATION WITH OTHER BOARDS.—The Board of Governors
 1260 shall implement a plan for working on a regular basis with the

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1261 State Board of Education, the Commission for Independent
 1262 Education, the university boards of trustees, representatives of
 1263 the Florida College System institution ~~community college~~ boards
 1264 of trustees, representatives of the private colleges and
 1265 universities, and representatives of the district school boards
 1266 to achieve a seamless education system.

1267 Section 25. Paragraph (d) of subsection (19) of section
 1268 1002.20, Florida Statutes, is amended to read:

1269 1002.20 K-12 student and parent rights.—Parents of public
 1270 school students must receive accurate and timely information
 1271 regarding their child's academic progress and must be informed
 1272 of ways they can help their child to succeed in school. K-12
 1273 students and their parents are afforded numerous statutory
 1274 rights including, but not limited to, the following:

1275 (19) INSTRUCTIONAL MATERIALS.—

1276 (d) *Dual enrollment students*.—Instructional materials
 1277 purchased by a district school board or Florida College System
 1278 institution ~~community college~~ board of trustees on behalf of
 1279 public school dual enrollment students shall be made available
 1280 to the dual enrollment students free of charge, in accordance
 1281 with the provisions of s. 1007.271(14) and (15).

1282 Section 26. Subsections (4) and (5) of section 1002.21,
 1283 Florida Statutes, are amended to read:

1284 1002.21 Postsecondary student and parent rights.—

1285 (4) STUDENT HANDBOOKS.—Each state university and Florida
 1286 College System institution ~~community college~~ shall provide its
 1287 students with an up-to-date student handbook that includes
 1288 student rights and responsibilities, appeals processes available

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1289 to students, contact persons available to help students, student
 1290 conduct code, and information regarding HIV and AIDS, in
 1291 accordance with the provisions of s. 1006.50.

1292 (5) STUDENT OMBUDSMAN OFFICE.—Each state university and
 1293 Florida College System institution ~~community college~~ shall
 1294 maintain a student ombudsman office and established procedures
 1295 for students to appeal to the office regarding decisions about
 1296 the student's access to courses and credit granted toward the
 1297 student's degree, in accordance with the provisions of s.
 1298 1006.51.

1299 Section 27. Paragraph (b) of subsection (5) and paragraph
 1300 (c) of subsection (18) of section 1002.33, Florida Statutes, are
 1301 amended to read:

1302 1002.33 Charter schools.—

1303 (5) SPONSOR; DUTIES.—

1304 (b) *Sponsor duties.*—

1305 1.a. The sponsor shall monitor and review the charter
 1306 school in its progress toward the goals established in the
 1307 charter.

1308 b. The sponsor shall monitor the revenues and expenditures
 1309 of the charter school and perform the duties provided in s.
 1310 1002.345.

1311 c. The sponsor may approve a charter for a charter school
 1312 before the applicant has identified space, equipment, or
 1313 personnel, if the applicant indicates approval is necessary for
 1314 it to raise working funds.

1315 d. The sponsor's policies shall not apply to a charter
 1316 school unless mutually agreed to by both the sponsor and the

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1317 charter school.

1318 e. The sponsor shall ensure that the charter is innovative
 1319 and consistent with the state education goals established by s.
 1320 1000.03(5).

1321 f. The sponsor shall ensure that the charter school
 1322 participates in the state's education accountability system. If
 1323 a charter school falls short of performance measures included in
 1324 the approved charter, the sponsor shall report such shortcomings
 1325 to the Department of Education.

1326 g. The sponsor shall not be liable for civil damages under
 1327 state law for personal injury, property damage, or death
 1328 resulting from an act or omission of an officer, employee,
 1329 agent, or governing body of the charter school.

1330 h. The sponsor shall not be liable for civil damages under
 1331 state law for any employment actions taken by an officer,
 1332 employee, agent, or governing body of the charter school.

1333 i. The sponsor's duties to monitor the charter school
 1334 shall not constitute the basis for a private cause of action.

1335 j. The sponsor shall not impose additional reporting
 1336 requirements on a charter school without providing reasonable
 1337 and specific justification in writing to the charter school.

1338 2. Immunity for the sponsor of a charter school under
 1339 subparagraph 1. applies only with respect to acts or omissions
 1340 not under the sponsor's direct authority as described in this
 1341 section.

1342 3. This paragraph does not waive a district school board's
 1343 sovereign immunity.

1344 4. A Florida College System institution ~~community college~~

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1345 may work with the school district or school districts in its
 1346 designated service area to develop charter schools that offer
 1347 secondary education. These charter schools must include an
 1348 option for students to receive an associate degree upon high
 1349 school graduation. District school boards shall cooperate with
 1350 and assist the Florida College System institution ~~community~~
 1351 ~~college~~ on the charter application. Florida College System
 1352 institution ~~Community college~~ applications for charter schools
 1353 are not subject to the time deadlines outlined in subsection (6)
 1354 and may be approved by the district school board at any time
 1355 during the year. Florida College System institutions ~~Community~~
 1356 ~~colleges~~ may not report FTE for any students who receive FTE
 1357 funding through the Florida Education Finance Program.

1358 (18) FACILITIES.—

1359 (c) Any facility, or portion thereof, used to house a
 1360 charter school whose charter has been approved by the sponsor
 1361 and the governing board, pursuant to subsection (7), shall be
 1362 exempt from ad valorem taxes pursuant to s. 196.1983. Library,
 1363 community service, museum, performing arts, theatre, cinema,
 1364 church, Florida College System institution ~~community college~~,
 1365 college, and university facilities may provide space to charter
 1366 schools within their facilities under their preexisting zoning
 1367 and land use designations.

1368 Section 28. Subsections (1), (3), (4), (5), (6), (8), and
 1369 (9), paragraphs (b) and (c) of subsection (11), paragraphs (e),
 1370 (g), and (h) of subsection (12), and subsections (14) and (16)
 1371 of section 1002.34, Florida Statutes, are amended to read:

1372 1002.34 Charter technical career centers.—

1373 (1) AUTHORIZATION.—The Legislature finds that the
 1374 establishment of charter technical career centers can assist in
 1375 promoting advances and innovations in workforce preparation and
 1376 economic development. A charter technical career center may
 1377 provide a learning environment that better serves the needs of a
 1378 specific population group or a group of occupations, thus
 1379 promoting diversity and choices within the public education and
 1380 public postsecondary technical education community in this
 1381 state. Therefore, the creation of such centers is authorized as
 1382 part of the state's program of public education. A charter
 1383 technical career center may be formed by creating a new school
 1384 or converting an existing school district or Florida College
 1385 System institution ~~community college~~ program to charter
 1386 technical status.

1387 (3) DEFINITIONS.—As used in this section, the term:

1388 (a) "Charter technical career center" or "center" means a
 1389 public school or a public technical center operated under a
 1390 charter granted by a district school board or Florida College
 1391 System institution ~~community college~~ board of trustees or a
 1392 consortium, including one or more district school boards and
 1393 Florida College System institution ~~community college~~ boards of
 1394 trustees, that includes the district in which the facility is
 1395 located, that is nonsectarian in its programs, admission
 1396 policies, employment practices, and operations, and is managed
 1397 by a board of directors.

1398 (b) "Sponsor" means a district school board, a Florida
 1399 College System institution ~~community college~~ board of trustees,
 1400 or a consortium of one or more of each.

1401 (4) CHARTER.—A sponsor may designate centers as provided
 1402 in this section. An application to establish a center may be
 1403 submitted by a sponsor or another organization that is
 1404 determined, by rule of the State Board of Education, to be
 1405 appropriate. However, an independent school is not eligible for
 1406 status as a center. The charter must be signed by the governing
 1407 body of the center and the sponsor and must be approved by the
 1408 district school board and Florida College System institution
 1409 ~~community college~~ board of trustees in whose geographic region
 1410 the facility is located. If a charter technical career center is
 1411 established by the conversion to charter status of a public
 1412 technical center formerly governed by a district school board,
 1413 the charter status of that center takes precedence in any
 1414 question of governance. The governance of the center or of any
 1415 program within the center remains with its board of directors
 1416 unless the board agrees to a change in governance or its charter
 1417 is revoked as provided in subsection (15). Such a conversion
 1418 charter technical career center is not affected by a change in
 1419 the governance of public technical centers or of programs within
 1420 other centers that are or have been governed by district school
 1421 boards. A charter technical career center, or any program within
 1422 such a center, that was governed by a district school board and
 1423 transferred to a Florida College System institution ~~community~~
 1424 ~~college~~ prior to the effective date of this act is not affected
 1425 by this provision. An applicant who wishes to establish a center
 1426 must submit to the district school board or Florida College
 1427 System institution ~~community college~~ board of trustees, or a
 1428 consortium of one or more of each, an application on a form

- 1429 developed by the Department of Education which includes:
- 1430 (a) The name of the proposed center.
- 1431 (b) The proposed structure of the center, including a list
- 1432 of proposed members of the board of directors or a description
- 1433 of the qualifications for and method of their appointment or
- 1434 election.
- 1435 (c) The workforce development goals of the center, the
- 1436 curriculum to be offered, and the outcomes and the methods of
- 1437 assessing the extent to which the outcomes are met.
- 1438 (d) The admissions policy and criteria for evaluating the
- 1439 admission of students.
- 1440 (e) A description of the staff responsibilities and the
- 1441 proposed qualifications of the teaching staff.
- 1442 (f) A description of the procedures to be implemented to
- 1443 ensure significant involvement of representatives of business
- 1444 and industry in the operation of the center.
- 1445 (g) A method for determining whether a student has
- 1446 satisfied the requirements for graduation specified in s.
- 1447 1003.43 and for completion of a postsecondary certificate or
- 1448 degree.
- 1449 (h) A method for granting secondary and postsecondary
- 1450 diplomas, certificates, and degrees.
- 1451 (i) A description of and address for the physical facility
- 1452 in which the center will be located.
- 1453 (j) A method for resolving conflicts between the governing
- 1454 body of the center and the sponsor and between consortium
- 1455 members, if applicable.
- 1456 (k) A method for reporting student data as required by law

1457 and rule.

1458 (l) A statement that the applicant has participated in the
 1459 training provided by the Department of Education.

1460 (m) The identity of all relatives employed by the charter
 1461 technical career center who are related to the center owner,
 1462 president, chairperson of the governing board of directors,
 1463 superintendent, governing board member, principal, assistant
 1464 principal, or any other person employed by the center who has
 1465 equivalent decisionmaking authority. As used in this paragraph,
 1466 the term "relative" means father, mother, son, daughter,
 1467 brother, sister, uncle, aunt, first cousin, nephew, niece,
 1468 husband, wife, father-in-law, mother-in-law, son-in-law,
 1469 daughter-in-law, brother-in-law, sister-in-law, stepfather,
 1470 stepmother, stepson, stepdaughter, stepbrother, stepsister, half
 1471 brother, or half sister.

1472 (n) Other information required by the district school
 1473 board or Florida College System institution ~~community college~~
 1474 board of trustees.

1475
 1476 Students at a center must meet the same testing and academic
 1477 performance standards as those established by law and rule for
 1478 students at public schools and public technical centers. The
 1479 students must also meet any additional assessment indicators
 1480 that are included within the charter approved by the district
 1481 school board or Florida College System institution ~~community~~
 1482 ~~college~~ board of trustees.

1483 (5) APPLICATION.—An application to establish a center must
 1484 be submitted by February 1 of the year preceding the school year

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1485 in which the center will begin operation. The sponsor must
 1486 review the application using an evaluation instrument developed
 1487 by the Department of Education and make a final decision on
 1488 whether to approve the application and grant the charter by
 1489 March 1, and may condition the granting of a charter on the
 1490 center's taking certain actions or maintaining certain
 1491 conditions. Such actions and conditions must be provided to the
 1492 applicant in writing. The district school board or Florida
 1493 College System institution ~~community college~~ board of trustees
 1494 is not required to issue a charter to any person.

1495 (6) SPONSOR.—A district school board or Florida College
 1496 System institution ~~community college~~ board of trustees or a
 1497 consortium of one or more of each may sponsor a center in the
 1498 county in which the board has jurisdiction.

1499 (a) A sponsor must review all applications for centers
 1500 received through at least February 1 of each calendar year for
 1501 centers to be opened at the beginning of the sponsor's next
 1502 school year. A sponsor may receive applications later than this
 1503 date if it so chooses. To facilitate an accurate budget
 1504 projection process, a sponsor shall be held harmless for FTE
 1505 students who are not included in the FTE projection due to
 1506 approval of applications after the FTE projection deadline. A
 1507 sponsor must, by a majority vote, approve or deny an application
 1508 no later than 60 days after the application is received. If an
 1509 application is denied, the sponsor must, within 10 days, notify
 1510 the applicant in writing of the specific reasons for denial,
 1511 which must be based upon good cause. Upon approval of a charter
 1512 application, the initial startup must be consistent with the

1513 | beginning of the public school or Florida College System
 1514 | institution ~~community college~~ calendar for the district in which
 1515 | the charter is granted, unless the sponsor allows a waiver of
 1516 | this provision for good cause.

1517 | (b) An applicant may appeal any denial of its application
 1518 | to the State Board of Education within 30 days after the
 1519 | sponsor's denial and shall notify the sponsor of its appeal. Any
 1520 | response of the sponsor must be submitted to the state board
 1521 | within 30 days after notification of the appeal. The State Board
 1522 | of Education must, by majority vote, accept or reject the
 1523 | decision of the sponsor no later than 60 days after an appeal is
 1524 | filed, pursuant to State Board of Education rule. The State
 1525 | Board of Education may reject an appeal for failure to comply
 1526 | with procedural rules governing the appeals process, and the
 1527 | rejection must describe the submission errors. The appellant may
 1528 | have up to 15 days after notice of rejection to resubmit an
 1529 | appeal. An application for appeal submitted after a rejection is
 1530 | timely if the original appeal was filed within 30 days after the
 1531 | sponsor's denial. The State Board of Education shall remand the
 1532 | application to the sponsor with a written recommendation that
 1533 | the sponsor approve or deny the application, consistent with the
 1534 | state board's decision. The decision of the State Board of
 1535 | Education is not subject to the provisions of chapter 120.

1536 | (c) The sponsor must act upon the recommendation of the
 1537 | State Board of Education within 30 days after it is received,
 1538 | unless the sponsor determines by competent substantial evidence
 1539 | that approving the state board's recommendation would be
 1540 | contrary to law or the best interests of the students or the

1541 community. The sponsor must notify the applicant in writing
 1542 concerning the specific reasons for its failure to follow the
 1543 state board's recommendation. The sponsor's action on the state
 1544 board's recommendation is a final action, subject to judicial
 1545 review.

1546 (d)1. The Department of Education shall offer or arrange
 1547 for training and technical assistance to applicants in
 1548 developing business plans and estimating costs and income. This
 1549 assistance shall address estimating startup costs, projecting
 1550 enrollment, and identifying the types and amounts of state and
 1551 federal financial assistance the center may be eligible to
 1552 receive. The training shall include instruction in accurate
 1553 financial planning and good business practices.

1554 2. An applicant must participate in the training provided
 1555 by the Department of Education before filing an application. The
 1556 Department of Education may provide technical assistance to an
 1557 applicant upon written request.

1558 (e) The terms and conditions for the operation of a center
 1559 must be agreed to by the sponsor and the applicant in a written
 1560 contract. The sponsor may not impose unreasonable requirements
 1561 that violate the intent of giving centers greater flexibility to
 1562 meet educational goals. The applicant and sponsor must reach an
 1563 agreement on the provisions of the contract or the application
 1564 is deemed denied.

1565 (f) The sponsor shall monitor and review the center's
 1566 progress toward charter goals and shall monitor the center's
 1567 revenues and expenditures. The sponsor shall perform the duties
 1568 provided in s. 1002.345.

1569 (8) ELIGIBLE STUDENTS.—A center must be open to all
 1570 students as space is available and may not discriminate in
 1571 admissions policies or practices on the basis of an individual's
 1572 physical disability or proficiency in English or on any other
 1573 basis that would be unlawful if practiced by a public school or
 1574 a Florida College System institution ~~community college~~. A center
 1575 may establish reasonable criteria by which to evaluate
 1576 prospective students, which criteria must be outlined in the
 1577 charter.

1578 (9) FACILITIES.—A center may be located in any suitable
 1579 location, including part of an existing public school or Florida
 1580 College System institution ~~community college~~ building, space
 1581 provided on a public worksite, or a public building. A center's
 1582 facilities must comply with the State Uniform Building Code for
 1583 Public Educational Facilities Construction adopted pursuant to
 1584 s. 1013.37, or with applicable state minimum building codes
 1585 pursuant to chapter 553, and state minimum fire protection codes
 1586 pursuant to s. 633.025, adopted by the authority in whose
 1587 jurisdiction the facility is located. If K-12 public school
 1588 funds are used for construction, the facility must remain on the
 1589 local school district's Florida Inventory of School Houses
 1590 (FISH) school building inventory of the district school board
 1591 and must revert to the district school board if the consortium
 1592 dissolves and the program is discontinued. If Florida College
 1593 System institution ~~community college~~ public school funds are
 1594 used for construction, the facility must remain on the local
 1595 Florida College System institution's ~~community college's~~
 1596 facilities inventory and must revert to the local Florida

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1597 | College System institution ~~community college~~ board of trustees
 1598 | if the consortium dissolves and the program is discontinued. The
 1599 | additional student capacity created by the addition of the
 1600 | center to the local school district's FISH may not be calculated
 1601 | in the permanent student capacity for the purpose of determining
 1602 | need or eligibility for state capital outlay funds while the
 1603 | facility is used as a center. If the construction of the center
 1604 | is funded jointly by K-12 public school funds and Florida
 1605 | College System institution ~~community college~~ funds, the
 1606 | sponsoring entities must agree, before granting the charter, on
 1607 | the appropriate owner and terms of transfer of the facility if
 1608 | the charter is dissolved.

1609 | (11) FUNDING.—

1610 | (b) Each district school board and Florida College System
 1611 | institution ~~community college~~ that sponsors a charter technical
 1612 | career center shall pay directly to the center an amount stated
 1613 | in the charter. State funding shall be generated for the center
 1614 | for its student enrollment and program outcomes as provided in
 1615 | law. A center is eligible for funding from workforce education
 1616 | funds, the Florida Education Finance Program, and the Florida
 1617 | College System ~~Community College~~ Program Fund, depending upon
 1618 | the programs conducted by the center.

1619 | (c) A center may receive other state and federal aid,
 1620 | grants, and revenue through the district school board or Florida
 1621 | College System institution ~~community college~~ board of trustees.

1622 | (12) EMPLOYEES OF A CENTER.—

1623 | (e) As a public employer, a center may participate in:

1624 | 1. The Florida Retirement System upon application and

1625 approval as a "covered group" under s. 121.021(34). If a center
 1626 participates in the Florida Retirement System, its employees are
 1627 compulsory members of the Florida Retirement System.

1628 2. The State Community College System Optional Retirement
 1629 Program pursuant to s. 1012.875(2), if the charter is granted by
 1630 a Florida College System institution ~~community college~~ that
 1631 participates in the optional retirement program and meets the
 1632 eligibility criteria of s. 121.051(2)(c).

1633 (g) A public school or Florida College System institution
 1634 ~~community college~~ teacher or administrator may take a leave of
 1635 absence to accept employment in a charter technical career
 1636 center upon the approval of the school district or Florida
 1637 College System institution ~~community college~~.

1638 (h) An employee who is on a leave of absence under this
 1639 section may retain seniority accrued in that school district or
 1640 Florida College System institution ~~community college~~ and may
 1641 continue to be covered by the benefit programs of that district
 1642 or Florida College System institution ~~community college~~ if the
 1643 center and the district school board or Florida College System
 1644 institution ~~community college~~ board of trustees agree to this
 1645 arrangement and its financing.

1646 (14) ACCOUNTABILITY.—Each center must submit a report to
 1647 the participating district school board or Florida College
 1648 System institution ~~community college~~ board of trustees by August
 1649 1 of each year. The report must be in such form as the sponsor
 1650 prescribes and must include:

1651 (a) A discussion of progress made toward the achievement
 1652 of the goals outlined in the center's charter.

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1653 (b) A financial statement setting forth by appropriate
 1654 categories the revenue and expenditures for the previous school
 1655 year.

1656 (16) TRANSPORTATION.—The center may provide
 1657 transportation, pursuant to chapter 1006, through a contract
 1658 with the district school board or the Florida College System
 1659 institution ~~community college~~ board of trustees, a private
 1660 provider, or parents of students. The center must ensure that
 1661 transportation is not a barrier to equal access for all students
 1662 in grades K-12 residing within a reasonable distance of the
 1663 facility.

1664 Section 29. Subsection (7) of section 1002.41, Florida
 1665 Statutes, is amended to read:

1666 1002.41 Home education programs.—

1667 (7) Home education students are eligible for admission to
 1668 Florida College System institutions ~~community colleges~~ in
 1669 accordance with the provisions of s. 1007.263.

1670 Section 30. Paragraphs (a) and (b) of subsection (1),
 1671 paragraph (a) of subsection (2), and paragraph (c) of subsection
 1672 (7) of section 1002.45, Florida Statutes, are amended to read:

1673 1002.45 School district virtual instruction programs.—

1674 (1) PROGRAM.—

1675 (a) For purposes of this section, the term:

1676 1. "Approved provider" means a provider that is approved
 1677 by the Department of Education under subsection (2), the Florida
 1678 Virtual School, a franchise of the Florida Virtual School, or a
 1679 Florida College System institution ~~community college~~.

1680 2. "Virtual instruction program" means a program of

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1681 instruction provided in an interactive learning environment
 1682 created through technology in which students are separated from
 1683 their teachers by time or space, or both, and in which a
 1684 Florida-certified teacher under chapter 1012 is responsible for
 1685 at least:

1686 a. Fifty percent of the direct instruction to students in
 1687 kindergarten through grade 5; or

1688 b. Eighty percent of the direct instruction to students in
 1689 grades 6 through 12.

1690 (b) Beginning with the 2009-2010 school year, each school
 1691 district shall provide eligible students within its boundaries
 1692 the option of participating in a virtual instruction program.
 1693 The purpose of the program is to make instruction available to
 1694 students using online and distance learning technology in the
 1695 nontraditional classroom. The program shall be:

1696 1. Full-time for students enrolled in kindergarten through
 1697 grade 12.

1698 2. Full-time or part-time for students in grades 9 through
 1699 12 who are enrolled in dropout prevention and academic
 1700 intervention programs under s. 1003.53, Department of Juvenile
 1701 Justice education programs under s. 1003.52, core-curricula
 1702 courses to meet class size requirements under s. 1003.03, or
 1703 Florida College System institutions ~~community colleges~~ under
 1704 this section.

1705 (2) PROVIDER QUALIFICATIONS.—

1706 (a) The department shall annually provide school districts
 1707 with a list of providers approved to offer virtual instruction
 1708 programs. To be approved by the department, a provider must

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- 1709 document that it:
- 1710 1. Is nonsectarian in its programs, admission policies,
- 1711 employment practices, and operations;
- 1712 2. Complies with the antidiscrimination provisions of s.
- 1713 1000.05;
- 1714 3. Locates an administrative office or offices in this
- 1715 state, requires its administrative staff to be state residents,
- 1716 requires all instructional staff to be Florida-certified
- 1717 teachers under chapter 1012, and conducts background screenings
- 1718 for all employees or contracted personnel, as required by s.
- 1719 1012.32, using state and national criminal history records;
- 1720 4. Possesses prior, successful experience offering online
- 1721 courses to elementary, middle, or high school students;
- 1722 5. Is accredited by the Southern Association of Colleges
- 1723 and Schools Council on Accreditation and School Improvement, the
- 1724 North Central Association Commission on Accreditation and School
- 1725 Improvement, the Middle States Association of Colleges and
- 1726 Schools Commission on Elementary Schools and Commission on
- 1727 Secondary Schools, the New England Association of Schools and
- 1728 Colleges, the Northwest Association of Accredited Schools, the
- 1729 Western Association of Schools and Colleges, or the Commission
- 1730 on International and Trans-Regional Accreditation; and
- 1731 6. If the provider is a Florida College System institution
- 1732 ~~community college~~, employs instructors who meet the
- 1733 certification requirements for instructional staff under chapter
- 1734 1012.
- 1735 (7) FUNDING.—
- 1736 (c) A Florida College System institution ~~community college~~

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1737 provider may not report students who are served in a school
 1738 district virtual instruction program for funding under the
 1739 Florida College System ~~Community College~~ Program Fund.

1740 Section 31. Paragraph (f) of subsection (3) of section
 1741 1003.03, Florida Statutes, is amended to read:

1742 1003.03 Maximum class size.—

1743 (3) IMPLEMENTATION OPTIONS.—District school boards must
 1744 consider, but are not limited to, implementing the following
 1745 items in order to meet the constitutional class size maximums
 1746 described in subsection (1):

1747 (f) Use joint-use facilities through partnerships with
 1748 Florida College System institutions ~~community colleges~~, state
 1749 universities, and private colleges and universities. Joint-use
 1750 facilities available for use as K-12 classrooms that do not meet
 1751 the K-12 State Regulations for Educational Facilities in the
 1752 Florida Building Code may be used at the discretion of the
 1753 district school board provided that such facilities meet all
 1754 other health, life, safety, and fire codes.

1755 Section 32. Paragraph (b) of subsection (3) of section
 1756 1003.41, Florida Statutes, is amended to read:

1757 1003.41 Sunshine State Standards.—

1758 (3)

1759 (b) The commissioner shall submit the proposed standards
 1760 for review and comment by Florida educators, school
 1761 administrators, representatives of Florida College System
 1762 institutions ~~community colleges~~ and state universities who have
 1763 expertise in the content knowledge and skills necessary to
 1764 prepare a student for postsecondary education, and leaders in

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1765 business and industry. The commissioner, after considering any
 1766 comments and making any revisions to the proposed standards,
 1767 shall submit the standards for written evaluation by renowned
 1768 experts on K-12 curricular standards and content.

1769 Section 33. Paragraph (a) of subsection (1) of section
 1770 1003.4156, Florida Statutes, is amended to read:

1771 1003.4156 General requirements for middle grades
 1772 promotion.—

1773 (1) Beginning with students entering grade 6 in the 2006-
 1774 2007 school year, promotion from a school composed of middle
 1775 grades 6, 7, and 8 requires that:

1776 (a) The student must successfully complete academic
 1777 courses as follows:

1778 1. Three middle school or higher courses in English. These
 1779 courses shall emphasize literature, composition, and technical
 1780 text.

1781 2. Three middle school or higher courses in mathematics.
 1782 Each middle school must offer at least one high school level
 1783 mathematics course for which students may earn high school
 1784 credit. Successful completion of a high school level Algebra I
 1785 or geometry course is not contingent upon the student's
 1786 performance on the end-of-course assessment required under s.
 1787 1008.22(3)(c)2.a.(I). However, beginning with the 2011-2012
 1788 school year, to earn high school credit for an Algebra I course,
 1789 a middle school student must pass the Algebra I end-of-course
 1790 assessment, and beginning with the 2012-2013 school year, to
 1791 earn high school credit for a geometry course, a middle school
 1792 student must pass the geometry end-of-course assessment.

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1793 3. Three middle school or higher courses in social
1794 studies, one semester of which must include the study of state
1795 and federal government and civics education. Beginning with
1796 students entering grade 6 in the 2012-2013 school year, one of
1797 these courses must be at least a one-semester civics education
1798 course that a student successfully completes in accordance with
1799 s. 1008.22(3)(c) and that includes the roles and
1800 responsibilities of federal, state, and local governments; the
1801 structures and functions of the legislative, executive, and
1802 judicial branches of government; and the meaning and
1803 significance of historic documents, such as the Articles of
1804 Confederation, the Declaration of Independence, and the
1805 Constitution of the United States.

1806 4. Three middle school or higher courses in science.
1807 Successful completion of a high school level Biology I course is
1808 not contingent upon the student's performance on the end-of-
1809 course assessment required under s. 1008.22(3)(c)2.a.(II).
1810 However, beginning with the 2012-2013 school year, to earn high
1811 school credit for a Biology I course, a middle school student
1812 must pass the Biology I end-of-course assessment.

1813 5. One course in career and education planning to be
1814 completed in 7th or 8th grade. The course may be taught by any
1815 member of the instructional staff; must include career
1816 exploration using Florida CHOICES or a comparable cost-effective
1817 program; must include educational planning using the online
1818 student advising system known as Florida Academic Counseling and
1819 Tracking for Students at the Internet website FACTS.org; and
1820 shall result in the completion of a personalized academic and

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1821 career plan. The required personalized academic and career plan
 1822 must inform students of high school graduation requirements,
 1823 high school assessment and college entrance test requirements,
 1824 Florida Bright Futures Scholarship Program requirements, state
 1825 university and Florida College System institution admission
 1826 requirements, and programs through which a high school student
 1827 can earn college credit, including Advanced Placement,
 1828 International Baccalaureate, Advanced International Certificate
 1829 of Education, dual enrollment, career academy opportunities, and
 1830 courses that lead to national industry certification.

1831
 1832 Each school must hold a parent meeting either in the evening or
 1833 on a weekend to inform parents about the course curriculum and
 1834 activities. Each student shall complete an electronic personal
 1835 education plan that must be signed by the student; the student's
 1836 instructor, guidance counselor, or academic advisor; and the
 1837 student's parent. The Department of Education shall develop
 1838 course frameworks and professional development materials for the
 1839 career exploration and education planning course. The course may
 1840 be implemented as a stand-alone course or integrated into
 1841 another course or courses. The Commissioner of Education shall
 1842 collect longitudinal high school course enrollment data by
 1843 student ethnicity in order to analyze course-taking patterns.

1844 Section 34. Paragraph (b) of subsection (2) of section
 1845 1003.433, Florida Statutes, is amended to read:

1846 1003.433 Learning opportunities for out-of-state and out-
 1847 of-country transfer students and students needing additional
 1848 instruction to meet high school graduation requirements.-

1849 (2) Students who have met all requirements for the
 1850 standard high school diploma except for passage of the grade 10
 1851 FCAT or an alternate assessment by the end of grade 12 must be
 1852 provided the following learning opportunities:

1853 (b) Upon receipt of a certificate of completion, be
 1854 allowed to take the College Placement Test and be admitted to
 1855 remedial or credit courses at a Florida College System
 1856 institution ~~state community college~~, as appropriate.

1857 Section 35. Subsection (5) and paragraph (a) of subsection
 1858 (6) of section 1003.435, Florida Statutes, are amended to read:

1859 1003.435 High school equivalency diploma program.—

1860 (5) Each district school board shall develop, in
 1861 cooperation with the area Florida College System institution
 1862 ~~community college~~ board of trustees, a plan for the provision of
 1863 advanced instruction for those students who attain satisfactory
 1864 performance on the high school equivalency examination or the
 1865 subject area examinations or who demonstrate through other means
 1866 a readiness to engage in postsecondary-level academic work. The
 1867 plan shall include provisions for the equitable distribution of
 1868 generated funds to cover personnel, maintenance, and other costs
 1869 of offering the advanced instruction. Priority shall be given to
 1870 programs of advanced instruction offered in high school
 1871 facilities.

1872 (6) (a) All high school equivalency diplomas issued under
 1873 the provisions of this section shall have equal status with
 1874 other high school diplomas for all state purposes, including
 1875 admission to any state university or Florida College System
 1876 institution ~~community college~~.

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1877 Section 36. Subsection (1) of section 1003.49, Florida
 1878 Statutes, is amended to read:

1879 1003.49 Graduation and promotion requirements for publicly
 1880 operated schools.—

1881 (1) Each state or local public agency, including the
 1882 Department of Children and Family Services, the Department of
 1883 Corrections, the boards of trustees of universities and Florida
 1884 College System institutions ~~community colleges~~, and the Board of
 1885 Trustees of the Florida School for the Deaf and the Blind, which
 1886 agency is authorized to operate educational programs for
 1887 students at any level of grades kindergarten through 12 shall be
 1888 subject to all applicable requirements of ss. 1003.43, 1008.23,
 1889 and 1008.25. Within the content of these cited statutes each
 1890 such state or local public agency or entity shall be considered
 1891 a "district school board."

1892 Section 37. Subsection (4) of section 1003.51, Florida
 1893 Statutes, is amended to read:

1894 1003.51 Other public educational services.—

1895 (4) The Department of Education shall ensure that district
 1896 school boards notify students in juvenile justice residential or
 1897 nonresidential facilities who attain the age of 16 years of the
 1898 provisions of law regarding compulsory school attendance and
 1899 make available the option of enrolling in a program to attain a
 1900 Florida high school diploma by taking the general educational
 1901 development test prior to release from the facility. District
 1902 school boards or Florida College System institutions ~~community~~
 1903 ~~colleges~~, or both, shall waive GED testing fees for youth in
 1904 Department of Juvenile Justice residential programs and shall,

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1905 upon request, designate schools operating for the purpose of
 1906 providing educational services to youth in Department of
 1907 Juvenile Justice programs as GED testing centers, subject to GED
 1908 testing center requirements. The administrative fees for the
 1909 general education development test required by the Department of
 1910 Education are the responsibility of district school boards and
 1911 may be required of providers by contractual agreement.

1912 Section 38. Subsections (6) and (22) of section 1003.52,
 1913 Florida Statutes, are amended to read:

1914 1003.52 Educational services in Department of Juvenile
 1915 Justice programs.—

1916 (6) Participation in the program by students of compulsory
 1917 school-attendance age as provided for in s. 1003.21 shall be
 1918 mandatory. All students of noncompulsory school-attendance age
 1919 who have not received a high school diploma or its equivalent
 1920 shall participate in the educational program, unless the student
 1921 files a formal declaration of his or her intent to terminate
 1922 school enrollment as described in s. 1003.21 and is afforded the
 1923 opportunity to take the general educational development test and
 1924 attain a Florida high school diploma prior to release from a
 1925 facility. A youth who has received a high school diploma or its
 1926 equivalent and is not employed shall participate in workforce
 1927 development or other career or technical education or Florida
 1928 College System institution ~~community college~~ or university
 1929 courses while in the program, subject to available funding.

1930 (22) The Department of Juvenile Justice and the Department
 1931 of Education, in consultation with Workforce Florida, Inc., the
 1932 statewide Workforce Development Youth Council, district school

1933 boards, Florida College System institutions ~~community colleges~~,
 1934 providers, and others, shall jointly develop a multiagency plan
 1935 for career education which describes the funding, curriculum,
 1936 transfer of credits, goals, and outcome measures for career
 1937 education programming in juvenile commitment facilities,
 1938 pursuant to s. 985.622. The plan must be reviewed annually.

1939 Section 39. Subsections (8), (18), (19), (20), and (23) of
 1940 section 1004.02, Florida Statutes, are amended to read:

1941 1004.02 Definitions.—As used in this chapter:

1942 (8) "Applied technology diploma program" means a course of
 1943 study that is part of a technical degree program, is less than
 1944 60 credit hours, and leads to employment in a specific
 1945 occupation. An applied technology diploma program may consist of
 1946 either technical credit or college credit. A public school
 1947 district may offer an applied technology diploma program only as
 1948 technical credit, with college credit awarded to a student upon
 1949 articulation to a Florida College System institution ~~community~~
 1950 ~~college~~. Statewide articulation among public schools and Florida
 1951 College System institutions ~~community colleges~~ is guaranteed by
 1952 s. 1007.23, and is subject to guidelines and standards adopted
 1953 by the State Board of Education pursuant to ss. 1007.24 and
 1954 1007.25.

1955 (18) "Lifelong learning" means a noncredit course or
 1956 activity offered by a school district or Florida College System
 1957 institution ~~community college~~ that seeks to address community
 1958 social and economic issues related to health and human
 1959 relations, government, parenting, consumer economics, and senior
 1960 citizens.

1961 (19) "Local educational agency" means a Florida College
 1962 System institution ~~community college~~ or school district.

1963 (20) "Local sponsor" means a district school board,
 1964 Florida College System institution ~~community college~~ board of
 1965 trustees, public library, other public entity, or private
 1966 nonprofit entity, or any combination of these entities, that
 1967 provides adult literacy instruction.

1968 (23) "Career education planning region" means the
 1969 geographic area in which career or adult education is provided.
 1970 Each career region is contiguous with one of the 28 Florida
 1971 College System institution ~~community college~~ service areas.

1972 Section 40. Subsection (2) of section 1004.03, Florida
 1973 Statutes, is amended to read:

1974 1004.03 Program approval.—

1975 (2) The State Board of Education shall establish criteria
 1976 for the approval of new programs at Florida College System
 1977 institutions ~~community colleges~~, which criteria include, but are
 1978 not limited to, the following:

1979 (a) New programs may not be approved unless the same
 1980 objectives cannot be met through use of educational technology.

1981 (b) Unnecessary duplication of programs offered by
 1982 independent institutions shall be avoided.

1983 (c) Cooperative programs, particularly within regions,
 1984 should be encouraged.

1985 (d) New programs may be approved only if they are
 1986 consistent with the state master plan adopted by the State Board
 1987 of Education.

1988 Section 41. Subsections (9), (10), and (11) of section

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1989 | 1004.04, Florida Statutes, are amended to read:
 1990 | 1004.04 Public accountability and state approval for
 1991 | teacher preparation programs.—
 1992 | (9) FLORIDA COLLEGE SYSTEM INSTITUTIONS ~~COMMUNITY~~
 1993 | ~~COLLEGES~~.—To the extent practical, postsecondary educational
 1994 | institutions offering teacher preparation programs shall
 1995 | establish articulation agreements on a core of liberal arts
 1996 | courses and introductory professional courses with field
 1997 | experience components which shall be offered at Florida College
 1998 | System institutions ~~community colleges~~.
 1999 | (10) SHORT-TERM EXPERIENCES AS TEACHER ASSISTANTS.—
 2000 | Postsecondary institutions offering teacher preparation programs
 2001 | and Florida College System institutions ~~community colleges~~, in
 2002 | collaboration with school districts, may develop and implement a
 2003 | program to provide short-term experiences as teacher assistants
 2004 | prior to beginning a teacher preparation program or alternative
 2005 | certification program. The program shall serve individuals with
 2006 | baccalaureate degrees who are interested in the teaching
 2007 | profession. This experience may be accepted for use in teacher
 2008 | preparation programs and competency-based alternative
 2009 | certification programs, where applicable.
 2010 | (11) PRETEACHER AND TEACHER EDUCATION PILOT PROGRAMS.—
 2011 | State universities and Florida College System institutions
 2012 | ~~community colleges~~ may establish preteacher education and
 2013 | teacher education pilot programs to encourage promising minority
 2014 | students to prepare for a career in education. These pilot
 2015 | programs shall be designed to recruit and provide additional
 2016 | academic, clinical, and counseling support for students whom the

2017 institution judges to be potentially successful teacher
 2018 education candidates, but who may not meet teacher education
 2019 program admission standards. Priority consideration shall be
 2020 given to those pilot programs that are jointly submitted by
 2021 Florida College System institutions ~~community colleges~~ and state
 2022 universities.

2023 (a) These pilot programs shall be approved by the State
 2024 Board of Education and shall be designed to provide help and
 2025 support for program participants during the preteacher education
 2026 period of general academic preparation at a Florida College
 2027 System institution ~~community college~~ or state university and
 2028 during professional preparation in a state-approved teacher
 2029 education program. Emphasis shall be placed on development of
 2030 the basic skills needed by successful teachers.

2031 (b) State universities and Florida College System
 2032 institutions ~~community colleges~~ may admit into the pilot program
 2033 those incoming students who demonstrate an interest in teaching
 2034 as a career, but who may not meet the requirements for entrance
 2035 into an approved teacher education program.

2036 1. Flexibility may be given to colleges of education to
 2037 develop and market innovative teacher training programs directed
 2038 at specific target groups such as graduates from the colleges of
 2039 arts and sciences, employed education paraprofessionals,
 2040 substitute teachers, early federal retirees, and nontraditional
 2041 college students. Programs must be submitted to the State Board
 2042 of Education for approval.

2043 2. Academically successful graduates in the fields of
 2044 liberal arts and science may be encouraged to embark upon a

2045 career in education.

2046 3. Models may be developed to provide a positive initial
 2047 experience in teaching in order to encourage retention. Priority
 2048 should be given to models that encourage minority graduates.

2049 (c) In order to be certified, a graduate from a pilot
 2050 program shall meet all requirements for teacher certification
 2051 specified by s. 1012.56. Should a graduate of a pilot program
 2052 not meet the requirements of s. 1012.56, that person shall not
 2053 be included in the calculations required by paragraph (5)(a) and
 2054 State Board of Education rules for continued program approval,
 2055 or in the statutes used by the State Board of Education in
 2056 deciding which teacher education programs to approve.

2057 (d) Institutions participating in the pilot program shall
 2058 submit an annual report evaluating the success of the program to
 2059 the Commissioner of Education by March 1 of each year. The
 2060 report shall include, at a minimum, the number of pilot program
 2061 participants, including the number participating in general
 2062 education and the number admitted to approved teacher education
 2063 programs, the number of pilot program graduates, and the number
 2064 of pilot program graduates who met the requirements of s.
 2065 1012.56. The commissioner shall consider the number of
 2066 participants recruited, the number of graduates, and the number
 2067 of graduates successfully meeting the requirements of s. 1012.56
 2068 reported by each institution, and shall make an annual
 2069 recommendation to the State Board of Education regarding the
 2070 institution's continued participation in the pilot program.

2071 Section 42. Subsection (1) of section 1004.05, Florida
 2072 Statutes, is amended to read:

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2073 1004.05 Substance abuse training programs.—
 2074 (1) Each state university and Florida College System
 2075 institution ~~community college~~ may develop courses designed for
 2076 public school teachers, counselors, physicians, law enforcement
 2077 personnel, and other professionals to assist them in recognizing
 2078 symptoms of substance abuse impairment and identifying
 2079 appropriate service providers for referral and treatment.

2080 Section 43. Section 1004.06, Florida Statutes, is amended
 2081 to read:

2082 1004.06 Prohibited expenditures.—No Florida College System
 2083 institution ~~community college~~, state university, Florida College
 2084 System institution ~~community college~~ direct-support
 2085 organization, or state university direct-support organization
 2086 shall expend any funds, regardless of source, to purchase
 2087 membership in, or goods and services from, any organization that
 2088 discriminates on the basis of race, national origin, gender, or
 2089 religion.

2090 Section 44. Subsections (1), (2), and (3) of section
 2091 1004.07, Florida Statutes, are amended to read:

2092 1004.07 Student withdrawal from courses due to military
 2093 service; effect.—

2094 (1) Each district school board, Florida College System
 2095 institution ~~community college~~ board of trustees, and state
 2096 university board of trustees shall establish policies regarding
 2097 currently enrolled students who are called to, or enlist in,
 2098 active military service.

2099 (2) Such policies shall provide that any student enrolled
 2100 in a postsecondary course or courses at a career center, a

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2101 Florida College System institution ~~public community college, a~~
 2102 ~~public college,~~ or a state university shall not incur academic
 2103 or financial penalties by virtue of performing military service
 2104 on behalf of our country. Such student shall be permitted the
 2105 option of either completing the course or courses at a later
 2106 date without penalty or withdrawing from the course or courses
 2107 with a full refund of fees paid. If the student chooses to
 2108 withdraw, the student's record shall reflect that the withdrawal
 2109 is due to active military service.

2110 (3) Policies of district school boards and Florida College
 2111 System institution ~~community college~~ boards of trustees shall be
 2112 established by rule and pursuant to guidelines of the State
 2113 Board of Education.

2114 Section 45. Subsections (1), (3), and (4) of section
 2115 1004.085, Florida Statutes, are amended to read:

2116 1004.085 Textbook affordability.—

2117 (1) No employee of a Florida College System institution
 2118 ~~community college~~ or state university may demand or receive any
 2119 payment, loan, subscription, advance, deposit of money, service,
 2120 or anything of value, present or promised, in exchange for
 2121 requiring students to purchase a specific textbook for
 2122 coursework or instruction.

2123 (3) Florida College System institutions ~~Community colleges~~
 2124 and state universities shall post on their websites, as early as
 2125 is feasible, but not less than 30 days prior to the first day of
 2126 class for each term, a list of each textbook required for each
 2127 course offered at the institution during the upcoming term. The
 2128 posted list must include the International Standard Book Number

2129 (ISBN) for each required textbook or other identifying
 2130 information, which must include, at a minimum, all of the
 2131 following: the title, all authors listed, publishers, edition
 2132 number, copyright date, published date, and other relevant
 2133 information necessary to identify the specific textbook or
 2134 textbooks required for each course. The State Board of Education
 2135 and the Board of Governors shall include in the policies,
 2136 procedures, and guidelines adopted under subsection (4) certain
 2137 limited exceptions to this notification requirement for classes
 2138 added after the notification deadline.

2139 (4) The State Board of Education and the Board of
 2140 Governors each shall adopt policies, procedures, and guidelines
 2141 for implementation by Florida College System institutions
 2142 ~~community colleges~~ and state universities, respectively, that
 2143 further efforts to minimize the cost of textbooks for students
 2144 attending such institutions while maintaining the quality of
 2145 education and academic freedom. The policies, procedures, and
 2146 guidelines shall provide for the following:

2147 (a) That textbook adoptions are made with sufficient lead
 2148 time to bookstores so as to confirm availability of the
 2149 requested materials and, where possible, ensure maximum
 2150 availability of used books.

2151 (b) That, in the textbook adoption process, the intent to
 2152 use all items ordered, particularly each individual item sold as
 2153 part of a bundled package, is confirmed by the course instructor
 2154 or the academic department offering the course before the
 2155 adoption is finalized.

2156 (c) That a course instructor or the academic department

2157 offering the course determines, before a textbook is adopted,
 2158 the extent to which a new edition differs significantly and
 2159 substantively from earlier versions and the value of changing to
 2160 a new edition or the extent to which an open-access textbook may
 2161 exist and be used.

2162 (d) That the establishment of policies shall address the
 2163 availability of required textbooks to students otherwise unable
 2164 to afford the cost, including consideration of the extent to
 2165 which an open-access textbook may be used.

2166 (e) That course instructors and academic departments are
 2167 encouraged to participate in the development, adaptation, and
 2168 review of open-access textbooks and, in particular, open-access
 2169 textbooks for high-demand general education courses.

2170 Section 46. Section 1004.095, Florida Statutes, is amended
 2171 to read:

2172 1004.095 Senior Reserve Officers' Training Corps; military
 2173 recruiters; access to Florida College System institution
 2174 ~~community college~~ and state university campuses.-

2175 (1) A Florida College System institution ~~community college~~
 2176 or state university may not ban any branch of the United States
 2177 Armed Forces from establishing, maintaining, or operating a unit
 2178 of the Senior Reserve Officers' Training Corps at the college or
 2179 university.

2180 (2) (a) A Florida College System institution ~~community~~
 2181 ~~college~~ or state university shall grant military recruiters of
 2182 the United States Armed Forces and United States Department of
 2183 Homeland Security the same access to the college's or
 2184 university's students, and to campus facilities and grounds,

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2185 | which the college or university grants to other employers.

2186 | (b) A Florida College System institution ~~community college~~
 2187 | or state university shall, to the extent required in 10 U.S.C.
 2188 | s. 983(b)(2), grant military recruiters access to the names,
 2189 | addresses, telephone listings, dates and places of birth, levels
 2190 | of education, academic majors, degrees received, and most recent
 2191 | educational institutions enrolled in by the college's or
 2192 | university's students.

2193 | Section 47. Paragraphs (b) and (e) of subsection (3) and
 2194 | paragraph (b) of subsection (6) of section 1004.226, Florida
 2195 | Statutes, are amended to read:

2196 | 1004.226 The 21st Century Technology, Research, and
 2197 | Scholarship Enhancement Act.—

2198 | (3) DEFINITIONS.—As used in this section, the term:

2199 | (b) "Applicant" means any state university, private
 2200 | university located in this state, or any private or public
 2201 | research center, Florida College System institution ~~community~~
 2202 | ~~college~~, or training center in this state which coordinates with
 2203 | a state university for purposes of this act.

2204 | (e) "Florida College System institution ~~Community college~~"
 2205 | means a Florida College System institution ~~public community~~
 2206 | ~~college~~ in this state as defined in s. 1000.21.

2207 | (6) CENTERS OF EXCELLENCE.—

2208 | (b) The following entities are eligible to submit
 2209 | proposals for a center of excellence:

- 2210 | 1. Any state university.
- 2211 | 2. Any private university.
- 2212 | 3. The H. Lee Moffitt Cancer Center and Research

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2213 Institute.

2214 4. The Florida Institute for Human and Machine Cognition,
2215 Inc.

2216 5. Any Florida College System institution ~~community~~
2217 ~~college~~, training center, or other public or private research
2218 center in the state which coordinates with a state university
2219 for purposes of this act.

2220 Section 48. Section 1004.645, Florida Statutes, is amended
2221 to read:

2222 1004.645 Florida Center for Reading Research.—There is
2223 created at the Florida State University, the Florida Center for
2224 Reading Research (FCRR). The center shall include two outreach
2225 centers, one at a Florida College System institution in central
2226 ~~Florida community college~~ and one at a south Florida state
2227 university. The center and the outreach centers, under the
2228 center's leadership, shall:

2229 (1) Provide technical assistance and support to all school
2230 districts and schools in this state in the implementation of
2231 evidence-based literacy instruction, assessments, programs, and
2232 professional development.

2233 (2) Conduct applied research that will have an immediate
2234 impact on policy and practices related to literacy instruction
2235 and assessment in this state with an emphasis on struggling
2236 readers and reading in the content area strategies and methods
2237 for secondary teachers.

2238 (3) Conduct basic research on reading, reading growth,
2239 reading assessment, and reading instruction which will
2240 contribute to scientific knowledge about reading.

2241 (4) Collaborate with the Just Read! Florida Office and
 2242 school districts in the development of frameworks for
 2243 comprehensive reading intervention courses for possible use in
 2244 middle schools and secondary schools.

2245 (5) Collaborate with the Just Read! Florida Office and
 2246 school districts in the development of frameworks for
 2247 professional development activities, using multiple delivery
 2248 methods for teaching reading in the content area.

2249 (6) Disseminate information about research-based practices
 2250 related to literacy instruction, assessment, and programs for
 2251 students in preschool through grade 12.

2252 (7) Collect, manage, and report on assessment information
 2253 from screening, progress monitoring, and outcome assessments
 2254 through the Florida Progress Monitoring and Reporting Network.
 2255 The network is a statewide resource that is operated to provide
 2256 valid and timely reading assessment data for parents, teachers,
 2257 principals, and district-level and state-level staff in the
 2258 management of instruction at the individual, classroom, and
 2259 school levels.

2260 Section 49. Paragraph (d) of subsection (9) of section
 2261 1004.648, Florida Statutes, is amended to read:

2262 1004.648 Florida Energy Systems Consortium.—

2263 (9) Through collaborative research and development across
 2264 the State University System and the industry, the goal of the
 2265 consortium is to become a world leader in energy research,
 2266 education, technology, and energy systems analysis. In so doing,
 2267 the consortium shall:

2268 (d) Develop education and outreach programs to prepare a

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2269 | qualified energy workforce and informed public. Specifically,
 2270 | the faculty associated with the consortium shall coordinate a
 2271 | statewide workforce development initiative focusing on college-
 2272 | level degrees, technician training, and public and commercial
 2273 | sectors awareness. The consortium shall develop specific
 2274 | programs targeted at preparing graduates who have a background
 2275 | in energy, continuing education courses for technical and
 2276 | nontechnical professionals, and modules, laboratories, and
 2277 | courses to be shared among the universities. Additionally, the
 2278 | consortium shall work with the Florida ~~Community~~ College System
 2279 | using the Florida Advanced Technological Education Center for
 2280 | the coordination and design of industry-specific training
 2281 | programs for technicians.

2282 | Section 50. Section 1004.65, Florida Statutes, is amended
 2283 | to read:

2284 | 1004.65 Florida College System institutions ~~colleges~~;
 2285 | governance, mission, and responsibilities.-

2286 | (1) Each Florida College System institution shall be
 2287 | governed by a district board of trustees under statutory
 2288 | authority and rules of the State Board of Education.

2289 | (2) Each Florida College System institution district
 2290 | shall:

2291 | (a) Consist of the county or counties served by the
 2292 | Florida College System institution pursuant to s. 1000.21(3).

2293 | (b) Be an independent, separate, legal entity created for
 2294 | the operation of a Florida College System institution.

2295 | (3) Florida College System institutions ~~colleges~~ are
 2296 | locally based and governed entities with statutory and funding

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2297 | ties to state government. As such, the mission for Florida
 2298 | College System institutions ~~colleges~~ reflects a commitment to be
 2299 | responsive to local educational needs and challenges. In
 2300 | achieving this mission, Florida College System institutions
 2301 | ~~colleges~~ strive to maintain sufficient local authority and
 2302 | flexibility while preserving appropriate legal accountability to
 2303 | the state.

2304 | (4) As comprehensive institutions, Florida College System
 2305 | institutions ~~colleges~~ shall provide high-quality, affordable
 2306 | education and training opportunities, shall foster a climate of
 2307 | excellence, and shall provide opportunities to all while
 2308 | combining high standards with an open-door admission policy for
 2309 | lower-division programs. Florida College System institutions
 2310 | ~~colleges~~ shall, as open-access institutions, serve all who can
 2311 | benefit, without regard to age, race, gender, creed, or ethnic
 2312 | or economic background, while emphasizing the achievement of
 2313 | social and educational equity so that all can be prepared for
 2314 | full participation in society.

2315 | (5) The primary mission and responsibility of Florida
 2316 | College System institutions ~~colleges~~ is responding to community
 2317 | needs for postsecondary academic education and career degree
 2318 | education. This mission and responsibility includes being
 2319 | responsible for:

2320 | (a) Providing lower level undergraduate instruction and
 2321 | awarding associate degrees.

2322 | (b) Preparing students directly for careers requiring less
 2323 | than baccalaureate degrees. This may include preparing for job
 2324 | entry, supplementing of skills and knowledge, and responding to

2325 | needs in new areas of technology. Career education in a Florida
 2326 | College System institution shall consist of career certificates,
 2327 | credit courses leading to associate in science degrees and
 2328 | associate in applied science degrees, and other programs in
 2329 | fields requiring substantial academic work, background, or
 2330 | qualifications. A Florida College System institution may offer
 2331 | career education programs in fields having lesser academic or
 2332 | technical requirements.

2333 | (c) Providing student development services, including
 2334 | assessment, student tracking, support for disabled students,
 2335 | advisement, counseling, financial aid, career development, and
 2336 | remedial and tutorial services, to ensure student success.

2337 | (d) Promoting economic development for the state within
 2338 | each Florida College System institution district through the
 2339 | provision of special programs, including, but not limited to,
 2340 | the:

- 2341 | 1. Enterprise Florida-related programs.
- 2342 | 2. Technology transfer centers.
- 2343 | 3. Economic development centers.
- 2344 | 4. Workforce literacy programs.

2345 | (e) Providing dual enrollment instruction.

2346 | (f) Providing upper level instruction and awarding
 2347 | baccalaureate degrees as specifically authorized by law.

2348 | (6) A separate and secondary role for Florida College
 2349 | System institutions ~~colleges~~ includes the offering of programs
 2350 | in:

2351 | (a) Community services that are not directly related to
 2352 | academic or occupational advancement.

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2353 (b) Adult education services, including adult basic
 2354 education, adult general education, adult secondary education,
 2355 and General Educational Development test instruction.

2356 (c) Recreational and leisure services.

2357 (7) Funding for Florida College System institutions
 2358 ~~colleges~~ shall reflect their mission as follows:

2359 (a) Postsecondary academic and career education programs
 2360 and adult general education programs shall have first priority
 2361 in Florida College System institution funding.

2362 (b) Community service programs shall be presented to the
 2363 Legislature with rationale for state funding. The Legislature
 2364 may identify priority areas for use of these funds.

2365 (c) The resources of a Florida College System institution,
 2366 including staff, faculty, land, and facilities, shall not be
 2367 used to support the establishment of a new independent nonpublic
 2368 educational institution. If any institution uses resources for
 2369 such purpose, the Division of Florida Colleges shall notify the
 2370 President of the Senate and the Speaker of the House of
 2371 Representatives.

2372 (8) Florida College System institutions ~~colleges~~ are
 2373 authorized to:

2374 (a) Offer such programs and courses as are necessary to
 2375 fulfill their mission.

2376 (b) Grant associate in arts degrees, associate in science
 2377 degrees, associate in applied science degrees, certificates,
 2378 awards, and diplomas.

2379 (c) Make provisions for the General Educational
 2380 Development test.

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2381 (d) Provide access to and award baccalaureate degrees in
 2382 accordance with law.

2383
 2384 Authority to offer one or more baccalaureate degree programs
 2385 does not alter the governance relationship of the Florida
 2386 College System institution with its district board of trustees
 2387 or the State Board of Education.

2388 Section 51. Section 1004.66, Florida Statutes, is amended
 2389 to read:

2390 1004.66 "Florida College System institution," "community
 2391 college," and "junior college" used interchangeably.—Whenever
 2392 the terms "Florida College System institution," "community
 2393 college," and "junior college" appear in the Florida Statutes in
 2394 reference to a tax-supported institution, they shall be
 2395 construed identically.

2396 Section 52. Section 1004.67, Florida Statutes, is amended
 2397 to read:

2398 1004.67 Florida College System institutions ~~Community~~
 2399 ~~colleges~~; legislative intent.—It is the legislative intent that
 2400 Florida College System institutions ~~community colleges~~,
 2401 constituted as political subdivisions of the state, continue to
 2402 be operated by Florida College System institution ~~community~~
 2403 ~~college~~ boards of trustees as provided in s. 1001.63 and that no
 2404 department, bureau, division, agency, or subdivision of the
 2405 state exercise any responsibility and authority to operate any
 2406 Florida College System institution ~~community college~~ of the
 2407 state except as specifically provided by law or rules of the
 2408 State Board of Education.

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2409 Section 53. Section 1004.68, Florida Statutes, is amended
 2410 to read:

2411 1004.68 Florida College System institution ~~Community~~
 2412 ~~college~~; degrees and certificates; tests for certain skills.-

2413 (1) Each Florida College System institution ~~community~~
 2414 ~~college~~ board of trustees shall adopt rules establishing student
 2415 performance standards for the award of degrees and certificates.

2416 (2) Each Florida College System institution ~~community~~
 2417 ~~college~~ board of trustees shall require the use of scores on
 2418 tests for college-level communication and computation skills
 2419 provided in s. 1008.345(7) as a condition for graduation with an
 2420 associate in arts degree.

2421 Section 54. Section 1004.70, Florida Statutes, is amended
 2422 to read:

2423 1004.70 Florida College System institution ~~Community~~
 2424 ~~college~~ direct-support organizations.-

2425 (1) DEFINITIONS.-For the purposes of this section:

2426 (a) "Florida College System institution ~~Community~~ ~~college~~
 2427 direct-support organization" means an organization that is:

2428 1. A Florida corporation not for profit, incorporated
 2429 under the provisions of chapter 617 and approved by the
 2430 Department of State.

2431 2. Organized and operated exclusively to receive, hold,
 2432 invest, and administer property and to make expenditures to, or
 2433 for the benefit of, a Florida College System institution
 2434 ~~community college~~ in this state.

2435 3. An organization that the Florida College System
 2436 institution ~~community college~~ board of trustees, after review,

2437 has certified to be operating in a manner consistent with the
 2438 goals of the Florida College System institution ~~community~~
 2439 ~~college~~ and in the best interest of the state. Any organization
 2440 that is denied certification by the board of trustees may not
 2441 use the name of the Florida College System institution ~~community~~
 2442 ~~college~~ that it serves.

2443 (b) "Personal services" includes full-time or part-time
 2444 personnel as well as payroll processing.

2445 (2) BOARD OF DIRECTORS.—The chair of the board of trustees
 2446 shall appoint a representative to the board of directors and the
 2447 executive committee of each direct-support organization
 2448 established under this section, including those established
 2449 before July 1, 1998. The president of the Florida College System
 2450 institution ~~community college~~ for which the direct-support
 2451 organization is established, or the president's designee, shall
 2452 also serve on the board of directors and the executive committee
 2453 of the direct-support organization, including any direct-support
 2454 organization established before July 1, 1998.

2455 (3) USE OF PROPERTY.—

2456 (a) The board of trustees is authorized to permit the use
 2457 of property, facilities, and personal services at any Florida
 2458 College System institution ~~community college~~ by any Florida
 2459 College System institution ~~community college~~ direct-support
 2460 organization, subject to the provisions of this section.

2461 (b) The board of trustees is authorized to prescribe by
 2462 rule any condition with which a Florida College System
 2463 institution ~~community college~~ direct-support organization must
 2464 comply in order to use property, facilities, or personal

2465 services at any Florida College System institution ~~community~~
 2466 ~~college~~.

2467 (c) The board of trustees may not permit the use of
 2468 property, facilities, or personal services at any Florida
 2469 College System institution ~~community college~~ by any Florida
 2470 College System institution ~~community college~~ direct-support
 2471 organization that does not provide equal employment
 2472 opportunities to all persons regardless of race, color, national
 2473 origin, gender, age, or religion.

2474 (4) ACTIVITIES; RESTRICTIONS.—

2475 (a) A direct-support organization may, at the request of
 2476 the board of trustees, provide residency opportunities on or
 2477 near campus for students.

2478 (b) A direct-support organization that constructs
 2479 facilities for use by a Florida College System institution
 2480 ~~community college~~ or its students must comply with all
 2481 requirements of law relating to the construction of facilities
 2482 by a Florida College System institution ~~community college~~,
 2483 including requirements for competitive bidding.

2484 (c) Any transaction or agreement between one direct-
 2485 support organization and another direct-support organization or
 2486 between a direct-support organization and a center of technology
 2487 innovation designated under s. 1004.77 must be approved by the
 2488 board of trustees.

2489 (d) A Florida College System institution ~~community college~~
 2490 direct-support organization is prohibited from giving, either
 2491 directly or indirectly, any gift to a political committee or
 2492 committee of continuous existence as defined in s. 106.011 for

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2493 any purpose other than those certified by a majority roll call
 2494 vote of the governing board of the direct-support organization
 2495 at a regularly scheduled meeting as being directly related to
 2496 the educational mission of the Florida College System
 2497 institution ~~community college~~.

2498 (e) A Florida College System institution ~~community college~~
 2499 board of trustees must authorize all debt, including lease-
 2500 purchase agreements, incurred by a direct-support organization.
 2501 Authorization for approval of short-term loans and lease-
 2502 purchase agreements for a term of not more than 5 years,
 2503 including renewals, extensions, and refundings, for goods,
 2504 materials, equipment, and services may be delegated by the board
 2505 of trustees to the board of directors of the direct-support
 2506 organization. Trustees shall evaluate proposals for debt
 2507 according to guidelines issued by the Division of Florida
 2508 Colleges. Revenues of the Florida College System institution
 2509 ~~community college~~ may not be pledged to debt issued by direct-
 2510 support organizations.

2511 (5) ANNUAL BUDGETS AND REPORTS.—Each direct-support
 2512 organization shall submit to the board of trustees its federal
 2513 Internal Revenue Service Application for Recognition of
 2514 Exemption form (Form 1023) and its federal Internal Revenue
 2515 Service Return of Organization Exempt from Income Tax form (Form
 2516 990).

2517 (6) ANNUAL AUDIT.—Each direct-support organization shall
 2518 provide for an annual financial audit in accordance with rules
 2519 adopted by the Auditor General pursuant to s. 11.45(8). The
 2520 annual audit report must be submitted, within 9 months after the

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2521 end of the fiscal year, to the Auditor General, the State Board
 2522 of Education, and the board of trustees for review. The board of
 2523 trustees, the Auditor General, and the Office of Program Policy
 2524 Analysis and Government Accountability may require and receive
 2525 from the organization or from its independent auditor any detail
 2526 or supplemental data relative to the operation of the
 2527 organization. The identity of donors who desire to remain
 2528 anonymous shall be protected, and that anonymity shall be
 2529 maintained in the auditor's report. All records of the
 2530 organization, other than the auditor's report, any information
 2531 necessary for the auditor's report, any information related to
 2532 the expenditure of funds, and any supplemental data requested by
 2533 the board of trustees, the Auditor General, and the Office of
 2534 Program Policy Analysis and Government Accountability, shall be
 2535 confidential and exempt from the provisions of s. 119.07(1).

2536 Section 55. Section 1004.71, Florida Statutes, is amended
 2537 to read:

2538 1004.71 Statewide Florida College System institution
 2539 ~~community college~~ direct-support organizations.-

2540 (1) DEFINITIONS.—For the purposes of this section:

2541 (a) "Statewide Florida College System institution
 2542 ~~community college~~ direct-support organization" means an
 2543 organization that is:

2544 1. A Florida corporation not for profit, incorporated
 2545 under the provisions of chapter 617 and approved by the
 2546 Department of State.

2547 2. Organized and operated exclusively to receive, hold,
 2548 invest, and administer property and to make expenditures to, or

2549 | for the benefit of, the Florida College System institutions
 2550 | ~~community colleges~~ in this state.

2551 | 3. An organization that the State Board of Education,
 2552 | after review, has certified to be operating in a manner
 2553 | consistent with the goals of the Florida College System
 2554 | institutions ~~community colleges~~ and in the best interest of the
 2555 | state.

2556 | (b) "Personal services" includes full-time or part-time
 2557 | personnel as well as payroll processing.

2558 | (2) BOARD OF DIRECTORS.—The chair of the State Board of
 2559 | Education may appoint a representative to the board of directors
 2560 | and the executive committee of any statewide, direct-support
 2561 | organization established under this section or s. 1004.70. The
 2562 | chair of the State Board of Education, or the chair's designee,
 2563 | shall also serve on the board of directors and the executive
 2564 | committee of any direct-support organization established to
 2565 | benefit Florida College System institutions ~~the community~~
 2566 | ~~colleges of Florida~~.

2567 | (3) USE OF PROPERTY.—

2568 | (a) The State Board of Education may permit the use of
 2569 | property, facilities, and personal services of the Department of
 2570 | Education by any statewide Florida College System institution
 2571 | ~~community college~~ direct-support organization, subject to the
 2572 | provisions of this section.

2573 | (b) The State Board of Education may prescribe by rule any
 2574 | condition with which a statewide Florida College System
 2575 | institution ~~community college~~ direct-support organization must
 2576 | comply in order to use property, facilities, or personal

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2577 services of the Department of Education.

2578 (c) The State Board of Education may not permit the use of
 2579 property, facilities, or personal services of the Department of
 2580 Education by any statewide Florida College System institution
 2581 ~~community college~~ direct-support organization that does not
 2582 provide equal employment opportunities to all persons regardless
 2583 of race, color, national origin, gender, age, or religion.

2584 (4) RESTRICTIONS.—

2585 (a) A statewide, direct-support organization may not use
 2586 public funds to acquire, construct, maintain, or operate any
 2587 facilities.

2588 (b) Any transaction or agreement between a statewide,
 2589 direct-support organization and any other direct-support
 2590 organization or between a statewide, direct-support organization
 2591 and a center of technology innovation designated under s.
 2592 1004.77 must be approved by the State Board of Education.

2593 (c) A statewide Florida College System institution
 2594 ~~community college~~ direct-support organization is prohibited from
 2595 giving, either directly or indirectly, any gift to a political
 2596 committee or committee of continuous existence as defined in s.
 2597 106.011 for any purpose other than those certified by a majority
 2598 roll call vote of the governing board of the direct-support
 2599 organization at a regularly scheduled meeting as being directly
 2600 related to the educational mission of the State Board of
 2601 Education.

2602 (5) ANNUAL BUDGETS AND REPORTS.—Each direct-support
 2603 organization shall submit to the State Board of Education its
 2604 federal Internal Revenue Service Application for Recognition of

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2605 Exemption form (Form 1023) and its federal Internal Revenue
 2606 Service Return of Organization Exempt from Income Tax form (Form
 2607 990).

2608 (6) ANNUAL AUDIT.—A statewide Florida College System
 2609 institution ~~community college~~ direct-support organization shall
 2610 provide for an annual financial audit in accordance with s.
 2611 1004.70. The identity of a donor or prospective donor who
 2612 desires to remain anonymous and all information identifying such
 2613 donor or prospective donor are confidential and exempt from the
 2614 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 2615 Constitution. Such anonymity shall be maintained in the
 2616 auditor's report.

2617 Section 56. Subsection (1) of section 1004.725, Florida
 2618 Statutes, is amended to read:

2619 1004.725 Expenditures for self-insurance services; special
 2620 account.—

2621 (1) The Florida College System institution ~~community~~
 2622 ~~college~~ boards of trustees, singly or collectively, are
 2623 authorized to contract with an administrator or service company
 2624 approved pursuant to chapter 626 to provide self-insurance
 2625 services, including, but not limited to, the evaluation,
 2626 settlement, and payment of self-insurance claims on behalf of
 2627 the board of trustees or a consortium of boards of trustees.

2628 Section 57. Section 1004.726, Florida Statutes, is amended
 2629 to read:

2630 1004.726 Trademarks, copyrights, or patents.—Each Florida
 2631 College System institution ~~community college~~ board of trustees
 2632 may develop and produce work products relating to educational

2633 endeavors that are subject to trademark, copyright, or patent
 2634 statutes. To this end, the board of trustees shall consider the
 2635 relative contribution by the personnel employed in the
 2636 development of such work products and shall enter into binding
 2637 agreements with such personnel, organizations, corporations, or
 2638 government entities, which agreements shall establish the
 2639 percentage of ownership of such trademarks, copyrights, or
 2640 patents. Any other law to the contrary notwithstanding, the
 2641 board of trustees may in its own name:

2642 (1) Perform all things necessary to secure letters of
 2643 patent, copyrights, and trademarks on any such work products and
 2644 enforce its rights therein.

2645 (2) License, lease, assign, or otherwise give written
 2646 consent to any person, firm, or corporation for the manufacture
 2647 or use of its work products on a royalty basis or for such other
 2648 consideration as the board of trustees deems proper.

2649 (3) Take any action necessary, including legal action, to
 2650 protect its work products against improper or unlawful use of
 2651 infringement.

2652 (4) Enforce the collection of any sums due the board of
 2653 trustees for the manufacture or use of its work products by any
 2654 other party.

2655 (5) Sell any of its work products and execute all
 2656 instruments necessary to consummate any such sale.

2657 (6) Do all other acts necessary and proper for the
 2658 execution of powers and duties provided by this section.

2659 Section 58. Subsection (4) of section 1004.74, Florida
 2660 Statutes, is amended to read:

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2661 1004.74 Florida School of the Arts.—
 2662 (4) The Council for the Florida School of the Arts shall
 2663 be established to advise the Florida College System institution
 2664 ~~community college~~ district board of trustees on matters
 2665 pertaining to the operation of the school. The council shall
 2666 consist of nine members, appointed by the Commissioner of
 2667 Education for 4-year terms. A member may serve three terms and
 2668 may serve until replaced.

2669 Section 59. Subsections (2), (3), (4), (5), and (6) of
 2670 section 1004.75, Florida Statutes, are amended to read:

2671 1004.75 Training school consolidation pilot projects.—

2672 (2) EXISTING PUBLIC CRIMINAL JUSTICE TRAINING PROGRAMS.—
 2673 Notwithstanding ss. 1001.31, 1001.33, and 1007.25, or any other
 2674 provision of law to the contrary, criminal justice training
 2675 programs in the pilot counties will transfer to Florida College
 2676 System institutions ~~community colleges~~, effective July 1, 1999,
 2677 at which time responsibility for the provision of basic recruit,
 2678 advanced, career development, and continuing training courses
 2679 and programs offered in public criminal justice training
 2680 programs and for the operation of existing public criminal
 2681 justice training programs will be shifted from the school
 2682 district to the Florida College System institution ~~community~~
 2683 ~~college~~ in whose service area the public criminal justice
 2684 training program is located. Certification of the program
 2685 granted by the Criminal Justice Standards and Training
 2686 Commission will be transferred to the respective Florida College
 2687 System institution ~~community college~~ and the college must
 2688 continue to meet the requirements of the commission.

2689 (3) FACILITIES.—

2690 (a) Criminal justice training program educational
 2691 facilities, educational plants, and related equipment as defined
 2692 in s. 1013.01(6) and (7) which are owned by the state and paid
 2693 for with only state funds shall be transferred to the Florida
 2694 College System institution ~~community college~~, except that, if
 2695 such an educational facility or educational plant or part of
 2696 such facility or plant is used for other purposes in addition to
 2697 public criminal justice training, the Criminal Justice Standards
 2698 and Training Commission shall mediate the transfer or a suitable
 2699 multiuse arrangement.

2700 (b) Criminal justice training program educational
 2701 facilities, educational plants, and related equipment as defined
 2702 in s. 1013.01(6) and (7) which are owned by the school district
 2703 and paid for in whole or in part with local tax funds shall be
 2704 leased to the Florida College System institution ~~community~~
 2705 ~~college~~. However, if such an educational facility or educational
 2706 plant, or part of such facility or plant, is used for other
 2707 purposes in addition to public criminal justice training, the
 2708 Criminal Justice Standards and Training Commission shall mediate
 2709 a suitable lease agreement. If a school district and a Florida
 2710 College System institution ~~community college~~ cannot agree on the
 2711 terms and conditions of the lease agreement, the Criminal
 2712 Justice Standards and Training Commission shall finalize the
 2713 agreement and report its decision to the Legislature. The
 2714 Department of Education, Office of Educational Facilities, shall
 2715 conduct an analysis, by December 31, 1999, to determine the
 2716 amount of local tax contribution used in the construction of a

2717 school-district-owned criminal justice training program,
 2718 educational facility, or educational plant affected by the
 2719 transfer. This analysis shall be used to establish a purchase
 2720 price for the facility or plant. The Florida College System
 2721 institution ~~community college~~ board of trustees may make a
 2722 legislative budget request through the State Board of Education
 2723 to purchase the facility or plant, or it may continue to lease
 2724 the facility or plant.

2725 (4) PROGRAM REQUIREMENTS.—Each pilot training center will
 2726 be regional in nature, as defined by the Criminal Justice
 2727 Standards and Training Commission. Each Florida College System
 2728 institution ~~community college~~ with responsibility for a public
 2729 criminal justice training program must:

2730 (a) Establish a pilot training center advisory committee
 2731 made up of professionals from the field of each training program
 2732 included in the pilot project.

2733 (b) Provide certificate and noncredit options for students
 2734 and training components of the pilot training center that so
 2735 require.

2736 (c) Develop an articulation agreement with state
 2737 universities to facilitate the transfer of graduates of a
 2738 Florida College System institution ~~community college~~ degree
 2739 training program to the upper division of a state university
 2740 with a corresponding program.

2741 (5) STAFFING.—The Florida College System institution
 2742 ~~community college~~ board of trustees may provide for school
 2743 district public criminal justice training staff employed in
 2744 full-time budgeted positions to be transferred into the Florida

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2745 College System institution ~~community college~~ personnel system at
 2746 the same rate of salary. Retirement and leave provisions will be
 2747 transferred according to law.

2748 (6) FUNDING.—The Department of Education shall shift funds
 2749 generated by students in the pilot training centers established
 2750 by this section, including workforce development recurring and
 2751 nonrecurring funds, from the appropriate school district to the
 2752 respective Florida College System institution ~~community college~~.
 2753 The Florida College System institution ~~community college~~ shall
 2754 qualify for future facilities funding upon transfer of the
 2755 facility.

2756 (a) Consistent with s. 1011.62(8), school districts that
 2757 transfer programs will receive an amount equal to 15 percent of
 2758 the funding generated for the program under the FEFP in 1996-
 2759 1997.

2760 (b) Reflecting the lower program costs in Florida College
 2761 System institutions ~~community colleges~~, notwithstanding the
 2762 funding generated in paragraph (a), Florida College System
 2763 institutions ~~community colleges~~ will receive 90 percent of the
 2764 funding generated for the program under the FEFP in 1996-1997.
 2765 The school district will retain the remaining 10 percent.

2766 (c) Notwithstanding ss. 1009.22(3)(a) and 1011.80(5)(a),
 2767 or any other provision of law to the contrary, fees for
 2768 continuing workforce education for public law enforcement
 2769 officers at these pilot centers shall not exceed 25 percent of
 2770 the cost of the course, and state funding shall not under any
 2771 circumstances exceed 50 percent of the cost of the course.

2772 Section 60. Subsections (1) and (2), paragraphs (a) and

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2773 (b) of subsection (4), subsection (5), and paragraphs (b), (c),
 2774 and (d) of subsection (7) of section 1004.77, Florida Statutes,
 2775 are amended to read:

2776 1004.77 Centers of technology innovation.—

2777 (1) The State Board of Education may designate centers of
 2778 technology innovation at single Florida College System
 2779 institutions ~~community colleges~~, consortia of Florida College
 2780 System institutions ~~community colleges~~, or consortia of Florida
 2781 College System institutions ~~community colleges~~ with other
 2782 educational institutions. The state board shall adopt rules
 2783 necessary to implement the provisions of this section. The state
 2784 board shall cooperate with the Workforce Florida, Inc., in the
 2785 designation of the centers as it relates to the centers of
 2786 applied technology.

2787 (2) Centers shall be designated when a Florida College
 2788 System institution ~~community college~~ or consortia provides
 2789 evidence that it has developed expertise in one or more
 2790 specialized technologies. To be designated, the Florida College
 2791 System institution ~~community college~~ or consortia must provide
 2792 benefits to the state, which may include, but are not limited
 2793 to:

- 2794 (a) Curriculum development.
- 2795 (b) Faculty development.
- 2796 (c) Research, testing, and technology transfer.
- 2797 (d) Instructional equipment and materials identification
 2798 and development.
- 2799 (e) Partnerships with industries dependent upon staying
 2800 current in the related technologies and in the development of

2801 workforce capabilities.

2802 (f) Partnerships with industries needing to convert their
 2803 existing technology base to other technologies in order to
 2804 continue conducting business in Florida, including converting
 2805 defense-related technologies to other technologies.

2806 (4) Centers may provide instruction, as follows:

2807 (a) To students enrolled in the Florida College System
 2808 institution ~~community college~~, especially for purposes of
 2809 providing training for technicians in areas that support the
 2810 employers involved in the technology specialization.

2811 (b) To students enrolled at the undergraduate and graduate
 2812 level in a university, college, or Florida College System
 2813 institution ~~community college~~ which is a member of the
 2814 designated consortia. Such enrollment shall be funded by the
 2815 enrolling institution.

2816 (5) The State Board of Education shall give priority in
 2817 the designation of centers to those Florida College System
 2818 institutions ~~community colleges~~ that specialize in technology in
 2819 environmental areas and in areas related to target industries of
 2820 Enterprise Florida, Inc. Priority in designation shall also be
 2821 given to Florida College System institutions ~~community colleges~~
 2822 that develop new and improved manufacturing techniques and
 2823 related business practices.

2824 (7) Each center shall have a board of directors with at
 2825 least five members who shall be appointed by the district board
 2826 of trustees. The board of directors is responsible for
 2827 overseeing the operation of the center, approval of the annual
 2828 budget, and setting policy to guide the director in the

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2829 operation of the center. The board of directors shall consist of
 2830 at least the following:

2831 (b) The vice president of academic affairs, or the
 2832 equivalent, of the Florida College System institution ~~community~~
 2833 ~~college~~.

2834 (c) The vice president of business affairs, or the
 2835 equivalent, of the Florida College System institution ~~community~~
 2836 ~~college~~.

2837 (d) Two members designated by the president of the Florida
 2838 College System institution ~~community college~~.

2839 Section 61. Section 1004.78, Florida Statutes, is amended
 2840 to read:

2841 1004.78 Technology transfer centers at Florida College
 2842 System institutions ~~community colleges~~.-

2843 (1) Each Florida College System institution ~~community~~
 2844 ~~college~~ may establish a technology transfer center for the
 2845 purpose of providing institutional support to local business and
 2846 industry and governmental agencies in the application of new
 2847 research in technology. The primary responsibilities of such
 2848 centers may include: identifying technology research developed
 2849 by universities, research institutions, businesses, industries,
 2850 the United States Armed Forces, and other state or federal
 2851 governmental agencies; determining and demonstrating the
 2852 application of technologies; training workers to integrate
 2853 advanced equipment and production processes; and determining for
 2854 business and industry the feasibility and efficiency of
 2855 accommodating advanced technologies.

2856 (2) The Florida College System institution ~~community~~

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2857 ~~college~~ board of trustees shall set such policies to regulate
 2858 the activities of the technology transfer center as it may
 2859 consider necessary to effectuate the purposes of this section
 2860 and to administer the programs of the center in a manner which
 2861 assures efficiency and effectiveness, producing the maximum
 2862 benefit for the educational programs and maximum service to the
 2863 state. To this end, materials that relate to methods of
 2864 manufacture or production, potential trade secrets, potentially
 2865 patentable material, actual trade secrets, business
 2866 transactions, or proprietary information received, generated,
 2867 ascertained, or discovered during the course of activities
 2868 conducted within the Florida College System institutions
 2869 ~~community colleges~~ shall be confidential and exempt from the
 2870 provisions of s. 119.07(1), except that a Florida College System
 2871 institution ~~community college~~ shall make available upon request
 2872 the title and description of a project, the name of the
 2873 investigator, and the amount and source of funding provided for
 2874 such project.

2875 (3) A technology transfer center created under the
 2876 provisions of this section shall be under the supervision of the
 2877 board of trustees of that Florida College System institution
 2878 ~~community college~~, which is authorized to appoint a director; to
 2879 employ full-time and part-time staff, research personnel, and
 2880 professional services; to employ on a part-time basis personnel
 2881 of the Florida College System institution ~~community college~~; and
 2882 to employ temporary employees whose salaries are paid entirely
 2883 from the permanent technology transfer fund or from that fund in
 2884 combination with other nonstate sources, with such positions

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2885 | being exempt from the requirements of the Florida Statutes
 2886 | relating to salaries, except that no such appointment shall be
 2887 | made for a total period of longer than 1 year.

2888 | (4) The board of trustees of the Florida College System
 2889 | institution ~~community college~~ in which a technology transfer
 2890 | center is created, or its designee, may negotiate, enter into,
 2891 | and execute contracts; solicit and accept grants and donations;
 2892 | and fix and collect fees, other payments, and donations that may
 2893 | accrue by reason thereof for technology transfer activities. The
 2894 | board of trustees or its designee may negotiate, enter into, and
 2895 | execute contracts on a cost-reimbursement basis and may provide
 2896 | temporary financing of such costs prior to reimbursement from
 2897 | moneys on deposit in the technology transfer fund, except as may
 2898 | be prohibited elsewhere by law.

2899 | (5) A technology transfer center shall be financed from
 2900 | the Academic Improvement Program or from moneys of a Florida
 2901 | College System institution ~~community college~~ which are on
 2902 | deposit or received for use in the activities conducted in the
 2903 | center. Such moneys shall be deposited by the Florida College
 2904 | System institution ~~community college~~ in a permanent technology
 2905 | transfer fund in a depository or depositories approved for the
 2906 | deposit of state funds and shall be accounted for and disbursed
 2907 | subject to audit by the Auditor General.

2908 | (6) The fund balance in any existing research trust fund
 2909 | of a Florida College System institution ~~community college~~ at the
 2910 | time a technology transfer center is created shall be
 2911 | transferred to a permanent technology transfer fund established
 2912 | for the Florida College System institution ~~community college~~,

2913 and thereafter the fund balance of the technology transfer fund
 2914 at the end of any fiscal period may be used during any
 2915 succeeding period pursuant to this section.

2916 (7) Moneys deposited in the permanent technology transfer
 2917 fund of a Florida College System institution ~~community college~~
 2918 shall be disbursed in accordance with the terms of the contract,
 2919 grant, or donation under which they are received. Moneys
 2920 received for overhead or indirect costs and other moneys not
 2921 required for the payment of direct costs shall be applied to the
 2922 cost of operating the technology transfer center.

2923 (8) All purchases of a technology transfer center shall be
 2924 made in accordance with the policies and procedures of the
 2925 Florida College System institution ~~community college~~.

2926 (9) The Florida College System institution ~~community~~
 2927 ~~college~~ board of trustees may authorize the construction,
 2928 alteration, or remodeling of buildings when the funds used are
 2929 derived entirely from the technology transfer fund of a Florida
 2930 College System institution ~~community college~~ or from that fund
 2931 in combination with other nonstate sources, provided that such
 2932 construction, alteration, or remodeling is for use exclusively
 2933 by the center. It also may authorize the acquisition of real
 2934 property when the cost is entirely from said funds. Title to all
 2935 real property shall vest in the board of trustees.

2936 (10) The State Board of Education may award grants to
 2937 Florida College System institutions ~~community colleges~~, or
 2938 consortia of public and private colleges and universities and
 2939 other public and private entities, for the purpose of supporting
 2940 the objectives of this section. Grants awarded pursuant to this

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2941 subsection shall be in accordance with rules of the State Board
 2942 of Education. Such rules shall include the following provisions:

2943 (a) The number of centers established with state funds
 2944 provided expressly for the purpose of technology transfer shall
 2945 be limited, but shall be geographically located to maximize
 2946 public access to center resources and services.

2947 (b) Grants to centers funded with state revenues
 2948 appropriated specifically for technology transfer activities
 2949 shall be reviewed and approved by the State Board of Education
 2950 using proposal solicitation, evaluation, and selection
 2951 procedures established by the state board in consultation with
 2952 Enterprise Florida, Inc. Such procedures may include designation
 2953 of specific areas or applications of technology as priorities
 2954 for the receipt of funding.

2955 (c) Priority for the receipt of state funds appropriated
 2956 specifically for the purpose of technology transfer shall be
 2957 given to grant proposals developed jointly by Florida College
 2958 System institutions ~~community colleges~~ and public and private
 2959 colleges and universities.

2960 (11) Each technology transfer center established under the
 2961 provisions of this section shall establish a technology transfer
 2962 center advisory committee. Each committee shall include
 2963 representatives of a university or universities conducting
 2964 research in the area of specialty of the center. Other members
 2965 shall be determined by the Florida College System institution
 2966 ~~community college~~ board of trustees.

2967 Section 62. Section 1004.79, Florida Statutes, is amended
 2968 to read:

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2969 | 1004.79 Incubator facilities for small business concerns.—

2970 | (1) Each Florida College System institution ~~community~~
 2971 | ~~college~~ established pursuant to s. 1004.02(2) may provide
 2972 | incubator facilities to eligible small business concerns. As
 2973 | used in this section, "small business concern" shall be defined
 2974 | as an independently owned and operated business concern
 2975 | incorporated in Florida which is not an affiliate or a
 2976 | subsidiary of a business dominant in its field of operation, and
 2977 | which employs 25 or fewer full-time employees. "Incubator
 2978 | facility" shall be defined as a facility in which small business
 2979 | concerns share common space, equipment, and support personnel
 2980 | and through which such concerns have access to professional
 2981 | consultants for advice related to the technical and business
 2982 | aspects of conducting a commercial enterprise. The Florida
 2983 | College System institution ~~community college~~ board of trustees
 2984 | shall authorize concerns for inclusion in the incubator
 2985 | facility.

2986 | (2) Each Florida College System institution ~~community~~
 2987 | ~~college~~ that provides an incubator facility shall provide the
 2988 | following:

2989 | (a) Management and maintenance of the incubator facility.

2990 | (b) Secretarial and other support personnel, equipment,
 2991 | and utilities.

2992 | (c) Mechanisms to assist with the acquisition of
 2993 | technical, management, and entrepreneurial expertise to resident
 2994 | and other local small business concerns.

2995 | (3) The incubator facility and any improvements to the
 2996 | facility shall be owned or leased by the Florida College System

2997 | institution ~~community college~~. The Florida College System
 2998 | institution ~~community college~~ may charge residents of the
 2999 | facility all or part of the cost for facilities, utilities, and
 3000 | support personnel and equipment. No small business concern shall
 3001 | reside in the incubator facility for more than 5 calendar years.
 3002 | The state shall not be liable for any act or failure to act of
 3003 | any small business concern residing in an incubator facility
 3004 | pursuant to this section or of any such concern benefiting from
 3005 | the incubator facilities program.

3006 | (4) Florida College System institutions ~~Community colleges~~
 3007 | are encouraged to establish incubator facilities through which
 3008 | emerging small businesses supportive of spaceport endeavors and
 3009 | other high-technology enterprises may be served.

3010 | (5) Florida College System institutions ~~Community colleges~~
 3011 | are encouraged to establish incubator facilities through which
 3012 | emerging small businesses supportive of development of content
 3013 | and technology for digital broadband media and digital
 3014 | broadcasting may be served.

3015 | Section 63. Subsections (1), (2), and (3) of section
 3016 | 1004.80, Florida Statutes, are amended to read:

3017 | 1004.80 Economic development centers.—

3018 | (1) Florida College System institutions ~~Community colleges~~
 3019 | may establish economic development centers for the purpose of
 3020 | serving as liaisons between Florida College System institutions
 3021 | ~~community colleges~~ and the business sector. The responsibilities
 3022 | of each center shall include:

3023 | (a) Promoting the economic well-being of businesses and
 3024 | industries.

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3025 (b) Coordinating, with chambers of commerce, government
 3026 agencies, district school boards, and other organizations,
 3027 efforts to provide educational programs which promote economic
 3028 development, including, but not limited to, business incubators,
 3029 industrial development and research parks, industry recruitment
 3030 efforts, publication of business research and resource guides,
 3031 and sponsorship of workshops, conferences, seminars, and
 3032 consultation services.

3033 (2) The board of trustees of a Florida College System
 3034 institution ~~community college~~ in which an economic development
 3035 center is created, or its designee, may negotiate, enter into,
 3036 and execute contracts; solicit and accept grants and donations;
 3037 and fix and collect fees, other payments, and donations that may
 3038 accrue by reason of activities of the center and its staff.

3039 (3) Economic development centers shall operate under
 3040 policies and procedures established by the Florida College
 3041 System institution ~~community college~~ board of trustees.

3042 Section 64. Section 1004.81, Florida Statutes, is amended
 3043 to read:

3044 1004.81 Establishment of child development training
 3045 centers at Florida College System institutions ~~community~~
 3046 ~~colleges~~.—

3047 (1) The Legislature recognizes the importance of preschool
 3048 developmental education and the need for adult students with
 3049 limited economic resources to have access to high-quality,
 3050 affordable child care at variable hours for their children. It
 3051 is therefore the intent of the Legislature that Florida College
 3052 System institutions ~~community colleges~~ provide high-quality,

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3053 affordable child care to the children of adult students enrolled
 3054 in Florida College System institutions ~~community colleges~~. The
 3055 primary purpose of these child development training centers is
 3056 to provide affordable child care for children of adult students,
 3057 particularly those who demonstrate financial need, as well as
 3058 for employees and staff of the institution. Further, the child
 3059 development training centers are intended to provide both
 3060 preschool instruction to the children and clinical experiences
 3061 for prospective child care and early childhood instructional and
 3062 administrative personnel. A secondary mission of the centers
 3063 shall be to provide instruction in parenting skills for the
 3064 clients of the center as well as for the community.

3065 (2) In consultation with the student government
 3066 association or a recognized student group representing the
 3067 student body, a Florida College System institution ~~community~~
 3068 ~~college~~ board of trustees may establish a child development
 3069 training center in accordance with this section. Each child
 3070 development training center shall be a child care center
 3071 established to provide child care during the day and at variable
 3072 hours, including evenings and weekends, for the children of
 3073 students. Emphasis should be placed on serving students who
 3074 demonstrate financial need as defined by the board of trustees.
 3075 At least 50 percent of the child care slots must be made
 3076 available to students, and financially needy students, as
 3077 defined by the board of trustees, shall receive child care slots
 3078 first. The center may serve the children of staff, employees,
 3079 and faculty; however, a designated number of child care slots
 3080 shall not be allocated for employees. Whenever possible, the

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3081 center shall be located on the campus of the Florida College
 3082 System institution ~~community college~~. However, the board may
 3083 elect to provide child care services for students through
 3084 alternative mechanisms, which may include contracting with
 3085 private providers.

3086 (3) There shall be a board of directors of each child
 3087 development training center, consisting of the president or his
 3088 or her designee, the student government president or his or her
 3089 designee, the chair of the department participating in the
 3090 center or his or her designee, and one parent for each 25
 3091 children enrolled in the center, elected by the parents of the
 3092 children enrolled in the center. There shall be a director of
 3093 each center, selected by the board of directors of the center.
 3094 The director shall be an ex officio, nonvoting member of the
 3095 board. The board of trustees shall establish local policies and
 3096 perform local oversight and operational guidance for the center.

3097 (4) Each center may charge fees for the care and services
 3098 it provides. Each board of trustees shall establish mechanisms
 3099 to facilitate access to center services for students with
 3100 financial need, which shall include a sliding fee scale and
 3101 other methods adopted by the board of trustees to reduce or
 3102 defray payment of fees for students. The board of trustees is
 3103 authorized to seek and receive grants and other resources to
 3104 support the operation of the child development center.

3105 (5) In addition to revenues derived from child care fees
 3106 charged to parents and other external resources, each child
 3107 development training center may be funded by a portion of funds
 3108 from the student activity and service fee authorized by s.

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3109 | 1009.23(7) and the capital improvement fee authorized by s.
 3110 | 1009.23(11). Florida College System institutions ~~Community~~
 3111 | ~~colleges~~ are authorized to transfer funds as necessary from the
 3112 | Florida College System institution's ~~community college's~~ general
 3113 | fund to support the operation of the child development training
 3114 | center.

3115 | (6) This section does not preclude the continuation of or
 3116 | in any way affect child care centers operated by Florida College
 3117 | System institutions ~~community colleges~~ that were established by
 3118 | the district board of trustees prior to July 1, 1994.

3119 | Section 65. Paragraph (g) of subsection (1) of section
 3120 | 1004.86, Florida Statutes, is amended to read:

3121 | 1004.86 Florida Center for Mathematics and Science
 3122 | Education Research.—

3123 | (1) The Department of Education shall contract with a
 3124 | competitively selected public or private university to create
 3125 | and operate the Florida Center for Mathematics and Science
 3126 | Education Research. The purpose of the center is increasing
 3127 | student achievement in mathematics and science, with an emphasis
 3128 | on K-12 education. The center shall:

3129 | (g) Establish partnerships with public and private
 3130 | universities, Florida College System institutions ~~community~~
 3131 | ~~colleges~~, school districts, and other appropriate entities to
 3132 | further increase student achievement in mathematics and science.

3133 | Section 66. Subsection (1) of section 1004.91, Florida
 3134 | Statutes, is amended to read:

3135 | 1004.91 Career-preparatory instruction.—

3136 | (1) The State Board of Education shall adopt, by rule,

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3137 standards of basic skill mastery for certificate career
 3138 education programs. Each school district and Florida College
 3139 System institution ~~community college~~ that conducts programs that
 3140 confer career credit shall provide career-preparatory
 3141 instruction through which students receive the basic skills
 3142 instruction required pursuant to this section.

3143 Section 67. Subsections (1) and (2) of section 1004.92,
 3144 Florida Statutes, are amended to read:

3145 1004.92 Purpose and responsibilities for career
 3146 education.—

3147 (1) The purpose of career education is to enable students
 3148 who complete career programs to attain and sustain employment
 3149 and realize economic self-sufficiency. The purpose of this
 3150 section is to identify issues related to career education for
 3151 which school boards and Florida College System institution
 3152 ~~community college~~ boards of trustees are accountable. It is the
 3153 intent of the Legislature that the standards articulated in
 3154 subsection (2) be considered in the development of
 3155 accountability standards for public schools pursuant to ss.
 3156 1000.03, 1001.42(18), and 1008.345 and for Florida College
 3157 System institutions ~~community colleges~~ pursuant to s. 1008.45.

3158 (2) (a) School board, superintendent, and career center,
 3159 and Florida College System institution ~~community college~~ board
 3160 of trustees and president, accountability for career education
 3161 programs includes, but is not limited to:

3162 1. Student demonstration of the academic skills necessary
 3163 to enter an occupation.

3164 2. Student preparation to enter an occupation in an entry-

3165 level position or continue postsecondary study.

3166 3. Career program articulation with other corresponding
3167 postsecondary programs and job training experiences.

3168 4. Employer satisfaction with the performance of students
3169 who complete career education or reach occupational completion
3170 points.

3171 5. Student completion, placement, and retention rates
3172 pursuant to s. 1008.43.

3173 (b) Department of Education accountability for career
3174 education includes, but is not limited to:

3175 1. The provision of timely, accurate technical assistance
3176 to school districts and Florida College System institutions
3177 ~~community colleges~~.

3178 2. The provision of timely, accurate information to the
3179 State Board of Education, the Legislature, and the public.

3180 3. The development of policies, rules, and procedures that
3181 facilitate institutional attainment of the accountability
3182 standards and coordinate the efforts of all divisions within the
3183 department.

3184 4. The development of program standards and industry-
3185 driven benchmarks for career, adult, and community education
3186 programs, which must be updated every 3 years. The standards
3187 must include career, academic, and workplace skills; viability
3188 of distance learning for instruction; and work/learn cycles that
3189 are responsive to business and industry.

3190 5. Overseeing school district and Florida College System
3191 institution ~~community college~~ compliance with the provisions of
3192 this chapter.

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3193 6. Ensuring that the educational outcomes for the
 3194 technical component of career programs are uniform and designed
 3195 to provide a graduate who is capable of entering the workforce
 3196 on an equally competitive basis regardless of the institution of
 3197 choice.

3198 Section 68. Paragraphs (a) and (b) of subsection (3),
 3199 paragraphs (d) and (e) of subsection (4), and subsections (6)
 3200 and (7) of section 1004.93, Florida Statutes, are amended to
 3201 read:

3202 1004.93 Adult general education.—

3203 (3) (a) Each district school board or Florida College
 3204 System institution ~~community college~~ board of trustees shall
 3205 negotiate with the regional workforce board for basic and
 3206 functional literacy skills assessments for participants in the
 3207 welfare transition employment and training programs. Such
 3208 assessments shall be conducted at a site mutually acceptable to
 3209 the district school board or Florida College System institution
 3210 ~~community college~~ board of trustees and the regional workforce
 3211 board.

3212 (b) State employees who are employed in local or regional
 3213 offices of state agencies shall inform clients of the
 3214 availability of adult basic and secondary programs in the
 3215 region. The identities of clients who do not possess high school
 3216 diplomas or who demonstrate skills below the level of functional
 3217 literacy shall be conveyed, with their consent, to the local
 3218 school district or Florida College System institution ~~community~~
 3219 ~~college~~, or both.

3220 (4)

3221 (d) Expenditures for college-preparatory and lifelong
 3222 learning students shall be reported separately. Allocations for
 3223 college-preparatory courses shall be based on proportional full-
 3224 time equivalent enrollment. Program review results shall be
 3225 included in the determination of subsequent allocations. A
 3226 student shall be funded to enroll in the same college-
 3227 preparatory class within a skill area only twice, after which
 3228 time the student shall pay 100 percent of the full cost of
 3229 instruction to support the continuous enrollment of that student
 3230 in the same class; however, students who withdraw or fail a
 3231 class due to extenuating circumstances may be granted an
 3232 exception only once for each class, provided approval is granted
 3233 according to policy established by the board of trustees. Each
 3234 Florida College System institution ~~community college~~ shall have
 3235 the authority to review and reduce payment for increased fees
 3236 due to continued enrollment in a college-preparatory class on an
 3237 individual basis contingent upon the student's financial
 3238 hardship, pursuant to definitions and fee levels established by
 3239 the State Board of Education. College-preparatory and lifelong
 3240 learning courses do not generate credit toward an associate or
 3241 baccalaureate degree.

3242 (e) A district school board or a Florida College System
 3243 institution ~~community college~~ board of trustees may negotiate a
 3244 contract with the regional workforce board for specialized
 3245 services for participants in the welfare transition program,
 3246 beyond what is routinely provided for the general public, to be
 3247 funded by the regional workforce board.

3248 (6) The commissioner shall recommend the level of funding

3249 for public school and Florida College System institution
 3250 ~~community college~~ adult education within the legislative budget
 3251 request and make other recommendations and reports considered
 3252 necessary or required by rules of the State Board of Education.

3253 (7) Buildings, land, equipment, and other property owned
 3254 by a district school board or Florida College System institution
 3255 ~~community college~~ board of trustees may be used for the conduct
 3256 of the adult education program. Buildings, land, equipment, and
 3257 other property owned or leased by cooperating public or private
 3258 agencies, organizations, or institutions may also be used for
 3259 the purposes of this section.

3260 Section 69. Paragraph (a) of subsection (1) and subsection
 3261 (4) of section 1004.94, Florida Statutes, are amended to read:

3262 1004.94 Adult literacy.—

3263 (1)(a) An adult, individualized literacy instruction
 3264 program is created for adults who possess literacy skills below
 3265 the ninth grade level. The purpose of the program is to provide
 3266 self-paced, competency-based, individualized tutorial
 3267 instruction. The commissioner shall administer this section in
 3268 coordination with Florida College System institution ~~community~~
 3269 ~~college~~ boards of trustees, local school boards, and the
 3270 Division of Library and Information Services of the Department
 3271 of State.

3272 (4)(a) The commissioner shall submit a state adult
 3273 literacy plan to the State Board of Education to serve as a
 3274 reference for district school boards and Florida College System
 3275 institutions ~~community colleges~~ boards of trustees to increase
 3276 adult literacy in their service areas as prescribed in the

3277 agency functional plan of the Department of Education. The plan
 3278 must include, at a minimum:

3279 1. Policies and objectives for adult literacy programs,
 3280 including evaluative criteria.

3281 2. Strategies for coordinating adult literacy activities
 3282 with programs and services provided by other state and local
 3283 nonprofit agencies, as well as strategies for maximizing other
 3284 funding, resources, and expertise.

3285 3. Procedures for identifying, recruiting, and retaining
 3286 adults who possess literacy skills below the ninth grade level.

3287 4. Sources of relevant demographic information and methods
 3288 of projecting the number of adults who possess literacy skills
 3289 below the ninth grade level.

3290 5. Acceptable methods of demonstrating compliance with the
 3291 provisions of this section.

3292 6. Guidelines for the development and implementation of
 3293 local adult literacy plans. At a minimum, such guidelines must
 3294 address:

3295 a. The recruitment and preparation of volunteer tutors.

3296 b. Interagency and intraagency cooperation and
 3297 coordination, especially with public libraries and other
 3298 sponsors of literacy programs.

3299 c. Desirable learning environments, including class size.

3300 d. Program evaluation standards.

3301 e. Methods for identifying, recruiting, and retaining
 3302 adults in literacy programs.

3303 f. Adult literacy through family literacy and workforce
 3304 literacy programs.

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3305 (b) Every 3 years, the district school board or Florida
 3306 College System institution ~~community college~~ board of trustees
 3307 shall develop and maintain a local adult literacy plan.

3308 Section 70. Subsection (1) of section 1004.95, Florida
 3309 Statutes, is amended to read:

3310 1004.95 Adult literacy centers.—

3311 (1) The Commissioner of Education shall select Florida
 3312 College System institutions ~~community colleges~~ and public school
 3313 districts to establish and operate adult literacy centers to
 3314 complement existing public and private instructional adult
 3315 literacy programs. The centers shall identify, contact, counsel,
 3316 and refer persons considered to be lacking basic or functional
 3317 literacy skills or competencies related to prose, document, and
 3318 quantitative literacy skills to the appropriate private and
 3319 public agencies, including human service agencies. The centers
 3320 may not duplicate or supplant the existing services provided by
 3321 public and private agencies operating within the district.

3322 Section 71. Subsection (2), paragraph (a) of subsection
 3323 (3), and subsections (4) and (6) of section 1004.97, Florida
 3324 Statutes, are amended to read:

3325 1004.97 Florida Literacy Corps.—

3326 (2) There is created a Florida Literacy Corps to be
 3327 administered by the Department of Education pursuant to this
 3328 section and rules of the State Board of Education. Participating
 3329 students earn college credit for tutoring adults who do not
 3330 possess basic or functional literacy skills pursuant to an
 3331 agreement between the institution in which the student is
 3332 enrolled and the district school board, Florida College System

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3333 | institution ~~community college~~ board of trustees, public library,
 3334 | or nonprofit organization offering literacy instruction to
 3335 | adults pursuant to s. 1004.94. The district school board,
 3336 | Florida College System institution ~~community college~~ board of
 3337 | trustees, public library, or nonprofit organization is solely
 3338 | responsible for providing literacy programs and instructing
 3339 | participating postsecondary students.

3340 | (3) In order to be eligible to participate in the Florida
 3341 | Literacy Corps, a student must:

3342 | (a) Be enrolled in an eligible state university or Florida
 3343 | College System institution ~~community college~~ at least half time
 3344 | and be in good standing, as defined by the institution.

3345 | (4) In order to be eligible to participate in the Florida
 3346 | Literacy Corps, a state university or Florida College System
 3347 | institution ~~community college~~ must:

3348 | (a) Establish one or more undergraduate or graduate
 3349 | courses, or both, in which participating students may earn a
 3350 | maximum of 3 credit hours per semester, and a maximum of 6
 3351 | credit hours over two or more semesters, by tutoring adults who
 3352 | do not possess basic or functional literacy skills. The
 3353 | institution shall establish such courses in the common course
 3354 | designation and numbering system. The courses must require
 3355 | students to complete instruction for prospective tutors, tutor
 3356 | adults for at least 25 hours per semester for each hour of
 3357 | credit awarded, and satisfy any other requirements imposed by
 3358 | the institution.

3359 | (b) Submit a proposal to the Department of Education for
 3360 | review and approval. The proposal must include, but is not

- 3361 limited to:
- 3362 1. Identification of the school district, Florida College
- 3363 System institution ~~community college~~, public library, or
- 3364 nonprofit organization with which participating students will be
- 3365 working.
- 3366 2. Demonstration of the need for literacy tutors by the
- 3367 school district, Florida College System institution ~~community~~
- 3368 ~~college~~, public library, or nonprofit organization.
- 3369 3. Demonstration of commitment by the public school,
- 3370 Florida College System institution ~~community college~~, public
- 3371 library, or nonprofit organization to provide instruction for
- 3372 tutors.
- 3373 4. Description of the literacy program.
- 3374 5. Demonstration of student interest in program
- 3375 participation.
- 3376 6. Designation of one or more faculty to conduct the
- 3377 Florida Literacy Corps course and identification of the
- 3378 qualifications of such faculty.
- 3379 (6) Each participating state university and Florida
- 3380 College System institution ~~community college~~ shall submit an
- 3381 annual report to the Commissioner of Education which includes,
- 3382 but is not limited to:
- 3383 (a) The number of hours of tutoring conducted by
- 3384 participating students.
- 3385 (b) The number of students enrolled in the courses.
- 3386 (c) The number of students who successfully complete the
- 3387 courses.
- 3388 (d) An evaluation of the tutors' effectiveness as judged

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3389 by the participating school district, Florida College System
 3390 institution ~~community college~~, public library, or nonprofit
 3391 organization. The department shall develop a common evaluation
 3392 form for this purpose.

3393 (e) The number of full-time equivalent enrollments
 3394 generated by the participating students.

3395 Section 72. Section 1004.98, Florida Statutes, is amended
 3396 to read:

3397 1004.98 Workforce literacy programs.—

3398 (1) The workforce literacy program is established within
 3399 the Florida College System institutions ~~community colleges~~ and
 3400 school districts to ensure the existence of sufficient numbers
 3401 of employees who possess the skills necessary to perform in
 3402 entry-level occupations and to adapt to technological advances
 3403 in the workplace. Workforce literacy programs are intended to
 3404 support economic development by increasing adult literacy and
 3405 producing an educated workforce.

3406 (2) Each Florida College System institution ~~community~~
 3407 ~~college~~ and school district may conduct courses and programs
 3408 through which adults gain the communication and computation
 3409 skills necessary to complete a career program, to gain or
 3410 maintain entry-level employment, or to upgrade employment.
 3411 Courses may not be conducted until the Florida College System
 3412 institution ~~community college~~ or school district identifies
 3413 current and prospective employees who do not possess the skills
 3414 necessary to enter career programs or to obtain or maintain
 3415 employment.

3416 (3) A Florida College System institution ~~community college~~

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3417 or school district may be eligible to fund a workforce literacy
 3418 program pursuant to the provisions of s. 1004.94.

3419 Section 73. Subsection (2) of section 1004.99, Florida
 3420 Statutes, is amended to read:

3421 1004.99 Florida Ready to Work Certification Program.—

3422 (2) The Florida Ready to Work Certification Program may be
 3423 conducted in public middle and high schools, Florida College
 3424 System institutions ~~community colleges~~, technical centers, one-
 3425 stop career centers, vocational rehabilitation centers, and
 3426 Department of Juvenile Justice educational facilities. The
 3427 program may be made available to other entities that provide job
 3428 training. The Department of Education shall establish
 3429 institutional readiness criteria for program implementation.

3430 Section 74. Paragraph (c) of subsection (2) of section
 3431 1005.21, Florida Statutes, is amended to read:

3432 1005.21 Commission for Independent Education.—

3433 (2) The Commission for Independent Education shall consist
 3434 of seven members who are residents of this state. The commission
 3435 shall function in matters concerning independent postsecondary
 3436 educational institutions in consumer protection, program
 3437 improvement, and licensure for institutions under its purview.
 3438 The Governor shall appoint the members of the commission who are
 3439 subject to confirmation by the Senate. The membership of the
 3440 commission shall consist of:

3441 (c) One member from a public school district or Florida
 3442 College System institution ~~community college~~ who is an
 3443 administrator of career education.

3444 Section 75. Paragraph (c) of subsection (3) of section

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3445 | 1006.15, Florida Statutes, is amended to read:

3446 | 1006.15 Student standards for participation in
3447 | interscholastic and intrascholastic extracurricular student
3448 | activities; regulation.—

3449 | (3)

3450 | (c) An individual home education student is eligible to
3451 | participate at the public school to which the student would be
3452 | assigned according to district school board attendance area
3453 | policies or which the student could choose to attend pursuant to
3454 | district or interdistrict controlled open enrollment provisions,
3455 | or may develop an agreement to participate at a private school,
3456 | in the interscholastic extracurricular activities of that
3457 | school, provided the following conditions are met:

3458 | 1. The home education student must meet the requirements
3459 | of the home education program pursuant to s. 1002.41.

3460 | 2. During the period of participation at a school, the
3461 | home education student must demonstrate educational progress as
3462 | required in paragraph (b) in all subjects taken in the home
3463 | education program by a method of evaluation agreed upon by the
3464 | parent and the school principal which may include: review of the
3465 | student's work by a certified teacher chosen by the parent;
3466 | grades earned through correspondence; grades earned in courses
3467 | taken at a Florida College System institution ~~community college~~,
3468 | university, or trade school; standardized test scores above the
3469 | 35th percentile; or any other method designated in s. 1002.41.

3470 | 3. The home education student must meet the same residency
3471 | requirements as other students in the school at which he or she
3472 | participates.

3473 4. The home education student must meet the same standards
 3474 of acceptance, behavior, and performance as required of other
 3475 students in extracurricular activities.

3476 5. The student must register with the school his or her
 3477 intent to participate in interscholastic extracurricular
 3478 activities as a representative of the school before the
 3479 beginning date of the season for the activity in which he or she
 3480 wishes to participate. A home education student must be able to
 3481 participate in curricular activities if that is a requirement
 3482 for an extracurricular activity.

3483 6. A student who transfers from a home education program
 3484 to a public school before or during the first grading period of
 3485 the school year is academically eligible to participate in
 3486 interscholastic extracurricular activities during the first
 3487 grading period provided the student has a successful evaluation
 3488 from the previous school year, pursuant to subparagraph 2.

3489 7. Any public school or private school student who has
 3490 been unable to maintain academic eligibility for participation
 3491 in interscholastic extracurricular activities is ineligible to
 3492 participate in such activities as a home education student until
 3493 the student has successfully completed one grading period in
 3494 home education pursuant to subparagraph 2. to become eligible to
 3495 participate as a home education student.

3496 Section 76. Subsections (1), (2), and (5) of section
 3497 1006.17, Florida Statutes, are amended to read:

3498 1006.17 Sponsorship of athletic activities similar to
 3499 those for which scholarships offered; rulemaking.—

3500 (1) If a district school board sponsors an athletic

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3501 activity or sport that is similar to a sport for which a state
 3502 university or Florida College System institution ~~public~~
 3503 ~~community college~~ offers an athletic scholarship, it must
 3504 sponsor the athletic activity or sport for which a scholarship
 3505 is offered. This section does not affect academic requirements
 3506 for participation or prevent the school districts or Florida
 3507 College System institutions ~~community colleges~~ from sponsoring
 3508 activities in addition to those for which scholarships are
 3509 provided.

3510 (2) If a Florida College System institution ~~public~~
 3511 ~~community college~~ sponsors an athletic activity or sport that is
 3512 similar to a sport for which a state university offers an
 3513 athletic scholarship, it must sponsor the athletic activity or
 3514 sport for which a scholarship is offered.

3515 (5) The State Board of Education shall adopt rules to
 3516 administer this section, including rules that determine which
 3517 athletic activities are similar to sports for which state
 3518 universities and Florida College System institutions ~~community~~
 3519 ~~colleges~~ offer scholarships.

3520 Section 77. Subsection (1) of section 1006.50, Florida
 3521 Statutes, is amended to read:

3522 1006.50 Student handbooks.—

3523 (1) Each Florida College System institution ~~community~~
 3524 ~~college~~ and state university shall compile and update annually a
 3525 student handbook that includes, but is not limited to, a
 3526 comprehensive calendar that emphasizes important dates and
 3527 deadlines, student rights and responsibilities, appeals
 3528 processes available to students, and a roster of contact persons

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3529 within the administrative staff available to respond to student
 3530 inquiries.

3531 Section 78. Subsections (1) and (3) of section 1006.51,
 3532 Florida Statutes, are amended to read:

3533 1006.51 Student ombudsman office.—

3534 (1) There is created at each Florida College System
 3535 institution ~~community college~~ and state university a student
 3536 ombudsman office, which is accountable to the president.

3537 (3) Each Florida College System institution ~~community~~
 3538 ~~college~~ and state university shall develop minimum standards for
 3539 the role of ombudsman or student advocate. The standards shall
 3540 address the issue of notification of students of opportunities
 3541 for assistance or appeal.

3542 Section 79. Subsection (4) of section 1006.55, Florida
 3543 Statutes, is amended to read:

3544 1006.55 Law libraries of certain institutions of higher
 3545 learning designated as state legal depositories.—

3546 (4) The libraries of all Florida College System
 3547 institutions ~~community colleges~~ are designated as state
 3548 depositories for the Florida Statutes and supplements published
 3549 by or under the authority of the state; these depositories each
 3550 may receive upon request one copy of each volume without charge,
 3551 except for payment of shipping costs.

3552 Section 80. Subsections (1), (2), (4), and (5) of section
 3553 1006.60, Florida Statutes, are amended to read:

3554 1006.60 Codes of conduct; disciplinary measures; authority
 3555 to adopt rules or regulations.—

3556 (1) Each Florida College System institution ~~community~~

3557 ~~college~~ may adopt, by rule, and each state university may adopt,
 3558 by regulation, codes of conduct and appropriate penalties for
 3559 violations of rules or regulations by students, to be
 3560 administered by the institution. Such penalties, unless
 3561 otherwise provided by law, may include: reprimand; restitution;
 3562 fines; withholding of diplomas or transcripts pending compliance
 3563 with rules or regulations, completion of any student judicial
 3564 process or sanction, or payment of fines; restrictions on the
 3565 use of or removal from campus facilities; community service;
 3566 educational requirements; and the imposition of probation,
 3567 suspension, dismissal, or expulsion.

3568 (2) Each Florida College System institution ~~community~~
 3569 ~~college~~ may adopt, by rule, and each state university may adopt,
 3570 by regulation, a code of conduct and appropriate penalties for
 3571 violations of rules or regulations by student organizations, to
 3572 be administered by the institution. Such penalties, unless
 3573 otherwise provided by law, may include: reprimand; restitution;
 3574 suspension, cancellation, or revocation of the registration or
 3575 official recognition of a student organization; and restrictions
 3576 on the use of, or removal from, campus facilities.

3577 (4) Each Florida College System institution ~~community~~
 3578 ~~college~~ may establish and adopt, by rule, and each state
 3579 university may establish and adopt, by regulation, codes of
 3580 appropriate penalties for violations of rules or regulations
 3581 governing student academic honesty. Such penalties, unless
 3582 otherwise provided by law, may include: reprimand; reduction of
 3583 grade; denial of academic credit; invalidation of university
 3584 credit or of the degree based upon such credit; probation;

3585 suspension; dismissal; or expulsion. In addition to any other
 3586 penalties that may be imposed, an individual may be denied
 3587 admission or further registration, and the institution may
 3588 invalidate academic credit for work done by a student and may
 3589 invalidate or revoke the degree based upon such credit if it is
 3590 determined that the student has made false, fraudulent, or
 3591 incomplete statements in the application, residence affidavit,
 3592 or accompanying documents or statements in connection with, or
 3593 supplemental to, the application for admission to or graduation
 3594 from the institution.

3595 (5) Each Florida College System institution ~~community~~
 3596 ~~college~~ shall adopt rules and each state university shall adopt
 3597 regulations for the lawful discipline of any student who
 3598 intentionally acts to impair, interfere with, or obstruct the
 3599 orderly conduct, processes, and functions of the institution.
 3600 Said rules or regulations may apply to acts conducted on or off
 3601 campus when relevant to such orderly conduct, processes, and
 3602 functions.

3603 Section 81. Section 1006.62, Florida Statutes, is amended
 3604 to read:

3605 1006.62 Expulsion and discipline of students of Florida
 3606 College System institutions ~~community colleges~~ and state
 3607 universities.-

3608 (1) Each student in a Florida College System institution
 3609 ~~community college~~ or state university is subject to federal and
 3610 state law, respective county and municipal ordinances, and all
 3611 rules and regulations of the State Board of Education, the Board
 3612 of Governors regarding the State University System, or the board

3613 | of trustees of the institution.

3614 | (2) Violation of these published laws, ordinances, or
 3615 | rules and regulations may subject the violator to appropriate
 3616 | action by the institution's authorities.

3617 | (3) Each president of a Florida College System institution
 3618 | ~~community college~~ or state university may, after notice to the
 3619 | student of the charges and after a hearing thereon, expel,
 3620 | suspend, or otherwise discipline any student who is found to
 3621 | have violated any law, ordinance, or rule or regulation of the
 3622 | State Board of Education, the Board of Governors regarding the
 3623 | State University System, or the board of trustees of the
 3624 | institution. A student may be entitled to waiver of expulsion:

3625 | (a) If the student provides substantial assistance in the
 3626 | identification, arrest, or conviction of any of his or her
 3627 | accomplices, accessories, coconspirators, or principals or of
 3628 | any other person engaged in violations of chapter 893 within a
 3629 | state university or Florida College System institution ~~community~~
 3630 | ~~college~~;

3631 | (b) If the student voluntarily discloses his or her
 3632 | violations of chapter 893 prior to his or her arrest; or

3633 | (c) If the student commits himself or herself, or is
 3634 | referred by the court in lieu of sentence, to a state-licensed
 3635 | drug abuse program and successfully completes the program.

3636 | Section 82. Paragraphs (a) and (b) of subsection (8) and
 3637 | subsection (10) of section 1006.63, Florida Statutes, are
 3638 | amended to read:

3639 | 1006.63 Hazing prohibited.—

3640 | (8) Public and nonpublic postsecondary educational

3641 institutions must provide a program for the enforcement of such
 3642 rules and must adopt appropriate penalties for violations of
 3643 such rules, to be administered by the person at the institution
 3644 responsible for the sanctioning of such organizations.

3645 (a) Such penalties at Florida College System institutions
 3646 ~~community colleges~~ and state universities may include the
 3647 imposition of fines; the withholding of diplomas or transcripts
 3648 pending compliance with the rules or pending payment of fines;
 3649 and the imposition of probation, suspension, or dismissal.

3650 (b) In the case of an organization at a Florida College
 3651 System institution ~~community college~~ or state university that
 3652 authorizes hazing in blatant disregard of such rules, penalties
 3653 may also include rescission of permission for that organization
 3654 to operate on campus property or to otherwise operate under the
 3655 sanction of the institution.

3656 (10) Upon approval of the antihazing policy of a Florida
 3657 College System institution ~~community college~~ or state university
 3658 and of the rules and penalties adopted pursuant thereto, the
 3659 institution shall provide a copy of such policy, rules, and
 3660 penalties to each student enrolled in that institution and shall
 3661 require the inclusion of such policy, rules, and penalties in
 3662 the bylaws of every organization operating under the sanction of
 3663 the institution.

3664 Section 83. Subsection (1) of section 1006.65, Florida
 3665 Statutes, is amended to read:

3666 1006.65 Safety issues in courses offered by public
 3667 postsecondary educational institutions.—

3668 (1) The State Board of Education shall adopt rules to

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3669 ensure that policies and procedures are in place to protect the
 3670 health and safety of students, instructional personnel, and
 3671 visitors who participate in courses offered by a Florida College
 3672 System institution ~~community college~~.

3673 Section 84. Section 1006.68, Florida Statutes, is amended
 3674 to read:

3675 1006.68 HIV and AIDS policy.—Each Florida College System
 3676 institution ~~community college~~ and state university shall develop
 3677 a comprehensive policy that addresses the provision of
 3678 instruction, information, and activities regarding human
 3679 immunodeficiency virus infection and acquired immune deficiency
 3680 syndrome. Such instruction, information, or activities shall
 3681 emphasize the known modes of transmission of human
 3682 immunodeficiency virus infection and acquired immune deficiency
 3683 syndrome, signs and symptoms, associated risk factors,
 3684 appropriate behavior and attitude change, and means used to
 3685 control the spread of human immunodeficiency virus infection and
 3686 acquired immune deficiency syndrome.

3687 Section 85. Subsections (1) and (2) of section 1006.70,
 3688 Florida Statutes, are amended to read:

3689 1006.70 Sponsorship of athletic activities similar to
 3690 those for which scholarships offered; rulemaking.—

3691 (1) If a district school board sponsors an athletic
 3692 activity or sport that is similar to a sport for which a Florida
 3693 College System institution ~~community college~~ or state university
 3694 offers an athletic scholarship, it must sponsor the athletic
 3695 activity or sport for which a scholarship is offered. This
 3696 section does not affect academic requirements for participation

3697 or prevent the districts or Florida College System institutions
 3698 ~~community colleges~~ from sponsoring activities in addition to
 3699 those for which scholarships are provided.

3700 (2) If a Florida College System institution ~~community~~
 3701 ~~college~~ sponsors an athletic activity or sport that is similar
 3702 to a sport for which a state university offers an athletic
 3703 scholarship, it must sponsor the athletic activity or sport for
 3704 which a scholarship is offered.

3705 Section 86. Paragraphs (a), (c), (e), and (g) of
 3706 subsection (1), paragraph (b) of subsection (2), and subsection
 3707 (3) of section 1006.71, Florida Statutes, are amended to read:

3708 1006.71 Gender equity in intercollegiate athletics.—

3709 (1) GENDER EQUITY PLAN.—

3710 (a) Each Florida College System institution ~~community~~
 3711 ~~college~~ and state university shall develop a gender equity plan
 3712 pursuant to s. 1000.05.

3713 (c) The Commissioner of Education shall annually assess
 3714 the progress of each Florida College System institution's
 3715 ~~community college's~~ plan and advise the State Board of Education
 3716 and the Legislature regarding compliance.

3717 (e) Each board of trustees of a Florida College System
 3718 institution ~~public community college~~ or state university shall
 3719 annually evaluate the presidents on the extent to which the
 3720 gender equity goals have been achieved.

3721 (g)1. If a Florida College System institution ~~community~~
 3722 ~~college~~ is not in compliance with Title IX of the Education
 3723 Amendments of 1972 and the Florida Educational Equity Act, the
 3724 State Board of Education shall:

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3725 a. Declare the Florida College System institution
 3726 ~~community college~~ ineligible for competitive state grants.

3727 b. Withhold funds sufficient to obtain compliance.

3728
 3729 The Florida College System institution ~~community college~~ shall
 3730 remain ineligible and the funds shall not be paid until the
 3731 Florida College System institution ~~community college~~ comes into
 3732 compliance or the Commissioner of Education approves a plan for
 3733 compliance.

3734 2. If a state university is not in compliance with Title
 3735 IX of the Education Amendments of 1972 and the Florida
 3736 Educational Equity Act, the Board of Governors shall:

3737 a. Declare the state university ineligible for competitive
 3738 state grants.

3739 b. Withhold funds sufficient to obtain compliance.

3740
 3741 The state university shall remain ineligible and the funds shall
 3742 not be paid until the state university comes into compliance or
 3743 the Board of Governors approves a plan for compliance.

3744 (2) FUNDING.—

3745 (b) The level of funding and percentage share of support
 3746 for women's intercollegiate athletics for Florida College System
 3747 institutions ~~community colleges~~ shall be determined by the State
 3748 Board of Education. The level of funding and percentage share of
 3749 support for women's intercollegiate athletics for state
 3750 universities shall be determined by the Board of Governors. The
 3751 level of funding and percentage share attained in the 1980-1981
 3752 fiscal year shall be the minimum level and percentage maintained

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3753 | by each institution, except as the State Board of Education or
 3754 | the Board of Governors otherwise directs its respective
 3755 | institutions for the purpose of assuring equity. Consideration
 3756 | shall be given by the State Board of Education or the Board of
 3757 | Governors to emerging athletic programs at institutions which
 3758 | may not have the resources to secure external funds to provide
 3759 | athletic opportunities for women. It is the intent that the
 3760 | effect of any redistribution of funds among institutions shall
 3761 | not negate the requirements as set forth in this section.

3762 | (3) STATE BOARD OF EDUCATION.—The State Board of Education
 3763 | shall assure equal opportunity for female athletes at Florida
 3764 | College System institutions ~~community colleges~~ and establish:

3765 | (a) Guidelines for reporting of intercollegiate athletics
 3766 | data concerning financial, program, and facilities information
 3767 | for review by the State Board of Education annually.

3768 | (b) Systematic audits for the evaluation of such data.

3769 | (c) Criteria for determining and assuring equity.

3770 | Section 87. Section 1006.72, Florida Statutes, is amended
 3771 | to read:

3772 | 1006.72 Licensing electronic library resources.—

3773 | (1) FINDINGS.—The Legislature finds that the most cost-
 3774 | efficient and cost-effective means of licensing electronic
 3775 | library resources requires that Florida College System
 3776 | institutions ~~colleges~~ and state universities collaborate with
 3777 | school districts and public libraries in the identification and
 3778 | acquisition of such resources needed by more than one sector.

3779 | (2) PROCESS TO IDENTIFY RESOURCES.—Library staff from
 3780 | Florida College System institutions ~~colleges~~, state

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3781 universities, school districts, and public libraries shall
 3782 implement a process that annually identifies the electronic
 3783 library resources for each of the core categories established in
 3784 this section. To the extent possible, the Florida Center for
 3785 Library Automation, the College Center for Library Automation,
 3786 and the Division of Library and Information Services within the
 3787 Department of State shall jointly coordinate this annual
 3788 process.

3789 (3) STATEWIDE CORE RESOURCES.—For purposes of licensing
 3790 electronic library resources of the Florida Electronic Library,
 3791 library representatives from public libraries, school districts,
 3792 Florida College System institutions ~~colleges~~, and state
 3793 universities shall identify the statewide core resources that
 3794 will be available to all students, teachers, and citizens of the
 3795 state.

3796 (4) POSTSECONDARY EDUCATION CORE RESOURCES.—For purposes
 3797 of licensing electronic library resources required by both the
 3798 Florida Center for Library Automation and the College Center for
 3799 Library Automation from funds appropriated to the centers,
 3800 Florida College System institution and state university library
 3801 staff shall identify the postsecondary education core resources
 3802 that will be available to all public postsecondary education
 3803 students.

3804 (5) FOUR-YEAR DEGREE CORE RESOURCES.—For purposes of
 3805 licensing electronic library resources beyond the postsecondary
 3806 education core resources by the Florida Center for Library
 3807 Automation from funds appropriated to the center, state
 3808 university library staff, in consultation with Florida College

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3809 | System institution library staff, shall identify the 4-year
 3810 | degree core resources that will be available to all 4-year
 3811 | degree-seeking students in the State University System and the
 3812 | Florida College System. The Florida Center for Library
 3813 | Automation shall include in the negotiated pricing model any
 3814 | Florida College System institution interested in licensing a
 3815 | resource.

3816 | (6) TWO-YEAR DEGREE CORE RESOURCES.—For purposes of
 3817 | licensing electronic library resources beyond the postsecondary
 3818 | education core resources by the College Center for Library
 3819 | Automation from funds appropriated to the center, Florida
 3820 | College System institution library staff shall identify the 2-
 3821 | year degree core resources that will be available to all Florida
 3822 | College System institution students. The College Center for
 3823 | Library Automation shall include in the negotiated pricing model
 3824 | any state university interested in licensing a resource.

3825 | Section 88. Paragraph (a) of subsection (2) of section
 3826 | 1007.21, Florida Statutes, is amended to read:

3827 | 1007.21 Readiness for postsecondary education and the
 3828 | workplace.—

3829 | (2) (a) Students entering the 9th grade and their parents
 3830 | shall have developed during the middle grades a 4- to 5-year
 3831 | academic and career plan based on postsecondary and career
 3832 | goals. Alternate career and academic destinations should be
 3833 | considered with bridges between destinations to enable students
 3834 | to shift academic and career priorities if they choose to change
 3835 | goals. The destinations shall accommodate the needs of students
 3836 | served in exceptional education programs to the extent

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3837 appropriate for individual students. Exceptional education
 3838 students may continue to follow the courses outlined in the
 3839 district school board student progression plan. Students and
 3840 their parents shall choose among destinations, which must
 3841 include:

- 3842 1. Four-year college or university, Florida College System
- 3843 institution ~~community college~~ plus university, or military
- 3844 academy degree.
- 3845 2. Two-year postsecondary degree.
- 3846 3. Postsecondary career certificate.
- 3847 4. Immediate employment or entry-level military.
- 3848 5. A combination of the above.

3849 Section 89. Subsection (1) of section 1007.22, Florida
 3850 Statutes, is amended to read:

3851 1007.22 Articulation; postsecondary institution
 3852 coordination and collaboration.—

3853 (1) The university boards of trustees, Florida College
 3854 System institution ~~community college~~ boards of trustees, and
 3855 district school boards are encouraged to establish
 3856 intrainstitutional and interinstitutional programs to maximize
 3857 articulation. Programs may include upper-division-level courses
 3858 offered at the Florida College System institution ~~community~~
 3859 ~~college~~, distance learning, transfer agreements that facilitate
 3860 the transfer of credits between public and nonpublic
 3861 postsecondary institutions, and the concurrent enrollment of
 3862 students at a Florida College System institution ~~community~~
 3863 ~~college~~ and a state university to enable students to take any
 3864 level of baccalaureate degree coursework.

3865 Section 90. Paragraphs (b), (c), and (d) of subsection (1)
 3866 and subsections (2) and (3) of section 1007.23, Florida
 3867 Statutes, are amended to read:

3868 1007.23 Statewide articulation agreement.—

3869 (1) The State Board of Education and the Board of
 3870 Governors shall enter into a statewide articulation agreement
 3871 which the State Board of Education shall adopt by rule. The
 3872 agreement must preserve Florida's "2+2" system of articulation,
 3873 facilitate the seamless articulation of student credit across
 3874 and among Florida's educational entities, and reinforce the
 3875 provisions of this chapter by governing:

3876 (b) Admission of associate in arts degree graduates from
 3877 Florida College System institutions ~~community colleges~~ and state
 3878 universities;

3879 (c) Admission of applied technology diploma program
 3880 graduates from Florida College System institutions ~~community~~
 3881 ~~colleges~~ or career centers;

3882 (d) Admission of associate in science degree and associate
 3883 in applied science degree graduates from Florida College System
 3884 institutions ~~community colleges~~;

3885 (2) (a) The articulation agreement must specifically
 3886 provide that every associate in arts graduate of a Florida
 3887 College System institution shall have met all general education
 3888 requirements and must be granted admission to the upper division
 3889 of a:

3890 1. State university, except for a limited access or
 3891 teacher certification program or a major program requiring an
 3892 audition.

3893 | 2. Florida College System institution if it offers
 3894 | baccalaureate degree programs, except for a limited access or
 3895 | teacher certification program or a major program requiring an
 3896 | audition.

3897 | (b) Florida College System institution associate in arts
 3898 | graduates shall receive priority for admission to the upper
 3899 | division of a Florida College System institution or to a state
 3900 | university over out-of-state students. Orientation programs,
 3901 | catalogs, and student handbooks provided to freshman enrollees
 3902 | and transfer students at Florida College System institutions
 3903 | ~~colleges~~ and state universities must include an explanation of
 3904 | this provision of the articulation agreement.

3905 | (3) The articulation agreement must guarantee the
 3906 | statewide articulation of appropriate workforce development
 3907 | programs and courses between school districts and Florida
 3908 | College System institutions ~~community colleges~~ and specifically
 3909 | provide that every applied technology diploma graduate must be
 3910 | granted the same amount of credit upon admission to an associate
 3911 | in science degree or associate in applied science degree program
 3912 | unless it is a limited access program. Preference for admission
 3913 | must be given to graduates who are residents of Florida.

3914 | Section 91. Subsection (1), paragraphs (b) and (c) of
 3915 | subsection (2), and subsections (3), (6), and (7) of section
 3916 | 1007.235, Florida Statutes, are amended to read:

3917 | 1007.235 District interinstitutional articulation
 3918 | agreements.—

3919 | (1) District school superintendents and Florida College
 3920 | System institution ~~community college~~ presidents shall jointly

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3921 develop and implement a comprehensive articulated acceleration
 3922 program for the students enrolled in their respective school
 3923 districts and service areas. Within this general responsibility,
 3924 each superintendent and president shall develop a comprehensive
 3925 interinstitutional articulation agreement for the school
 3926 district and Florida College System institution ~~community~~
 3927 ~~college~~ that serves the school district. The district school
 3928 superintendent and president shall establish an articulation
 3929 committee for the purpose of developing this agreement. Each
 3930 state university president is encouraged to designate a
 3931 university representative to participate in the development of
 3932 the interinstitutional articulation agreements for each school
 3933 district within the university service area.

3934 (2) The district interinstitutional articulation agreement
 3935 for each school year must be completed before high school
 3936 registration for the fall term of the following school year. The
 3937 agreement must include, but is not limited to, the following
 3938 components:

3939 (b)1. A delineation of courses and programs available to
 3940 students eligible to participate in dual enrollment. This
 3941 delineation must include a plan for the Florida College System
 3942 institution ~~community college~~ to provide guidance services to
 3943 participating students on the selection of courses in the dual
 3944 enrollment program. The process of Florida College System
 3945 institution ~~community college~~ guidance should make maximum use
 3946 of the automated advisement system for Florida College System
 3947 institutions ~~community colleges~~. The plan must assure that each
 3948 dual enrollment student is encouraged to identify a

3949 | postsecondary education objective with which to guide the course
 3950 | selection. At a minimum, each student's plan should include a
 3951 | list of courses that will result in an Applied Technology
 3952 | Diploma, an Associate in Science degree, or an Associate in Arts
 3953 | degree. If the student identifies a baccalaureate degree as the
 3954 | objective, the plan must include courses that will meet the
 3955 | general education requirements and any prerequisite requirements
 3956 | for entrance into a selected baccalaureate degree program.

3957 | 2. A delineation of the process by which students and
 3958 | their parents are informed about opportunities to participate in
 3959 | articulated acceleration programs.

3960 | 3. A delineation of the process by which students and
 3961 | their parents exercise their option to participate in an
 3962 | articulated acceleration program.

3963 | 4. A delineation of high school credits earned for
 3964 | completion of each dual enrollment course.

3965 | 5. Provision for postsecondary courses that meet the
 3966 | criteria for inclusion in a district articulated acceleration
 3967 | program to be counted toward meeting the graduation requirements
 3968 | of s. 1003.43.

3969 | 6. An identification of eligibility criteria for student
 3970 | participation in dual enrollment courses and programs.

3971 | 7. A delineation of institutional responsibilities
 3972 | regarding student screening prior to enrollment and monitoring
 3973 | student performance subsequent to enrollment in dual enrollment
 3974 | courses and programs.

3975 | 8. An identification of the criteria by which the quality
 3976 | of dual enrollment courses and programs are to be judged and a

3977 delineation of institutional responsibilities for the
 3978 maintenance of instructional quality.

3979 9. A delineation of institutional responsibilities for
 3980 assuming the cost of dual enrollment courses and programs that
 3981 includes such responsibilities for student instructional
 3982 materials.

3983 10. An identification of responsibility for providing
 3984 student transportation if the dual enrollment instruction is
 3985 conducted at a facility other than the high school campus.

3986 11. A delineation of the process for converting college
 3987 credit hours earned through dual enrollment and early admission
 3988 programs to high school credit based on mastery of course
 3989 outcomes as determined by the Department of Education in
 3990 accordance with s. 1007.271(6).

3991 12. An identification of the responsibility of the
 3992 postsecondary educational institution for assigning letter
 3993 grades for dual enrollment courses and the responsibility of
 3994 school districts for posting dual enrollment course grades to
 3995 the high school transcript as assigned by the postsecondary
 3996 institution awarding the credit.

3997 (c) Mechanisms and strategies for reducing the incidence
 3998 of postsecondary remediation in math, reading, and writing for
 3999 first-time-enrolled recent high school graduates, based upon the
 4000 findings in the postsecondary readiness-for-college report
 4001 produced pursuant to s. 1008.37. Each articulation committee
 4002 shall annually analyze and assess the effectiveness of the
 4003 mechanisms toward meeting the goal of reducing postsecondary
 4004 remediation needs. Results of the assessment shall be annually

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4005 presented to participating district school boards and Florida
 4006 College System institution ~~community college~~ boards of trustees
 4007 and shall include, but not be limited to:

- 4008 1. Mechanisms currently being initiated.
- 4009 2. An analysis of problems and corrective actions.
- 4010 3. Anticipated outcomes.
- 4011 4. Strategies for the better preparation of students upon
 4012 graduation from high school.
- 4013 5. An analysis of costs associated with the implementation
 4014 of postsecondary remedial education and secondary-level
 4015 corrective actions.
- 4016 6. The identification of strategies for reducing costs of
 4017 the delivery of postsecondary remediation for recent high school
 4018 graduates, including the consideration and assessment of
 4019 alternative instructional methods and services such as those
 4020 produced by private providers.

4021
 4022 Wherever possible, public schools and Florida College System
 4023 institutions ~~community colleges~~ are encouraged to share
 4024 resources, form partnerships with private industries, and
 4025 implement innovative strategies and mechanisms such as distance
 4026 learning, summer student and faculty workshops, parental
 4027 involvement activities, and the distribution of information over
 4028 the Internet.

4029 (3) The district interinstitutional articulation agreement
 4030 shall include a plan that outlines the mechanisms and strategies
 4031 for improving the preparation of elementary, middle, and high
 4032 school teachers. Effective collaboration among school districts,

4033 postsecondary institutions, and practicing educators is
 4034 essential to improving teaching in Florida's elementary and
 4035 secondary schools and consequently, the retention and success of
 4036 students through high school graduation and into postsecondary
 4037 education. Professional development programs shall be developed
 4038 cooperatively and include curricular content which focuses upon
 4039 local and state needs and responds to state, national, and
 4040 district policy and program priorities. School districts and
 4041 Florida College System institutions ~~community colleges~~ are
 4042 encouraged to develop plans which utilize new technologies,
 4043 address critical needs in their implementation, and include both
 4044 preservice and inservice initiatives.

4045 (6) District school boards and Florida College System
 4046 institutions ~~community colleges~~ may enter into additional
 4047 interinstitutional articulation agreements with state
 4048 universities for the purposes of this section. School districts
 4049 may also enter into interinstitutional articulation agreements
 4050 with eligible independent colleges and universities pursuant to
 4051 s. 1011.62(1)(i).

4052 (7) State universities and Florida College System
 4053 institutions ~~community colleges~~ may enter into
 4054 interinstitutional articulation agreements with nonpublic
 4055 secondary schools pursuant to s. 1007.271(2).

4056 Section 92. Paragraph (c) of subsection (2) and subsection
 4057 (5) of section 1007.24, Florida Statutes, are amended to read:

4058 1007.24 Statewide course numbering system.—

4059 (2) The Commissioner of Education, in conjunction with the
 4060 Chancellor of the State University System, shall appoint faculty

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4061 committees representing faculties of participating institutions
 4062 to recommend a single level for each course, including
 4063 postsecondary career education courses, included in the
 4064 statewide course numbering system.

4065 (c) A course designated as lower-division may be offered
 4066 by any Florida College System institution ~~community college~~.

4067 (5) The registration process at each state university and
 4068 Florida College System institution ~~community college~~ shall
 4069 include the courses at their designated levels and statewide
 4070 course number.

4071 Section 93. Subsections (2), (5), (6), (8), (9), and (11)
 4072 of section 1007.25, Florida Statutes, are amended to read:

4073 1007.25 General education courses; common prerequisites;
 4074 and other degree requirements.—

4075 (2) The department shall identify postsecondary career
 4076 education programs offered by Florida College System
 4077 institutions ~~community colleges~~ and district school boards. The
 4078 department shall also identify career courses designated as
 4079 college credit courses applicable toward a career education
 4080 diploma or degree. Such courses must be identified within the
 4081 statewide course numbering system.

4082 (5) The department shall identify common prerequisite
 4083 courses and course substitutions for degree programs across all
 4084 institutions. Common degree program prerequisites shall be
 4085 offered and accepted by all state universities and Florida
 4086 College System institutions ~~community colleges~~, except in cases
 4087 approved by the State Board of Education for Florida College
 4088 System institutions ~~community colleges~~ and the Board of

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4089 | Governors for state universities. The department shall develop a
 4090 | centralized database containing the list of courses and course
 4091 | substitutions that meet the prerequisite requirements for each
 4092 | baccalaureate degree program.

4093 | (6) The boards of trustees of the Florida College System
 4094 | institutions ~~community colleges~~ shall identify their core
 4095 | curricula, which shall include courses required by the State
 4096 | Board of Education. The boards of trustees of the state
 4097 | universities shall identify their core curricula, which shall
 4098 | include courses required by the Board of Governors. The
 4099 | universities and Florida College System institutions ~~community~~
 4100 | ~~colleges~~ shall work with their school districts to assure that
 4101 | high school curricula coordinate with the core curricula and to
 4102 | prepare students for college-level work. Core curricula for
 4103 | associate in arts programs shall be adopted in rule by the State
 4104 | Board of Education and shall include 36 semester hours of
 4105 | general education courses in the subject areas of communication,
 4106 | mathematics, social sciences, humanities, and natural sciences.

4107 | (8) A baccalaureate degree program shall require no more
 4108 | than 120 semester hours of college credit, including 36 semester
 4109 | hours of general education coursework, unless prior approval has
 4110 | been granted by the Board of Governors for baccalaureate degree
 4111 | programs offered by state universities and by the State Board of
 4112 | Education for baccalaureate degree programs offered by Florida
 4113 | College System institutions ~~community colleges~~.

4114 | (9) A student who received an associate in arts degree for
 4115 | successfully completing 60 semester credit hours may continue to
 4116 | earn additional credits at a Florida College System institution

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4117 ~~community college~~. The university must provide credit toward the
 4118 student's baccalaureate degree for an additional Florida College
 4119 System institution ~~community college~~ course if, according to the
 4120 statewide course numbering, the Florida College System
 4121 institution ~~community college~~ course is a course listed in the
 4122 university catalog as required for the degree or as prerequisite
 4123 to a course required for the degree. Of the courses required for
 4124 the degree, at least half of the credit hours required for the
 4125 degree shall be achievable through courses designated as lower
 4126 division, except in degree programs approved by the State Board
 4127 of Education for programs offered by Florida College System
 4128 institutions ~~community colleges~~ and by the Board of Governors
 4129 for programs offered by state universities.

4130 (11) The Commissioner of Education shall appoint faculty
 4131 committees representing both Florida College System institution
 4132 ~~community college~~ and public school faculties to recommend to
 4133 the commissioner for approval by the State Board of Education a
 4134 standard program length and appropriate occupational completion
 4135 points for each postsecondary career certificate program,
 4136 diploma, and degree offered by a school district or a Florida
 4137 College System institution ~~community college~~.

4138 Section 94. Paragraph (a) of subsection (3) of section
 4139 1007.2615, Florida Statutes, is amended to read:

4140 1007.2615 American Sign Language; findings; foreign-
 4141 language credits authorized; teacher licensing.—

4142 (3) DUTIES OF COMMISSIONER OF EDUCATION AND STATE BOARD OF
 4143 EDUCATION; LICENSING OF AMERICAN SIGN LANGUAGE TEACHERS; PLAN
 4144 FOR POSTSECONDARY EDUCATION PROVIDERS.—

4145 (a) The Commissioner of Education shall appoint a seven-
 4146 member task force that includes representatives from two state
 4147 universities and one private college or university located
 4148 within this state which currently offer a 4-year deaf education
 4149 or sign language interpretation program as a part of their
 4150 respective curricula, two representatives from the Florida
 4151 American Sign Language Teachers' Association (FASLTA), and two
 4152 representatives from Florida College System institutions
 4153 ~~community colleges~~ located within this state which have
 4154 established Interpreter Training Programs (ITPs). This task
 4155 force shall develop and submit to the Commissioner of Education
 4156 a report that contains the most up-to-date information about
 4157 American Sign Language (ASL) and guidelines for developing and
 4158 maintaining ASL courses as a part of the curriculum. This
 4159 information must be made available to any administrator of a
 4160 public or an independent school upon request of the
 4161 administrator.

4162 Section 95. Section 1007.262, Florida Statutes, is amended
 4163 to read:

4164 1007.262 Foreign language competence; equivalence
 4165 determinations.—The Department of Education shall identify the
 4166 competencies demonstrated by students upon the successful
 4167 completion of 2 credits of sequential high school foreign
 4168 language instruction. For the purpose of determining
 4169 postsecondary equivalence, the department shall develop rules
 4170 through which Florida College System institutions ~~community~~
 4171 ~~colleges~~ correlate such competencies to the competencies
 4172 required of students in the colleges' respective courses. Based

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4173 on this correlation, each Florida College System institution
 4174 ~~community college~~ shall identify the minimum number of
 4175 postsecondary credits that students must earn in order to
 4176 demonstrate a level of competence in a foreign language at least
 4177 equivalent to that of students who have completed 2 credits of
 4178 such instruction in high school. The department may also specify
 4179 alternative means by which students can demonstrate equivalent
 4180 foreign language competence, including means by which a student
 4181 whose native language is not English may demonstrate proficiency
 4182 in the native language. A student who demonstrates proficiency
 4183 in a native language other than English is exempt from a
 4184 requirement of completing foreign language courses at the
 4185 secondary or Florida College System ~~community college~~ level.

4186 Section 96. Section 1007.263, Florida Statutes, is amended
 4187 to read:

4188 1007.263 Florida College System institutions ~~Community~~
 4189 ~~colleges~~; admissions of students.—Each Florida College System
 4190 institution ~~community college~~ board of trustees is authorized to
 4191 adopt rules governing admissions of students subject to this
 4192 section and rules of the State Board of Education. These rules
 4193 shall include the following:

4194 (1) Admissions counseling shall be provided to all
 4195 students entering college or career credit programs. Counseling
 4196 shall utilize tests to measure achievement of college-level
 4197 communication and computation competencies by all students
 4198 entering college credit programs or tests to measure achievement
 4199 of basic skills for career programs as prescribed in s. 1004.91.

4200 (2) Admission to associate degree programs is subject to

4201 minimum standards adopted by the State Board of Education and
 4202 shall require:

4203 (a) A standard high school diploma, a high school
 4204 equivalency diploma as prescribed in s. 1003.435, previously
 4205 demonstrated competency in college credit postsecondary
 4206 coursework, or, in the case of a student who is home educated, a
 4207 signed affidavit submitted by the student's parent or legal
 4208 guardian attesting that the student has completed a home
 4209 education program pursuant to the requirements of s. 1002.41.
 4210 Students who are enrolled in a dual enrollment or early
 4211 admission program pursuant to ss. 1007.27 and 1007.271 and
 4212 secondary students enrolled in college-level instruction
 4213 creditable toward the associate degree, but not toward the high
 4214 school diploma, shall be exempt from this requirement.

4215 (b) A demonstrated level of achievement of college-level
 4216 communication and computation skills.

4217 (c) Any other requirements established by the board of
 4218 trustees.

4219 (3) Admission to other programs within the Florida College
 4220 System institution ~~community college~~ shall include education
 4221 requirements as established by the board of trustees.

4222 (4) A student who has been awarded a special diploma as
 4223 defined in s. 1003.438 or a certificate of completion as defined
 4224 in s. 1003.43(10) is eligible to enroll in certificate career
 4225 education programs.

4226 (5) A student with a documented disability may be eligible
 4227 for reasonable substitutions, as prescribed in ss. 1007.264 and
 4228 1007.265.

4229
 4230 Each board of trustees shall establish policies that notify
 4231 students about, and place students into, adult basic education,
 4232 adult secondary education, or other instructional programs that
 4233 provide students with alternatives to traditional college-
 4234 preparatory instruction, including private provider instruction.
 4235 A student is prohibited from enrolling in additional college-
 4236 level courses until the student scores above the cut-score on
 4237 all sections of the common placement test.

4238 Section 97. Subsection (2) of section 1007.264, Florida
 4239 Statutes, is amended to read:

4240 1007.264 Persons with disabilities; admission to
 4241 postsecondary educational institutions; substitute requirements;
 4242 rules and regulations.-

4243 (2) The State Board of Education, in consultation with the
 4244 Board of Governors, shall adopt rules to implement this section
 4245 for Florida College System institutions ~~community colleges~~ and
 4246 shall develop substitute admission requirements where
 4247 appropriate.

4248 Section 98. Subsection (2) of section 1007.265, Florida
 4249 Statutes, is amended to read:

4250 1007.265 Persons with disabilities; graduation, study
 4251 program admission, and upper-division entry; substitute
 4252 requirements; rules and regulations.-

4253 (2) The State Board of Education, in consultation with the
 4254 Board of Governors, shall adopt rules to implement this section
 4255 for Florida College System institutions ~~community colleges~~ and
 4256 shall develop substitute requirements where appropriate.

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4257 Section 99. Subsections (1), (2), (3), (7), (8), and (9)
 4258 of section 1007.27, Florida Statutes, are amended to read:
 4259 1007.27 Articulated acceleration mechanisms.—
 4260 (1) It is the intent of the Legislature that a variety of
 4261 articulated acceleration mechanisms be available for secondary
 4262 and postsecondary students attending public educational
 4263 institutions. It is intended that articulated acceleration serve
 4264 to shorten the time necessary for a student to complete the
 4265 requirements associated with the conference of a high school
 4266 diploma and a postsecondary degree, broaden the scope of
 4267 curricular options available to students, or increase the depth
 4268 of study available for a particular subject. Articulated
 4269 acceleration mechanisms shall include, but not be limited to,
 4270 dual enrollment as provided for in s. 1007.271, early admission,
 4271 advanced placement, credit by examination, the International
 4272 Baccalaureate Program, and the Advanced International
 4273 Certificate of Education Program. Credit earned through the
 4274 Florida Virtual School shall provide additional opportunities
 4275 for early graduation and acceleration. Students of Florida
 4276 public secondary schools enrolled pursuant to this subsection
 4277 shall be deemed authorized users of the state-funded electronic
 4278 library resources that are licensed for Florida College System
 4279 institutions ~~colleges~~ and state universities by the Florida
 4280 Center for Library Automation and the College Center for Library
 4281 Automation. Verification of eligibility shall be in accordance
 4282 with rules established by the State Board of Education and
 4283 regulations established by the Board of Governors and processes
 4284 implemented by Florida College System institutions ~~colleges~~ and

4285 state universities.

4286 (2) The Department of Education shall identify the minimum
 4287 scores, maximum credit, and course or courses for which credit
 4288 is to be awarded for each College Level Examination Program
 4289 (CLEP) general examination, CLEP subject examination, College
 4290 Board Advanced Placement Program examination, and International
 4291 Baccalaureate examination. In addition, the department shall
 4292 identify such courses in the general education core curriculum
 4293 of each state university and Florida College System institution
 4294 ~~community college~~.

4295 (3) Each Florida College System institution ~~community~~
 4296 ~~college~~ and state university must award credit for specific
 4297 courses for which competency has been demonstrated by successful
 4298 passage of one of the examinations in subsection (2) unless the
 4299 award of credit duplicates credit already awarded. Florida
 4300 College System institutions ~~Community colleges~~ and state
 4301 universities may not exempt students from courses without the
 4302 award of credit if competencies have been so demonstrated.

4303 (7) Credit by examination shall be the program through
 4304 which secondary and postsecondary students generate
 4305 postsecondary credit based on the receipt of a specified minimum
 4306 score on nationally standardized general or subject-area
 4307 examinations. For the purpose of statewide application, such
 4308 examinations and the corresponding minimum scores required for
 4309 an award of credit shall be delineated by the State Board of
 4310 Education and the Board of Governors in the statewide
 4311 articulation agreement required by s. 1007.23(1). The maximum
 4312 credit generated by a student pursuant to this subsection shall

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4313 | be mitigated by any related postsecondary credit earned by the
 4314 | student prior to the administration of the examination. This
 4315 | subsection shall not preclude Florida College System
 4316 | institutions ~~community colleges~~ and universities from awarding
 4317 | credit by examination based on student performance on
 4318 | examinations developed within and recognized by the individual
 4319 | postsecondary institutions.

4320 | (8) The International Baccalaureate Program shall be the
 4321 | curriculum in which eligible secondary students are enrolled in
 4322 | a program of studies offered through the International
 4323 | Baccalaureate Program administered by the International
 4324 | Baccalaureate Office. The State Board of Education and the Board
 4325 | of Governors shall specify in the statewide articulation
 4326 | agreement required by s. 1007.23(1) the cutoff scores and
 4327 | International Baccalaureate Examinations which will be used to
 4328 | grant postsecondary credit at Florida College System
 4329 | institutions ~~community colleges~~ and universities. Any changes to
 4330 | the articulation agreement, which have the effect of raising the
 4331 | required cutoff score or of changing the International
 4332 | Baccalaureate Examinations which will be used to grant
 4333 | postsecondary credit, shall only apply to students taking
 4334 | International Baccalaureate Examinations after such changes are
 4335 | adopted by the State Board of Education and the Board of
 4336 | Governors. Students shall be awarded a maximum of 30 semester
 4337 | credit hours pursuant to this subsection. The specific course
 4338 | for which a student may receive such credit shall be specified
 4339 | in the statewide articulation agreement required by s.
 4340 | 1007.23(1). Students enrolled pursuant to this subsection shall

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4341 | be exempt from the payment of any fees for administration of the
 4342 | examinations regardless of whether or not the student achieves a
 4343 | passing score on the examination.

4344 | (9) The Advanced International Certificate of Education
 4345 | Program and the International General Certificate of Secondary
 4346 | Education (pre-AICE) Program shall be the curricula in which
 4347 | eligible secondary students are enrolled in programs of study
 4348 | offered through the Advanced International Certificate of
 4349 | Education Program or the International General Certificate of
 4350 | Secondary Education (pre-AICE) Program administered by the
 4351 | University of Cambridge Local Examinations Syndicate. The State
 4352 | Board of Education and the Board of Governors shall specify in
 4353 | the statewide articulation agreement required by s. 1007.23(1)
 4354 | the cutoff scores and Advanced International Certificate of
 4355 | Education examinations which will be used to grant postsecondary
 4356 | credit at Florida College System institutions ~~community colleges~~
 4357 | and universities. Any changes to the cutoff scores, which
 4358 | changes have the effect of raising the required cutoff score or
 4359 | of changing the Advanced International Certification of
 4360 | Education examinations which will be used to grant postsecondary
 4361 | credit, shall apply to students taking Advanced International
 4362 | Certificate of Education examinations after such changes are
 4363 | adopted by the State Board of Education and the Board of
 4364 | Governors. Students shall be awarded a maximum of 30 semester
 4365 | credit hours pursuant to this subsection. The specific course
 4366 | for which a student may receive such credit shall be determined
 4367 | by the Florida College System institution ~~community college~~ or
 4368 | university that accepts the student for admission. Students

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4369 enrolled in either program of study pursuant to this subsection
 4370 shall be exempt from the payment of any fees for administration
 4371 of the examinations regardless of whether the student achieves a
 4372 passing score on the examination.

4373 Section 100. Subsections (3), (4), (6), and (8), paragraph
 4374 (b) of subsection (10), and subsections (14), (15), and (16) of
 4375 section 1007.271, Florida Statutes, are amended to read:

4376 1007.271 Dual enrollment programs.—

4377 (3) The Department of Education shall adopt guidelines
 4378 designed to achieve comparability across school districts of
 4379 both student qualifications and teacher qualifications for dual
 4380 enrollment courses. Student qualifications must demonstrate
 4381 readiness for college-level coursework if the student is to be
 4382 enrolled in college courses. Student qualifications must
 4383 demonstrate readiness for career-level coursework if the student
 4384 is to be enrolled in career courses. In addition to the common
 4385 placement examination, student qualifications for enrollment in
 4386 college credit dual enrollment courses must include a 3.0
 4387 unweighted grade point average, and student qualifications for
 4388 enrollment in career certificate dual enrollment courses must
 4389 include a 2.0 unweighted grade point average. Exceptions to the
 4390 required grade point averages may be granted if the educational
 4391 entities agree and the terms of the agreement are contained
 4392 within the dual enrollment interinstitutional articulation
 4393 agreement. Florida College System institution ~~Community college~~
 4394 boards of trustees may establish additional admissions criteria,
 4395 which shall be included in the district interinstitutional
 4396 articulation agreement developed according to s. 1007.235, to

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4397 ensure student readiness for postsecondary instruction.
4398 Additional requirements included in the agreement shall not
4399 arbitrarily prohibit students who have demonstrated the ability
4400 to master advanced courses from participating in dual enrollment
4401 courses. District school boards may not refuse to enter into an
4402 agreement with a local Florida College System institution
4403 ~~community college~~ if that Florida College System institution
4404 ~~community college~~ has the capacity to offer dual enrollment
4405 courses.

4406 (4) Career dual enrollment shall be provided as a
4407 curricular option for secondary students to pursue in order to
4408 earn a series of elective credits toward the high school
4409 diploma. Career dual enrollment shall be available for secondary
4410 students seeking a degree or certificate from a complete career-
4411 preparatory program, and shall not be used to enroll students in
4412 isolated career courses. It is the intent of the Legislature
4413 that career dual enrollment provide a comprehensive academic and
4414 career dual enrollment program within the career center or
4415 Florida College System institution ~~community college~~.

4416 (6) The Commissioner of Education shall appoint faculty
4417 committees representing public school, Florida College System
4418 institution ~~community college~~, and university faculties to
4419 identify postsecondary courses that meet the high school
4420 graduation requirements of s. 1003.43, and to establish the
4421 number of postsecondary semester credit hours of instruction and
4422 equivalent high school credits earned through dual enrollment
4423 pursuant to this section that are necessary to meet high school
4424 graduation requirements. Such equivalencies shall be determined

4425 solely on comparable course content and not on seat time
 4426 traditionally allocated to such courses in high school. The
 4427 Commissioner of Education shall recommend to the State Board of
 4428 Education those postsecondary courses identified to meet high
 4429 school graduation requirements, based on mastery of course
 4430 outcomes, by their course numbers, and all high schools shall
 4431 accept these postsecondary education courses toward meeting the
 4432 requirements of s. 1003.43.

4433 (8) Career early admission is a form of career dual
 4434 enrollment through which eligible secondary students enroll full
 4435 time in a career center or a Florida College System institution
 4436 ~~community college~~ in courses that are creditable toward the high
 4437 school diploma and the certificate or associate degree.

4438 Participation in the career early admission program shall be
 4439 limited to students who have completed a minimum of 6 semesters
 4440 of full-time secondary enrollment, including studies undertaken
 4441 in the ninth grade. Students enrolled pursuant to this section
 4442 are exempt from the payment of registration, tuition, and
 4443 laboratory fees.

4444 (10)

4445 (b) Each career center, Florida College System institution
 4446 ~~community college~~, and state university shall:

4447 1. Delineate courses and programs for dually enrolled home
 4448 education students. Courses and programs may be added, revised,
 4449 or deleted at any time.

4450 2. Identify eligibility criteria for home education
 4451 student participation, not to exceed those required of other
 4452 dually enrolled students.

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4453 (14) Instructional materials assigned for use within dual
 4454 enrollment courses shall be made available to dual enrollment
 4455 students from Florida public high schools free of charge. This
 4456 subsection shall not be construed to prohibit a Florida College
 4457 System institution ~~community college~~ from providing
 4458 instructional materials at no cost to a home education student
 4459 or student from a private school. Students enrolled in
 4460 postsecondary instruction not creditable toward a high school
 4461 diploma shall not be considered dual enrollments and shall be
 4462 required to assume the cost of instructional materials necessary
 4463 for such instruction.

4464 (15) Instructional materials purchased by a district
 4465 school board or Florida College System institution ~~community~~
 4466 ~~college~~ board of trustees on behalf of dual enrollment students
 4467 shall be the property of the board against which the purchase is
 4468 charged.

4469 (16) Beginning with students entering grade 9 in the 2006-
 4470 2007 school year, school districts and Florida College System
 4471 institutions ~~community colleges~~ must weigh dual enrollment
 4472 courses the same as advanced placement, International
 4473 Baccalaureate, and Advanced International Certificate of
 4474 Education courses when grade point averages are calculated.
 4475 Alternative grade calculation or weighting systems that
 4476 discriminate against dual enrollment courses are prohibited.

4477 Section 101. Subsection (1) of section 1007.272, Florida
 4478 Statutes, is amended to read:

4479 1007.272 Joint dual enrollment and advanced placement
 4480 instruction.-

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4481 (1) Each school district, Florida College System
 4482 institution ~~community college~~, and state university may conduct
 4483 advanced placement instruction within dual enrollment courses.
 4484 Each joint dual enrollment and advanced placement course shall
 4485 be incorporated within and subject to the provisions of the
 4486 district interinstitutional articulation agreement pursuant to
 4487 s. 1007.235. Such agreement shall certify that each joint dual
 4488 enrollment and advanced placement course integrates, at a
 4489 minimum, the course structure recommended by the College Board
 4490 and the structure that corresponds to the common course number.

4491 Section 102. Section 1007.28, Florida Statutes, is amended
 4492 to read:

4493 1007.28 Computer-assisted student advising system.—The
 4494 Department of Education, in conjunction with the Board of
 4495 Governors, shall establish and maintain a single, statewide
 4496 computer-assisted student advising system, which must be an
 4497 integral part of the process of advising, registering, and
 4498 certifying students for graduation and must be accessible to all
 4499 Florida students. The state universities and Florida College
 4500 System institutions ~~community colleges~~ shall interface
 4501 institutional systems with the computer-assisted advising system
 4502 required by this section. The State Board of Education and the
 4503 Board of Governors shall specify in the statewide articulation
 4504 agreement required by s. 1007.23(1) the roles and
 4505 responsibilities of the department, the state universities, and
 4506 the Florida College System institutions ~~community colleges~~ in
 4507 the design, implementation, promotion, development, and analysis
 4508 of the system. The system shall consist of a degree audit and an

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4509 articulation component that includes the following
 4510 characteristics:

4511 (1) The system shall constitute an integral part of the
 4512 process of advising students and assisting them in course
 4513 selection. The system shall be accessible to students in the
 4514 following ways:

4515 (a) A student must be able to access the system, at any
 4516 time, to identify course options that will meet the requirements
 4517 of a selected path toward a degree.

4518 (b) A status report from the system shall be generated and
 4519 sent with each grade report to each student enrolled in public
 4520 postsecondary educational institutions with a declared major.

4521 (2) The system shall be an integral part of the
 4522 registration process at public postsecondary educational
 4523 institutions. As part of the process, the system shall:

4524 (a) Provide reports that document each student's status
 4525 toward completion of a degree.

4526 (b) Verify that a student has completed requirements for
 4527 graduation.

4528 (3) The system must provide students information related
 4529 to career descriptions and corresponding educational
 4530 requirements, admissions requirements, and available sources of
 4531 student financial assistance. Such advising must enable students
 4532 to examine their interests and aptitudes for the purpose of
 4533 curricular and career planning.

4534 (4) The system must provide management information to
 4535 decisionmakers, including information relating student
 4536 enrollment patterns and course demands to plans for

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4537 | corresponding course offerings and information useful in
 4538 | planning the student registration process.

4539 | Section 103. Subsections (1), (2), (3), (4), and (5) and
 4540 | paragraphs (a), (b), (c), and (d) of subsection (6) of section
 4541 | 1007.33, Florida Statutes, are amended to read:

4542 | 1007.33 Site-determined baccalaureate degree access.—

4543 | (1) (a) The Legislature recognizes that public and private
 4544 | postsecondary educational institutions play an essential role in
 4545 | improving the quality of life and economic well-being of the
 4546 | state and its residents. The Legislature also recognizes that
 4547 | economic development needs and the educational needs of place-
 4548 | bound, nontraditional students have increased the demand for
 4549 | local access to baccalaureate degree programs. It is therefore
 4550 | the intent of the Legislature to further expand access to
 4551 | baccalaureate degree programs through the use of Florida College
 4552 | System institutions ~~colleges~~.

4553 | (b) For purposes of this section, the term "district"
 4554 | refers to the county or counties served by a Florida College
 4555 | System institution pursuant to s. 1000.21(3).

4556 | (2) Any Florida College System institution that offers one
 4557 | or more baccalaureate degree programs must:

4558 | (a) Maintain as its primary mission:

4559 | 1. Responsibility for responding to community needs for
 4560 | postsecondary academic education and career degree education as
 4561 | prescribed in s. 1004.65(5).

4562 | 2. The provision of associate degrees that provide access
 4563 | to a university.

4564 | (b) Maintain an open-door admission policy for associate-

4565 | level degree programs and workforce education programs.
 4566 | (c) Continue to provide outreach to underserved
 4567 | populations.
 4568 | (d) Continue to provide remedial education.
 4569 | (e) Comply with all provisions of the statewide
 4570 | articulation agreement which relate to 2-year and 4-year public
 4571 | degree-granting institutions as adopted by the State Board of
 4572 | Education pursuant to s. 1007.23.
 4573 | (f) Not award graduate credit.
 4574 | (g) Not participate in intercollegiate athletics beyond
 4575 | the 2-year level.
 4576 | (3) A Florida College System institution may not terminate
 4577 | its associate in arts or associate in science degree programs as
 4578 | a result of being authorized to offer one or more baccalaureate
 4579 | degree programs. The Legislature intends that the primary
 4580 | responsibility of a Florida College System institution,
 4581 | including a Florida College System institution that offers
 4582 | baccalaureate degree programs, continues to be the provision of
 4583 | associate degrees that provide access to a university.
 4584 | (4) A Florida College System institution may:
 4585 | (a) Offer specified baccalaureate degree programs through
 4586 | formal agreements between the Florida College System institution
 4587 | and other regionally accredited postsecondary educational
 4588 | institutions pursuant to s. 1007.22.
 4589 | (b) Offer baccalaureate degree programs that were
 4590 | authorized by law prior to July 1, 2009.
 4591 | (c) Beginning July 1, 2009, establish a first or
 4592 | subsequent baccalaureate degree program for purposes of meeting

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4593 | district, regional, or statewide workforce needs if approved by
 4594 | the State Board of Education under this section.
 4595 |
 4596 | Beginning July 1, 2009, the Board of Trustees of the St.
 4597 | Petersburg College is authorized to establish one or more
 4598 | bachelor of applied science degree programs based on an analysis
 4599 | of workforce needs in Pinellas, Pasco, and Hernando Counties and
 4600 | other counties approved by the Department of Education. For each
 4601 | program selected, St. Petersburg College must offer a related
 4602 | associate in science or associate in applied science degree
 4603 | program, and the baccalaureate degree level program must be
 4604 | designed to articulate fully with at least one associate in
 4605 | science degree program. The college is encouraged to develop
 4606 | articulation agreements for enrollment of graduates of related
 4607 | associate in applied science degree programs. The Board of
 4608 | Trustees of the St. Petersburg College is authorized to
 4609 | establish additional baccalaureate degree programs if it
 4610 | determines a program is warranted and feasible based on each of
 4611 | the factors in paragraph (5)(d). Prior to developing or
 4612 | proposing a new baccalaureate degree program, St. Petersburg
 4613 | College shall engage in need, demand, and impact discussions
 4614 | with the state university in its service district and other
 4615 | local and regional, accredited postsecondary providers in its
 4616 | region. Documentation, data, and other information from inter-
 4617 | institutional discussions regarding program need, demand, and
 4618 | impact shall be provided to the college's board of trustees to
 4619 | inform the program approval process. Employment at St.
 4620 | Petersburg College is governed by the same laws that govern

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4621 Florida College System institutions ~~community colleges~~, except
4622 that upper-division faculty are eligible for continuing
4623 contracts upon the completion of the fifth year of teaching.
4624 Employee records for all personnel shall be maintained as
4625 required by s. 1012.81.

4626 (5) The approval process for baccalaureate degree programs
4627 shall require:

4628 (a) Each Florida College System institution to submit a
4629 notice of its intent to propose a baccalaureate degree program
4630 to the Division of Florida Colleges at least 100 days before the
4631 submission of its proposal under paragraph (d). The notice must
4632 include a brief description of the program, the workforce demand
4633 and unmet need for graduates of the program, the geographic
4634 region to be served, and an estimated timeframe for
4635 implementation. Notices of intent may be submitted by a Florida
4636 College System institution at any time throughout the year.

4637 (b) The Division of Florida Colleges to forward the notice
4638 of intent within 10 business days after receiving such notice to
4639 the Chancellor of the State University System, the President of
4640 the Independent Colleges and Universities of Florida, and the
4641 Executive Director of the Council for Independent Education.
4642 State universities shall have 60 days following receipt of the
4643 notice by the Chancellor of the State University System to
4644 submit an alternative proposal to offer the baccalaureate degree
4645 program. If a proposal from a state university is not received
4646 within the 60-day period, the State Board of Education shall
4647 provide regionally accredited private colleges and universities
4648 30 days to submit an alternative proposal. Alternative proposals

4649 shall be submitted to the Division of Florida Colleges and must
 4650 be considered by the State Board of Education in making its
 4651 decision to approve or deny a Florida College System
 4652 institution's ~~college's~~ proposal.

4653 (c) An alternative proposal submitted by a state
 4654 university or private college or university to adequately
 4655 address:

4656 1. The extent to which the workforce demand and unmet need
 4657 described in the notice of intent will be met.

4658 2. The extent to which students will be able to complete
 4659 the degree in the geographic region proposed to be served by the
 4660 Florida College System institution.

4661 3. The level of financial commitment of the college or
 4662 university to the development, implementation, and maintenance
 4663 of the specified degree program, including timelines.

4664 4. The extent to which faculty at both the Florida College
 4665 System institution and the college or university will
 4666 collaborate in the development and offering of the curriculum.

4667 5. The ability of the Florida College System institution
 4668 and the college or university to develop and approve the
 4669 curriculum for the specified degree program within 6 months
 4670 after an agreement between the Florida College System
 4671 institution and the college or university is signed.

4672 6. The extent to which the student may incur additional
 4673 costs above what the student would expect to incur if the
 4674 program were offered by the Florida College System institution.

4675 (d) Each proposal submitted by a Florida College System
 4676 institution to, at a minimum, include:

4677 | 1. A description of the planning process and timeline for
 4678 | implementation.

4679 | 2. An analysis of workforce demand and unmet need for
 4680 | graduates of the program on a district, regional, or statewide
 4681 | basis, as appropriate.

4682 | 3. Identification of the facilities, equipment, and
 4683 | library and academic resources that will be used to deliver the
 4684 | program.

4685 | 4. The program cost analysis of creating a new
 4686 | baccalaureate degree when compared to alternative proposals and
 4687 | other program delivery options.

4688 | 5. The program's admission requirements, academic content,
 4689 | curriculum, faculty credentials, student-to-teacher ratios, and
 4690 | accreditation plan.

4691 | 6. The program's enrollment projections and funding
 4692 | requirements.

4693 | 7. A plan of action if the program is terminated.

4694 | (e) The Division of Florida Colleges to review the
 4695 | proposal, notify the Florida College System institution of any
 4696 | deficiencies in writing within 30 days following receipt of the
 4697 | proposal, and provide the Florida College System institution
 4698 | with an opportunity to correct the deficiencies. Within 45 days
 4699 | following receipt of a completed proposal by the Division of
 4700 | Florida Colleges, the Commissioner of Education shall recommend
 4701 | approval or disapproval of the proposal to the State Board of
 4702 | Education. The State Board of Education shall consider such
 4703 | recommendation, the proposal, and any alternative proposals at
 4704 | its next meeting. If the State Board of Education disapproves

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4705 | the Florida College System institution's ~~college's~~ proposal, it
 4706 | shall provide the Florida College System institution with
 4707 | written reasons for that determination.

4708 | (f) The Florida College System institution to obtain from
 4709 | the Commission on Colleges of the Southern Association of
 4710 | Colleges and Schools accreditation as a baccalaureate-degree-
 4711 | granting institution if approved by the State Board of Education
 4712 | to offer its first baccalaureate degree program.

4713 | (g) The Florida College System institution to notify the
 4714 | Commission on Colleges of the Southern Association of Colleges
 4715 | and Schools of subsequent degree programs that are approved by
 4716 | the State Board of Education and to comply with the
 4717 | association's required substantive change protocols for
 4718 | accreditation purposes.

4719 | (6) (a) Beginning July 1, 2010, and each subsequent July 1,
 4720 | the Division of Florida Colleges may accept and review
 4721 | applications from a Florida College System institution to obtain
 4722 | an exemption from the State Board of Education's approval for
 4723 | subsequent degrees as required in subsection (5), if the Florida
 4724 | College System institution is accredited by the Commission on
 4725 | Colleges of the Southern Association of Colleges and Schools as
 4726 | a baccalaureate-degree-granting institution and has been
 4727 | offering baccalaureate degree programs for 3 or more years. The
 4728 | division shall develop criteria for determining eligibility for
 4729 | an exemption based upon demonstrated compliance with the
 4730 | requirements for baccalaureate degrees, primary mission, and
 4731 | fiscal, including, but not limited to:

- 4732 | 1. Obtaining and maintaining appropriate SACS

4733 accreditation;

4734 2. The maintenance of qualified faculty and institutional

4735 resources;

4736 3. The maintenance of enrollment projections in previously

4737 approved programs;

4738 4. The appropriate management of fiscal resources;

4739 5. Compliance with the primary mission and responsibility

4740 requirements in subsections (2) and (3);

4741 6. The timely submission of the institution's annual

4742 performance accountability report; and

4743 7. Other indicators of success such as program completers,

4744 placements, and surveys of students and employers.

4745 (b) If the Florida College System institution has

4746 demonstrated satisfactory progress in fulfilling the eligibility

4747 criteria in this subsection, the Division of Florida Colleges

4748 may recommend to the State Board of Education that the

4749 institution be exempt from the requirement in subsection (5) for

4750 approval of future baccalaureate degree programs. The State

4751 Board of Education shall review the division's recommendation

4752 and determine if an exemption is warranted. If the State Board

4753 of Education approves the application, the Florida College

4754 System institution is exempt from subsequent program approval

4755 under subsection (5) and such authority is delegated to the

4756 Florida College System institution board of trustees. If the

4757 State Board of Education disapproves of the Florida College

4758 System institution's ~~college's~~ request for an exemption, the

4759 college shall continue to be subject to the State Board of

4760 Education's approval of subsequent baccalaureate degree

4761 programs.

4762 (c) Prior to developing or proposing a new baccalaureate
 4763 degree program, all Florida College System institutions
 4764 ~~colleges~~, regardless of an exemption from subsection (5), shall:

4765 1. Engage in need, demand, and impact discussions with the
 4766 state university in their service district and other local and
 4767 regional, accredited postsecondary providers in their region.

4768 2. Send documentation, data, and other information from
 4769 the inter-institutional discussions regarding program need,
 4770 demand, and impact required in subparagraph 1. to the college's
 4771 board of trustees, the Division of Florida Colleges, and the
 4772 Chancellor of the State University System.

4773 3. Base board of trustees approval of the new program upon
 4774 the documentation, data, and other information required in this
 4775 paragraph and the factors in subsection (5)(d).

4776
 4777 The Division of Florida Colleges shall use the documentation,
 4778 data, and other information required in this subsection,
 4779 including information from the Chancellor of the State
 4780 University System, in its compliance review.

4781 (d) The board of trustees of a Florida College System
 4782 institution that is exempt from subsection (5) must submit newly
 4783 approved programs to the Division of Florida Colleges and SACS
 4784 within 30 days after approval.

4785 Section 104. Subsection (1) of section 1007.34, Florida
 4786 Statutes, is amended to read:

4787 1007.34 College reach-out program.—

4788 (1) There is established a college reach-out program to

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4789 increase the number of low-income educationally disadvantaged
4790 students in grades 6-12 who, upon high school graduation, are
4791 admitted to and successfully complete postsecondary education.
4792 Participants should be students who otherwise would be unlikely
4793 to seek admission to a Florida College System institution
4794 ~~community college~~, state university, or independent
4795 postsecondary institution without special support and
4796 recruitment efforts. The State Board of Education shall adopt
4797 rules that provide for the following:

4798 (a) Definition of "low-income educationally disadvantaged
4799 student."

4800 (b) Specific criteria and guidelines for selection of
4801 college reach-out participants.

4802 Section 105. Paragraphs (f) and (j) of subsection (6) of
4803 section 1007.35, Florida Statutes, are amended to read:

4804 1007.35 Florida Partnership for Minority and
4805 Underrepresented Student Achievement.—

4806 (6) The partnership shall:

4807 (f) Consider ways to incorporate Florida College System
4808 institutions ~~community colleges~~ in the mission of preparing all
4809 students for postsecondary success.

4810 (j) Provide information to students, parents, teachers,
4811 counselors, administrators, districts, Florida College System
4812 institutions ~~community colleges~~, and state universities
4813 regarding PSAT/NMSQT or PLAN administration, including, but not
4814 limited to:

- 4815 1. Test administration dates and times.
- 4816 2. That participation in the PSAT/NMSQT or PLAN is open to

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4817 | all grade 10 students.

4818 | 3. The value of such tests in providing diagnostic
4819 | feedback on student skills.

4820 | 4. The value of student scores in predicting the
4821 | probability of success on AP or other advanced course
4822 | examinations.

4823 | Section 106. Subsections (3) and (4) of section 1008.30,
4824 | Florida Statutes, are amended to read:

4825 | 1008.30 Common placement testing for public postsecondary
4826 | education.—

4827 | (3) The State Board of Education shall adopt rules that
4828 | require high schools to evaluate before the beginning of grade
4829 | 12 the college readiness of each student who indicates an
4830 | interest in postsecondary education and scores at Level 2 or
4831 | Level 3 on the reading portion of the grade 10 FCAT or Level 2,
4832 | Level 3, or Level 4 on the mathematics assessments under s.
4833 | 1008.22(3)(c). High schools shall perform this evaluation using
4834 | results from the corresponding component of the common placement
4835 | test prescribed in this section, or an equivalent test
4836 | identified by the State Board of Education. The Department of
4837 | Education shall purchase or develop the assessments necessary to
4838 | perform the evaluations required by this subsection and shall
4839 | work with the school districts to administer the assessments.
4840 | The State Board of Education shall establish by rule the minimum
4841 | test scores a student must achieve to demonstrate readiness.
4842 | Students who demonstrate readiness by achieving the minimum test
4843 | scores established by the state board and enroll in a Florida
4844 | College System institution ~~community college~~ within 2 years of

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4845 achieving such scores shall not be required to enroll in
 4846 remediation courses as a condition of acceptance to any Florida
 4847 College System institution ~~community college~~. The high school
 4848 shall use the results of the test to advise the students of any
 4849 identified deficiencies and to the maximum extent practicable
 4850 provide 12th grade students access to appropriate remedial
 4851 instruction prior to high school graduation. The remedial
 4852 instruction provided under this subsection shall be a
 4853 collaborative effort between secondary and postsecondary
 4854 educational institutions. To the extent courses are available,
 4855 the Florida Virtual School may be used to provide the remedial
 4856 instruction required by this subsection.

4857 (4) (a) Public postsecondary educational institution
 4858 students who have been identified as requiring additional
 4859 preparation pursuant to subsection (1) shall enroll in college-
 4860 preparatory or other adult education pursuant to s. 1004.93 in
 4861 Florida College System institutions ~~community colleges~~ to
 4862 develop needed college-entry skills. These students shall be
 4863 permitted to take courses within their degree program
 4864 concurrently in other curriculum areas for which they are
 4865 qualified while enrolled in college-preparatory instruction
 4866 courses. A student enrolled in a college-preparatory course may
 4867 concurrently enroll only in college credit courses that do not
 4868 require the skills addressed in the college-preparatory course.
 4869 The State Board of Education, in conjunction with the Board of
 4870 Governors, shall specify the college credit courses that are
 4871 acceptable for students enrolled in each college-preparatory
 4872 skill area. A student who wishes to earn an associate in arts or

4873 a baccalaureate degree, but who is required to complete a
 4874 college-preparatory course, must successfully complete the
 4875 required college-preparatory studies by the time the student has
 4876 accumulated 12 hours of lower-division college credit degree
 4877 coursework; however, a student may continue enrollment in
 4878 degree-earning coursework provided the student maintains
 4879 enrollment in college-preparatory coursework for each subsequent
 4880 semester until college-preparatory coursework requirements are
 4881 completed, and the student demonstrates satisfactory performance
 4882 in degree-earning coursework. A passing score on a standardized,
 4883 institutionally developed test must be achieved before a student
 4884 is considered to have met basic computation and communication
 4885 skills requirements; however, no student shall be required to
 4886 retake any test or subtest that was previously passed by said
 4887 student. Credit awarded for college-preparatory instruction may
 4888 not be counted toward fulfilling the number of credits required
 4889 for a degree.

4890 (b) A university board of trustees may contract with a
 4891 Florida College System institution ~~community college~~ board of
 4892 trustees for the Florida College System institution ~~community~~
 4893 ~~college~~ to provide such instruction on the state university
 4894 campus. Any state university in which the percentage of incoming
 4895 students requiring college-preparatory instruction equals or
 4896 exceeds the average percentage of such students for the Florida
 4897 ~~community~~ College System may offer college-preparatory
 4898 instruction without contracting with a Florida College System
 4899 institution ~~community college~~; however, any state university
 4900 offering college-preparatory instruction as of January 1, 1996,

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4901 may continue to provide such services.

4902 Section 107. Paragraph (e) of subsection (1) of section
4903 1008.31, Florida Statutes, is amended to read:

4904 1008.31 Florida's K-20 education performance
4905 accountability system; legislative intent; mission, goals, and
4906 systemwide measures; data quality improvements.-

4907 (1) LEGISLATIVE INTENT.-It is the intent of the
4908 Legislature that:

4909 (e)1. The State Board of Education establish performance
4910 measures and set performance standards for individual public
4911 schools and Florida College System institutions ~~community~~
4912 ~~colleges~~, with measures and standards based primarily on student
4913 achievement.

4914 2. The Board of Governors of the State University System
4915 establish performance measures and set performance standards for
4916 individual state universities, including actual completion
4917 rates.

4918 Section 108. Section 1008.32, Florida Statutes, is amended
4919 to read:

4920 1008.32 State Board of Education oversight enforcement
4921 authority.-The State Board of Education shall oversee the
4922 performance of district school boards and Florida College System
4923 institution ~~community college~~ boards of trustees in enforcement
4924 of all laws and rules. District school boards and Florida
4925 College System institution ~~community college~~ boards of trustees
4926 shall be primarily responsible for compliance with law and state
4927 board rule.

4928 (1) In order to ensure compliance with law or state board

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4929 rule, the State Board of Education shall have the authority to
 4930 request and receive information, data, and reports from school
 4931 districts and Florida College System institutions ~~community~~
 4932 ~~colleges~~. District school superintendents and Florida College
 4933 System institution ~~community college~~ presidents are responsible
 4934 for the accuracy of the information and data reported to the
 4935 state board.

4936 (2) The Commissioner of Education may investigate
 4937 allegations of noncompliance with law or state board rule and
 4938 determine probable cause. The commissioner shall report
 4939 determinations of probable cause to the State Board of Education
 4940 which shall require the district school board or Florida College
 4941 System institution ~~community college~~ board of trustees to
 4942 document compliance with law or state board rule.

4943 (3) If the district school board or Florida College System
 4944 institution ~~community college~~ board of trustees cannot
 4945 satisfactorily document compliance, the State Board of Education
 4946 may order compliance within a specified timeframe.

4947 (4) If the State Board of Education determines that a
 4948 district school board or Florida College System institution
 4949 ~~community college~~ board of trustees is unwilling or unable to
 4950 comply with law or state board rule within the specified time,
 4951 the state board shall have the authority to initiate any of the
 4952 following actions:

4953 (a) Report to the Legislature that the school district or
 4954 Florida College System institution ~~community college~~ has been
 4955 unwilling or unable to comply with law or state board rule and
 4956 recommend action to be taken by the Legislature.

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4957 (b) Reduce the discretionary lottery appropriation until
 4958 the school district or Florida College System institution
 4959 ~~community college~~ complies with the law or state board rule.

4960 (c) Withhold the transfer of state funds, discretionary
 4961 grant funds, or any other funds specified as eligible for this
 4962 purpose by the Legislature until the school district or Florida
 4963 College System institution ~~community college~~ complies with the
 4964 law or state board rule.

4965 (d) Declare the school district or Florida College System
 4966 institution ~~community college~~ ineligible for competitive grants.

4967 (e) Require monthly or periodic reporting on the situation
 4968 related to noncompliance until it is remedied.

4969 (5) Nothing in this section shall be construed to create a
 4970 private cause of action or create any rights for individuals or
 4971 entities in addition to those provided elsewhere in law or rule.

4972 Section 109. Paragraphs (g) and (h) of subsection (7) of
 4973 section 1008.345, Florida Statutes, are amended to read:

4974 1008.345 Implementation of state system of school
 4975 improvement and education accountability.—

4976 (7) As a part of the system of educational accountability,
 4977 the Department of Education shall:

4978 (g) Maintain for the information of the State Board of
 4979 Education, the Board of Governors, and the Legislature a file of
 4980 data to reflect achievement of college-level communication and
 4981 mathematics competencies by students in state universities and
 4982 Florida College System institutions ~~community colleges~~.

4983 (h) Develop or contract for, and submit to the State Board
 4984 of Education and the Board of Governors for approval, tests

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4985 | which measure and diagnose student achievement of college-level
 4986 | communication and mathematics skills. Any tests and related
 4987 | documents developed are exempt from the provisions of s.
 4988 | 119.07(1). The commissioner shall maintain statewide
 4989 | responsibility for the administration of such tests and may
 4990 | assign administrative responsibilities for the tests to any
 4991 | state university or Florida College System institution ~~community~~
 4992 | ~~college~~. The state board, upon recommendation of the
 4993 | commissioner, may enter into contracts for such services
 4994 | beginning in one fiscal year and continuing into the next year
 4995 | which are paid from the appropriation for either or both fiscal
 4996 | years.

4997 | Section 110. Paragraph (b) of subsection (1) and paragraph
 4998 | (a) of subsection (2) of section 1008.385, Florida Statutes, are
 4999 | amended to read:

5000 | 1008.385 Educational planning and information systems.—

5001 | (1) EDUCATIONAL PLANNING.—

5002 | (b) Each district school board shall maintain a continuing
 5003 | system of planning and budgeting designed to aid in identifying
 5004 | and meeting the educational needs of students and the public.
 5005 | Provision shall be made for coordination between district school
 5006 | boards and Florida College System institution ~~community college~~
 5007 | boards of trustees concerning the planning for career education
 5008 | and adult educational programs. The major emphasis of the system
 5009 | shall be upon locally determined goals and objectives, the state
 5010 | plan for education, and the Sunshine State Standards developed
 5011 | by the Department of Education and adopted by the State Board of
 5012 | Education. The district planning and budgeting system must

5013 include consideration of student achievement data obtained
 5014 pursuant to ss. 1008.22 and 1008.34. The system shall be
 5015 structured to meet the specific management needs of the district
 5016 and to align the budget adopted by the district school board
 5017 with the plan the board has also adopted. Each district school
 5018 board shall utilize its system of planning and budgeting to
 5019 emphasize a system of school-based management in which
 5020 individual school centers become the principal planning units
 5021 and to integrate planning and budgeting at the school level.

5022 (2) COMPREHENSIVE MANAGEMENT INFORMATION SYSTEMS.—The
 5023 Commissioner of Education shall develop and implement an
 5024 integrated information system for educational management. The
 5025 system must be designed to collect, via electronic transfer, all
 5026 student and school performance data required to ascertain the
 5027 degree to which schools and school districts are meeting state
 5028 performance standards, and must be capable of producing data for
 5029 a comprehensive annual report on school and district
 5030 performance. In addition, the system shall support, as feasible,
 5031 the management decisions to be made in each division of the
 5032 department and at the individual school and district levels.
 5033 Similar data elements among divisions and levels shall be
 5034 compatible. The system shall be based on an overall conceptual
 5035 design; the information needed for such decisions, including
 5036 fiscal, student, program, personnel, facility, community,
 5037 evaluation, and other relevant data; and the relationship
 5038 between cost and effectiveness. The system shall be managed and
 5039 administered by the commissioner and shall include a district
 5040 subsystem component to be administered at the district level,

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5041 with input from the reports-and-forms control management
 5042 committees. Each district school system with a unique management
 5043 information system shall assure that compatibility exists
 5044 between its unique system and the district component of the
 5045 state system so that all data required as input to the state
 5046 system is made available via electronic transfer and in the
 5047 appropriate input format.

5048 (a) The specific responsibilities of the commissioner
 5049 shall include:

5050 1. Consulting with school district representatives in the
 5051 development of the system design model and implementation plans
 5052 for the management information system for public school
 5053 education management;

5054 2. Providing operational definitions for the proposed
 5055 system;

5056 3. Determining the information and specific data elements
 5057 required for the management decisions made at each educational
 5058 level, recognizing that the primary unit for information input
 5059 is the individual school and recognizing that time and effort of
 5060 instructional personnel expended in collection and compilation
 5061 of data should be minimized;

5062 4. Developing standardized terminology and procedures to
 5063 be followed at all levels of the system;

5064 5. Developing a standard transmittal format to be used for
 5065 collection of data from the various levels of the system;

5066 6. Developing appropriate computer programs to assure
 5067 integration of the various information components dealing with
 5068 students, personnel, facilities, fiscal, program, community, and

5069 | evaluation data;

5070 | 7. Developing the necessary programs to provide
 5071 | statistical analysis of the integrated data provided in
 5072 | subparagraph 6. in such a way that required reports may be
 5073 | disseminated, comparisons may be made, and relationships may be
 5074 | determined in order to provide the necessary information for
 5075 | making management decisions at all levels;

5076 | 8. Developing output report formats which will provide
 5077 | district school systems with information for making management
 5078 | decisions at the various educational levels;

5079 | 9. Developing a phased plan for distributing computer
 5080 | services equitably among all public schools and school districts
 5081 | in the state as rapidly as possible. The plan shall describe
 5082 | alternatives available to the state in providing such computing
 5083 | services and shall contain estimates of the cost of each
 5084 | alternative, together with a recommendation for action. In
 5085 | developing the plan, the feasibility of shared use of computing
 5086 | hardware and software by school districts, Florida College
 5087 | System institutions ~~community colleges~~, and universities shall
 5088 | be examined. Laws or administrative rules regulating procurement
 5089 | of data processing equipment, communication services, or data
 5090 | processing services by state agencies shall not be construed to
 5091 | apply to local agencies which share computing facilities with
 5092 | state agencies;

5093 | 10. Assisting the district school systems in establishing
 5094 | their subsystem components and assuring compatibility with
 5095 | current district systems;

5096 | 11. Establishing procedures for continuous evaluation of

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5097 | system efficiency and effectiveness;

5098 | 12. Initiating a reports-management and forms-management
5099 | system to ascertain that duplication in collection of data does
5100 | not exist and that forms and reports for reporting under state
5101 | and federal requirements and other forms and reports are
5102 | prepared in a logical and uncomplicated format, resulting in a
5103 | reduction in the number and complexity of required reports,
5104 | particularly at the school level; and

5105 | 13. Initiating such other actions as are necessary to
5106 | carry out the intent of the Legislature that a management
5107 | information system for public school management needs be
5108 | implemented. Such other actions shall be based on criteria
5109 | including, but not limited to:

- 5110 | a. The purpose of the reporting requirement;
- 5111 | b. The origination of the reporting requirement;
- 5112 | c. The date of origin of the reporting requirement; and
- 5113 | d. The date of repeal of the reporting requirement.

5114 | Section 111. Section 1008.405, Florida Statutes, is
5115 | amended to read:

5116 | 1008.405 Adult student information.—Each school district
5117 | and Florida College System institution ~~community college~~ shall
5118 | maintain sufficient information for each student enrolled in
5119 | workforce education to allow local and state administrators to
5120 | locate such student upon the termination of instruction and to
5121 | determine the appropriateness of student placement in specific
5122 | instructional programs. The State Board of Education shall
5123 | adopt, by rule, specific information that must be maintained and
5124 | acceptable means of maintaining that information.

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5125 Section 112. Subsections (1) and (2) of section 1008.41,
 5126 Florida Statutes, are amended to read:

5127 1008.41 Workforce education; management information
 5128 system.—

5129 (1) The Commissioner of Education shall coordinate uniform
 5130 program structures, common definitions, and uniform management
 5131 information systems for workforce education for all divisions
 5132 within the department. In performing these functions, the
 5133 commissioner shall designate deadlines after which data elements
 5134 may not be changed for the coming fiscal or school year. School
 5135 districts and Florida College System institutions ~~community~~
 5136 ~~colleges~~ shall be notified of data element changes at least 90
 5137 days prior to the start of the subsequent fiscal or school year.
 5138 Such systems must provide for:

5139 (a) Individual student reporting.

5140 (b) Compliance with state and federal confidentiality
 5141 requirements, except that the department shall have access to
 5142 the unemployment insurance wage reports to collect and report
 5143 placement information about former students. Such placement
 5144 reports must not disclose the individual identities of former
 5145 students.

5146 (c) Maximum use of automated technology and records in
 5147 existing databases and data systems. To the extent feasible, the
 5148 Florida Information Resource Network may be employed for this
 5149 purpose.

5150 (d) Annual reports of student enrollment, completion, and
 5151 placement by program.

5152 (2) The State Board of Education shall identify, by rule,

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5153 | the components to be included in the workforce education
 5154 | management information system. All such components shall be
 5155 | comparable between school districts and Florida College System
 5156 | institutions ~~community colleges~~.

5157 | Section 113. Paragraph (b) of subsection (2) of section
 5158 | 1008.42, Florida Statutes, is amended to read:

5159 | 1008.42 Public information on career education programs.—

5160 | (2) The dissemination shall be conducted in accordance
 5161 | with the following procedures:

5162 | (b)1. Each district school board shall publish, at a
 5163 | minimum, the most recently available placement rate for each
 5164 | career certificate program conducted by that school district at
 5165 | the secondary school level and at the career degree level. The
 5166 | placement rates for the preceding 3 years shall be published if
 5167 | available, shall be included in each publication that informs
 5168 | the public of the availability of the program, and shall be made
 5169 | available to each school guidance counselor. If a program does
 5170 | not have a placement rate, a publication that lists or describes
 5171 | that program must state that the rate is unavailable.

5172 | 2. Each Florida College System institution ~~community~~
 5173 | ~~college~~ shall publish, at a minimum, the most recent placement
 5174 | rate for each career certificate program and for each career
 5175 | degree program in its annual catalog. The placement rates for
 5176 | the preceding 3 years shall be published, if available, and
 5177 | shall be included in any publication that informs the public of
 5178 | the availability of the program. If a program does not have a
 5179 | placement rate, the publication that lists or describes that
 5180 | program must state that the rate is unavailable.

5181 3. If a school district or a Florida College System
 5182 institution ~~community college~~ has calculated for a program a
 5183 placement rate that differs from the rate reported by the
 5184 department, and if each record of a placement was obtained
 5185 through a process that was capable of being audited,
 5186 procedurally sound, and consistent statewide, the district or
 5187 the Florida College System institution ~~community college~~ may use
 5188 the locally calculated placement rate in the report required by
 5189 this section. However, that rate may not be combined with the
 5190 rate maintained in the computer files of the Department of
 5191 Education's Florida Education and Training Placement Information
 5192 Program.

5193 4. An independent career, trade, or business school may
 5194 not publish a placement rate unless the placement rate was
 5195 determined as provided by this section.

5196 Section 114. Paragraphs (b) and (c) of subsection (1) and
 5197 subsections (2) and (3) of section 1008.43, Florida Statutes,
 5198 are amended to read:

5199 1008.43 Career program reporting requirements.—

5200 (1)

5201 (b) To measure and report program enrollment and
 5202 completion rates, the Department of Education shall use data in
 5203 the automated student databases generated by the public schools
 5204 and Florida College System institutions ~~community colleges~~. To
 5205 measure and report placement rates and amount of earnings at the
 5206 time of placement, the department shall use data in the reports
 5207 produced by the Florida Education and Training Placement
 5208 Information Program as required in s. 1008.39. If any placement

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5209 information is not available from the Florida Education and
 5210 Training Placement Information Program, the school district or
 5211 the Florida College System institution ~~community college~~ may
 5212 provide placement information collected by the school district
 5213 or the Florida College System institution ~~community college~~.
 5214 However, this supplemental information must be verifiable by the
 5215 department and must not be commingled with the database
 5216 maintained by the Florida Education and Training Placement
 5217 Information Program. The State Board of Education shall specify
 5218 by rule the statistically valid, verifiable, uniform procedures
 5219 by which school districts and Florida College System
 5220 institutions ~~community colleges~~ may collect and report placement
 5221 information to supplement the reports from the Florida Education
 5222 and Training Placement Information Program.

5223 (c) The State Board of Education shall adopt standards for
 5224 the department, district school boards, and Florida College
 5225 System institution ~~community college~~ district boards of trustees
 5226 to use in program planning, program review, and program
 5227 evaluation. The standards must include, at a minimum, the
 5228 completion rates, placement rates, and earnings from employment
 5229 of former students of career education programs.

5230 (2) The State Board of Education shall adopt procedures
 5231 for reviewing the career education programs administered by the
 5232 district school boards and the Florida College System
 5233 institution ~~community college~~ district boards of trustees when
 5234 program performance falls below the standards required by this
 5235 section.

5236 (3) Annually, the department shall compile the reports

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5237 submitted in compliance with the rules adopted under this
 5238 section and shall produce a statewide report that addresses the
 5239 extent to which school districts and Florida College System
 5240 institutions ~~community colleges~~ are meeting the standards
 5241 established under paragraph (1)(c).

5242 Section 115. Section 1008.45, Florida Statutes, is amended
 5243 to read:

5244 1008.45 Florida College System institution ~~Community~~
 5245 ~~college~~ accountability process.—

5246 (1) It is the intent of the Legislature that a management
 5247 and accountability process be implemented which provides for the
 5248 systematic, ongoing improvement and assessment of the
 5249 improvement of the quality and efficiency of the Florida College
 5250 System institutions ~~community colleges~~. Accordingly, the State
 5251 Board of Education and the Florida College System institution
 5252 ~~community college~~ boards of trustees shall develop and implement
 5253 an accountability plan to improve and evaluate the instructional
 5254 and administrative efficiency and effectiveness of the Florida
 5255 ~~Community~~ College System. This plan shall be designed in
 5256 consultation with staff of the Governor and the Legislature and
 5257 must address the following issues:

5258 (a) Graduation rates of A.A. and A.S. degree-seeking
 5259 students compared to first-time-enrolled students seeking the
 5260 associate degree.

5261 (b) Minority student enrollment and retention rates.

5262 (c) Student performance, including student performance in
 5263 college-level academic skills, mean grade point averages for
 5264 Florida College System institution ~~community college~~ A.A.

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5265 transfer students, and Florida College System institution
 5266 ~~community college~~ student performance on state licensure
 5267 examinations.

5268 (d) Job placement rates of Florida College System
 5269 institution ~~community college~~ career students.

5270 (e) Student progression by admission status and program.

5271 (f) Career accountability standards identified in s.
 5272 1008.42.

5273 (g) Institutional assessment efforts related to the
 5274 requirements of s. III in the Criteria for Accreditation of the
 5275 Commission on Colleges of the Southern Association of Colleges
 5276 and Schools.

5277 (h) Other measures approved by the State Board of
 5278 Education.

5279 (2) The State Board of Education shall submit an annual
 5280 report, to coincide with the submission of the agency strategic
 5281 plan required by law, providing the results of initiatives taken
 5282 during the prior year and the initiatives and related objective
 5283 performance measures proposed for the next year.

5284 (3) The State Board of Education shall address within the
 5285 annual evaluation of the performance of the executive director,
 5286 and the Florida College System institution ~~community college~~
 5287 boards of trustees shall address within the annual evaluation of
 5288 the presidents, the achievement of the performance goals
 5289 established by the accountability process.

5290 Section 116. Section 1009.21, Florida Statutes, is amended
 5291 to read:

5292 1009.21 Determination of resident status for tuition

5293 | purposes.—Students shall be classified as residents or
 5294 | nonresidents for the purpose of assessing tuition in
 5295 | postsecondary educational programs offered by charter technical
 5296 | career centers or career centers operated by school districts,
 5297 | in Florida College System institutions ~~community colleges~~, and
 5298 | in state universities.

5299 | (1) As used in this section, the term:

5300 | (a) "Dependent child" means any person, whether or not
 5301 | living with his or her parent, who is eligible to be claimed by
 5302 | his or her parent as a dependent under the federal income tax
 5303 | code.

5304 | (b) "Initial enrollment" means the first day of class at
 5305 | an institution of higher education.

5306 | (c) "Institution of higher education" means any charter
 5307 | technical career center as defined in s. 1002.34, career center
 5308 | operated by a school district as defined in s. 1001.44, Florida
 5309 | College System institution ~~community college~~ as defined in s.
 5310 | 1000.21(3), or state university as defined in s. 1000.21(6).

5311 | (d) "Legal resident" or "resident" means a person who has
 5312 | maintained his or her residence in this state for the preceding
 5313 | year, has purchased a home which is occupied by him or her as
 5314 | his or her residence, or has established a domicile in this
 5315 | state pursuant to s. 222.17.

5316 | (e) "Nonresident for tuition purposes" means a person who
 5317 | does not qualify for the in-state tuition rate.

5318 | (f) "Parent" means the natural or adoptive parent or legal
 5319 | guardian of a dependent child.

5320 | (g) "Resident for tuition purposes" means a person who

5321 | qualifies as provided in this section for the in-state tuition
 5322 | rate.

5323 | (2) (a) To qualify as a resident for tuition purposes:

5324 | 1. A person or, if that person is a dependent child, his
 5325 | or her parent or parents must have established legal residence
 5326 | in this state and must have maintained legal residence in this
 5327 | state for at least 12 consecutive months immediately prior to
 5328 | his or her initial enrollment in an institution of higher
 5329 | education.

5330 | 2. Every applicant for admission to an institution of
 5331 | higher education shall be required to make a statement as to his
 5332 | or her length of residence in the state and, further, shall
 5333 | establish that his or her presence or, if the applicant is a
 5334 | dependent child, the presence of his or her parent or parents in
 5335 | the state currently is, and during the requisite 12-month
 5336 | qualifying period was, for the purpose of maintaining a bona
 5337 | fide domicile, rather than for the purpose of maintaining a mere
 5338 | temporary residence or abode incident to enrollment in an
 5339 | institution of higher education.

5340 | (b) However, with respect to a dependent child living with
 5341 | an adult relative other than the child's parent, such child may
 5342 | qualify as a resident for tuition purposes if the adult relative
 5343 | is a legal resident who has maintained legal residence in this
 5344 | state for at least 12 consecutive months immediately prior to
 5345 | the child's initial enrollment in an institution of higher
 5346 | education, provided the child has resided continuously with such
 5347 | relative for the 5 years immediately prior to the child's
 5348 | initial enrollment in an institution of higher education, during

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5349 | which time the adult relative has exercised day-to-day care,
5350 | supervision, and control of the child.

5351 | (c) The legal residence of a dependent child whose parents
5352 | are divorced, separated, or otherwise living apart will be
5353 | deemed to be this state if either parent is a legal resident of
5354 | this state, regardless of which parent is entitled to claim, and
5355 | does in fact claim, the minor as a dependent pursuant to federal
5356 | individual income tax provisions.

5357 | (3) (a) An individual shall not be classified as a resident
5358 | for tuition purposes and, thus, shall not be eligible to receive
5359 | the in-state tuition rate until he or she has provided such
5360 | evidence related to legal residence and its duration or, if that
5361 | individual is a dependent child, evidence of his or her parent's
5362 | legal residence and its duration, as may be required by law and
5363 | by officials of the institution of higher education from which
5364 | he or she seeks the in-state tuition rate.

5365 | (b) Except as otherwise provided in this section, evidence
5366 | of legal residence and its duration shall include clear and
5367 | convincing documentation that residency in this state was for a
5368 | minimum of 12 consecutive months prior to a student's initial
5369 | enrollment in an institution of higher education.

5370 | (c) Each institution of higher education shall
5371 | affirmatively determine that an applicant who has been granted
5372 | admission to that institution as a Florida resident meets the
5373 | residency requirements of this section at the time of initial
5374 | enrollment. The residency determination must be documented by
5375 | the submission of written or electronic verification that
5376 | includes two or more of the documents identified in this

5377 paragraph. No single piece of evidence shall be conclusive.

5378 1. The documents must include at least one of the
5379 following:

5380 a. A Florida voter's registration card.

5381 b. A Florida driver's license.

5382 c. A State of Florida identification card.

5383 d. A Florida vehicle registration.

5384 e. Proof of a permanent home in Florida which is occupied
5385 as a primary residence by the individual or by the individual's
5386 parent if the individual is a dependent child.

5387 f. Proof of a homestead exemption in Florida.

5388 g. Transcripts from a Florida high school for multiple
5389 years if the Florida high school diploma or GED was earned
5390 within the last 12 months.

5391 h. Proof of permanent full-time employment in Florida for
5392 at least 30 hours per week for a 12-month period.

5393 2. The documents may include one or more of the following:

5394 a. A declaration of domicile in Florida.

5395 b. A Florida professional or occupational license.

5396 c. Florida incorporation.

5397 d. A document evidencing family ties in Florida.

5398 e. Proof of membership in a Florida-based charitable or
5399 professional organization.

5400 f. Any other documentation that supports the student's
5401 request for resident status, including, but not limited to,
5402 utility bills and proof of 12 consecutive months of payments; a
5403 lease agreement and proof of 12 consecutive months of payments;
5404 or an official state, federal, or court document evidencing

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5405 | legal ties to Florida.

5406 | (4) With respect to a dependent child, the legal residence
5407 | of the dependent child's parent or parents is prima facie
5408 | evidence of the dependent child's legal residence, which
5409 | evidence may be reinforced or rebutted, relative to the age and
5410 | general circumstances of the dependent child, by the other
5411 | evidence of legal residence required of or presented by the
5412 | dependent child. However, the legal residence of a dependent
5413 | child's parent or parents who are domiciled outside this state
5414 | is not prima facie evidence of the dependent child's legal
5415 | residence if that dependent child has lived in this state for 5
5416 | consecutive years prior to enrolling or reregistering at the
5417 | institution of higher education at which resident status for
5418 | tuition purposes is sought.

5419 | (5) In making a domiciliary determination related to the
5420 | classification of a person as a resident or nonresident for
5421 | tuition purposes, the domicile of a married person, irrespective
5422 | of sex, shall be determined, as in the case of an unmarried
5423 | person, by reference to all relevant evidence of domiciliary
5424 | intent. For the purposes of this section:

5425 | (a) A person shall not be precluded from establishing or
5426 | maintaining legal residence in this state and subsequently
5427 | qualifying or continuing to qualify as a resident for tuition
5428 | purposes solely by reason of marriage to a person domiciled
5429 | outside this state, even when that person's spouse continues to
5430 | be domiciled outside of this state, provided such person
5431 | maintains his or her legal residence in this state.

5432 | (b) A person shall not be deemed to have established or

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5433 maintained a legal residence in this state and subsequently to
 5434 have qualified or continued to qualify as a resident for tuition
 5435 purposes solely by reason of marriage to a person domiciled in
 5436 this state.

5437 (c) In determining the domicile of a married person,
 5438 irrespective of sex, the fact of the marriage and the place of
 5439 domicile of such person's spouse shall be deemed relevant
 5440 evidence to be considered in ascertaining domiciliary intent.

5441 (6) (a) Except as otherwise provided in this section, a
 5442 person who is classified as a nonresident for tuition purposes
 5443 may become eligible for reclassification as a resident for
 5444 tuition purposes if that person or, if that person is a
 5445 dependent child, his or her parent presents clear and convincing
 5446 documentation that supports permanent legal residency in this
 5447 state for at least 12 consecutive months rather than temporary
 5448 residency for the purpose of pursuing an education, such as
 5449 documentation of full-time permanent employment for the prior 12
 5450 months or the purchase of a home in this state and residence
 5451 therein for the prior 12 months while not enrolled in an
 5452 institution of higher education.

5453 (b) If a person who is a dependent child and his or her
 5454 parent move to this state while such child is a high school
 5455 student and the child graduates from a high school in this
 5456 state, the child may become eligible for reclassification as a
 5457 resident for tuition purposes when the parent submits evidence
 5458 that the parent qualifies for permanent residency.

5459 (c) If a person who is a dependent child and his or her
 5460 parent move to this state after such child graduates from high

5461 school, the child may become eligible for reclassification as a
 5462 resident for tuition purposes after the parent submits evidence
 5463 that he or she has established legal residence in the state and
 5464 has maintained legal residence in the state for at least 12
 5465 consecutive months.

5466 (d) A person who is classified as a nonresident for
 5467 tuition purposes and who marries a legal resident of the state
 5468 or marries a person who becomes a legal resident of the state
 5469 may, upon becoming a legal resident of the state, become
 5470 eligible for reclassification as a resident for tuition purposes
 5471 upon submitting evidence of his or her own legal residency in
 5472 the state, evidence of his or her marriage to a person who is a
 5473 legal resident of the state, and evidence of the spouse's legal
 5474 residence in the state for at least 12 consecutive months
 5475 immediately preceding the application for reclassification.

5476 (7) A person shall not lose his or her resident status for
 5477 tuition purposes solely by reason of serving, or, if such person
 5478 is a dependent child, by reason of his or her parent's or
 5479 parents' serving, in the Armed Forces outside this state.

5480 (8) A person who has been properly classified as a
 5481 resident for tuition purposes but who, while enrolled in an
 5482 institution of higher education in this state, loses his or her
 5483 resident tuition status because the person or, if he or she is a
 5484 dependent child, the person's parent or parents establish
 5485 domicile or legal residence elsewhere shall continue to enjoy
 5486 the in-state tuition rate for a statutory grace period, which
 5487 period shall be measured from the date on which the
 5488 circumstances arose that culminated in the loss of resident

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5489 | tuition status and shall continue for 12 months. However, if the
 5490 | 12-month grace period ends during a semester or academic term
 5491 | for which such former resident is enrolled, such grace period
 5492 | shall be extended to the end of that semester or academic term.

5493 | (9) Any person who ceases to be enrolled at or who
 5494 | graduates from an institution of higher education while
 5495 | classified as a resident for tuition purposes and who
 5496 | subsequently abandons his or her domicile in this state shall be
 5497 | permitted to reenroll at an institution of higher education in
 5498 | this state as a resident for tuition purposes without the
 5499 | necessity of meeting the 12-month durational requirement of this
 5500 | section if that person has reestablished his or her domicile in
 5501 | this state within 12 months of such abandonment and continuously
 5502 | maintains the reestablished domicile during the period of
 5503 | enrollment. The benefit of this subsection shall not be accorded
 5504 | more than once to any one person.

5505 | (10) The following persons shall be classified as
 5506 | residents for tuition purposes:

5507 | (a) Active duty members of the Armed Services of the
 5508 | United States residing or stationed in this state, their
 5509 | spouses, and dependent children, and active drilling members of
 5510 | the Florida National Guard.

5511 | (b) Active duty members of the Armed Services of the
 5512 | United States and their spouses and dependents attending a
 5513 | Florida College System institution ~~public community college~~ or
 5514 | state university within 50 miles of the military establishment
 5515 | where they are stationed, if such military establishment is
 5516 | within a county contiguous to Florida.

5517 (c) United States citizens living on the Isthmus of
 5518 Panama, who have completed 12 consecutive months of college work
 5519 at the Florida State University Panama Canal Branch, and their
 5520 spouses and dependent children.

5521 (d) Full-time instructional and administrative personnel
 5522 employed by state public schools and institutions of higher
 5523 education and their spouses and dependent children.

5524 (e) Students from Latin America and the Caribbean who
 5525 receive scholarships from the federal or state government. Any
 5526 student classified pursuant to this paragraph shall attend, on a
 5527 full-time basis, a Florida institution of higher education.

5528 (f) Southern Regional Education Board's Academic Common
 5529 Market graduate students attending Florida's state universities.

5530 (g) Full-time employees of state agencies or political
 5531 subdivisions of the state when the student fees are paid by the
 5532 state agency or political subdivision for the purpose of job-
 5533 related law enforcement or corrections training.

5534 (h) McKnight Doctoral Fellows and Finalists who are United
 5535 States citizens.

5536 (i) United States citizens living outside the United
 5537 States who are teaching at a Department of Defense Dependent
 5538 School or in an American International School and who enroll in
 5539 a graduate level education program which leads to a Florida
 5540 teaching certificate.

5541 (j) Active duty members of the Canadian military residing
 5542 or stationed in this state under the North American Air Defense
 5543 (NORAD) agreement, and their spouses and dependent children,
 5544 attending a Florida College System institution ~~community college~~

5545 or state university within 50 miles of the military
 5546 establishment where they are stationed.

5547 (k) Active duty members of a foreign nation's military who
 5548 are serving as liaison officers and are residing or stationed in
 5549 this state, and their spouses and dependent children, attending
 5550 a Florida College System institution ~~community college~~ or state
 5551 university within 50 miles of the military establishment where
 5552 the foreign liaison officer is stationed.

5553 (11) Once a student has been classified as a resident for
 5554 tuition purposes, an institution of higher education to which
 5555 the student transfers is not required to reevaluate the
 5556 classification unless inconsistent information suggests that an
 5557 erroneous classification was made or the student's situation has
 5558 changed. However, the student must have attended the institution
 5559 making the initial classification within the prior 12 months,
 5560 and the residency classification must be noted on the student's
 5561 transcript. The Higher Education Coordinating Council shall
 5562 consider issues related to residency determinations and make
 5563 recommendations relating to efficiency and effectiveness of
 5564 current law.

5565 (12) Each institution of higher education shall establish
 5566 a residency appeal committee comprised of at least three members
 5567 to consider student appeals of residency determinations, in
 5568 accordance with the institution's official appeal process. The
 5569 residency appeal committee must render to the student the final
 5570 residency determination in writing. The institution must advise
 5571 the student of the reasons for the determination.

5572 (13) The State Board of Education and the Board of

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5573 | Governors shall adopt rules to implement this section.

5574 | Section 117. Subsection (1), paragraphs (a), (b), (e),
 5575 | (f), and (g) of subsection (3), subsections (4) and (5),
 5576 | paragraph (a) of subsection (6), and subsections (7), (8), (9),
 5577 | (10), (11), and (12) of section 1009.22, Florida Statutes, are
 5578 | amended to read:

5579 | 1009.22 Workforce education postsecondary student fees.—

5580 | (1) This section applies to students enrolled in workforce
 5581 | education programs who are reported for funding, except that
 5582 | college credit fees for the Florida College System institutions
 5583 | ~~community colleges~~ are governed by s. 1009.23.

5584 | (3) (a) Except as otherwise provided by law, fees for
 5585 | students who are nonresidents for tuition purposes must offset
 5586 | the full cost of instruction. Fee-nonexempt students enrolled in
 5587 | vocational-preparatory instruction shall be charged fees equal
 5588 | to the fees charged for certificate career education
 5589 | instruction. Each Florida College System institution ~~community~~
 5590 | ~~college~~ that conducts college-preparatory and vocational-
 5591 | preparatory instruction in the same class section may charge a
 5592 | single fee for both types of instruction.

5593 | (b) Fees for continuing workforce education shall be
 5594 | locally determined by the district school board or Florida
 5595 | College System institution ~~community college~~ board. Expenditures
 5596 | for the continuing workforce education program provided by the
 5597 | Florida College System institution ~~community college~~ or school
 5598 | district must be fully supported by fees. Enrollments in
 5599 | continuing workforce education courses may not be counted for
 5600 | purposes of funding full-time equivalent enrollment.

5601 (e) Each district school board and each Florida College
 5602 System institution ~~community college~~ board of trustees may adopt
 5603 tuition and out-of-state fees that may vary no more than 5
 5604 percent below and 5 percent above the combined total of the
 5605 standard tuition and out-of-state fees established in paragraph
 5606 (c).

5607 (f) The maximum increase in resident tuition for any
 5608 school district or Florida College System institution ~~community~~
 5609 ~~college~~ during the 2007-2008 fiscal year shall be 5 percent over
 5610 the tuition charged during the 2006-2007 fiscal year.

5611 (g) The State Board of Education may adopt, by rule, the
 5612 definitions and procedures that district school boards and
 5613 Florida College System institution ~~community college~~ boards of
 5614 trustees shall use in the calculation of cost borne by students.

5615 (4) A district school board or Florida College System
 5616 institution ~~community college~~ board that has a service area that
 5617 borders another state may implement a plan for a differential
 5618 out-of-state fee.

5619 (5) Each district school board and Florida College System
 5620 institution ~~community college~~ board of trustees may establish a
 5621 separate fee for financial aid purposes in an additional amount
 5622 of up to 10 percent of the student fees collected for workforce
 5623 education programs. All fees collected shall be deposited into a
 5624 separate workforce education student financial aid fee trust
 5625 fund of the school district or Florida College System
 5626 institution ~~community college~~ to support students enrolled in
 5627 workforce education programs. Any undisbursed balance remaining
 5628 in the trust fund and interest income accruing to investments

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5629 | from the trust fund shall increase the total funds available for
 5630 | distribution to workforce education students. Awards shall be
 5631 | based on student financial need and distributed in accordance
 5632 | with a nationally recognized system of need analysis approved by
 5633 | the State Board of Education. Fees collected pursuant to this
 5634 | subsection shall be allocated in an expeditious manner.

5635 | (6) (a) Each district school board and Florida College
 5636 | System institution ~~community college~~ board of trustees may
 5637 | establish a separate fee for capital improvements, technology
 5638 | enhancements, or equipping buildings which may not exceed 5
 5639 | percent of tuition for resident students or 5 percent of tuition
 5640 | and out-of-state fees for nonresident students. Funds collected
 5641 | by Florida College System institutions ~~community colleges~~
 5642 | through the fee may be bonded only for the purpose of financing
 5643 | or refinancing new construction and equipment, renovation, or
 5644 | remodeling of educational facilities. The fee shall be collected
 5645 | as a component part of the tuition and fees, paid into a
 5646 | separate account, and expended only to construct and equip,
 5647 | maintain, improve, or enhance the certificate career education
 5648 | or adult education facilities of the school district or Florida
 5649 | College System institution ~~community college~~. Projects funded
 5650 | through the use of the capital improvement fee must meet the
 5651 | survey and construction requirements of chapter 1013. Pursuant
 5652 | to s. 216.0158, each district school board and Florida College
 5653 | System institution ~~community college~~ board of trustees shall
 5654 | identify each project, including maintenance projects, proposed
 5655 | to be funded in whole or in part by such fee. Capital
 5656 | improvement fee revenues may be pledged by a board of trustees

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5657 as a dedicated revenue source to the repayment of debt,
 5658 including lease-purchase agreements, with an overall term of not
 5659 more than 7 years, including renewals, extensions, and
 5660 refundings, and revenue bonds with a term not exceeding 20 years
 5661 and not exceeding the useful life of the asset being financed,
 5662 only for the new construction and equipment, renovation, or
 5663 remodeling of educational facilities. Bonds authorized pursuant
 5664 to this paragraph shall be requested by the Florida College
 5665 System institution ~~community college~~ board of trustees and shall
 5666 be issued by the Division of Bond Finance in compliance with s.
 5667 11(d), Art. VII of the State Constitution and the State Bond
 5668 Act. The Division of Bond Finance may pledge fees collected by
 5669 one or more Florida College System institutions ~~community~~
 5670 ~~colleges~~ to secure such bonds. Any project included in the
 5671 approved educational plant survey pursuant to chapter 1013 is
 5672 approved pursuant to s. 11(f), Art. VII of the State
 5673 Constitution. Bonds issued pursuant to the State Bond Act may be
 5674 validated in the manner provided by chapter 75. The complaint
 5675 for such validation shall be filed in the circuit court of the
 5676 county where the seat of state government is situated, the
 5677 notice required to be published by s. 75.06 shall be published
 5678 only in the county where the complaint is filed, and the
 5679 complaint and order of the circuit court shall be served only on
 5680 the state attorney of the circuit in which the action is
 5681 pending. A maximum of 15 cents per credit hour may be allocated
 5682 from the capital improvement fee for child care centers
 5683 conducted by the district school board or Florida College System
 5684 institution ~~community college~~ board of trustees. The use of

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5685 capital improvement fees for such purpose shall be subordinate
 5686 to the payment of any bonds secured by the fees.

5687 (7) Each district school board and Florida College System
 5688 institution ~~community college~~ board of trustees is authorized to
 5689 establish a separate fee for technology, not to exceed 5 percent
 5690 of tuition per credit hour or credit-hour equivalent for
 5691 resident students and not to exceed 5 percent of tuition and the
 5692 out-of-state fee per credit hour or credit-hour equivalent for
 5693 nonresident students. Revenues generated from the technology fee
 5694 shall be used to enhance instructional technology resources for
 5695 students and faculty and shall not be included in any award
 5696 under the Florida Bright Futures Scholarship Program. Fifty
 5697 percent of technology fee revenues may be pledged by a Florida
 5698 College System institution ~~community college~~ board of trustees
 5699 as a dedicated revenue source for the repayment of debt,
 5700 including lease-purchase agreements, not to exceed the useful
 5701 life of the asset being financed. Revenues generated from the
 5702 technology fee may not be bonded.

5703 (8) Each district school board and Florida College System
 5704 institution ~~community college~~ board of trustees is authorized to
 5705 establish specific fees for workforce development instruction
 5706 not reported for state funding purposes or for workforce
 5707 development instruction not reported as state funded full-time
 5708 equivalent students. District school boards and Florida College
 5709 System institution ~~community college~~ boards of trustees are not
 5710 required to charge any other fee specified in this section for
 5711 this type of instruction.

5712 (9) Florida College System institution ~~Community college~~

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5713 boards of trustees and district school boards are not authorized
 5714 to charge students enrolled in workforce development programs
 5715 any fee that is not specifically authorized by statute. In
 5716 addition to tuition, out-of-state, financial aid, capital
 5717 improvement, and technology fees, as authorized in this section,
 5718 Florida College System institution ~~community college~~ boards of
 5719 trustees and district school boards are authorized to establish
 5720 fee schedules for the following user fees and fines: laboratory
 5721 fees; parking fees and fines; library fees and fines; fees and
 5722 fines relating to facilities and equipment use or damage; access
 5723 or identification card fees; duplicating, photocopying, binding,
 5724 or microfilming fees; standardized testing fees; diploma
 5725 replacement fees; transcript fees; application fees; graduation
 5726 fees; and late fees related to registration and payment. Such
 5727 user fees and fines shall not exceed the cost of the services
 5728 provided and shall only be charged to persons receiving the
 5729 service. Parking fee revenues may be pledged by a Florida
 5730 College System institution ~~community college~~ board of trustees
 5731 as a dedicated revenue source for the repayment of debt,
 5732 including lease-purchase agreements, with an overall term of not
 5733 more than 7 years, including renewals, extensions, and
 5734 refundings, and revenue bonds with a term not exceeding 20 years
 5735 and not exceeding the useful life of the asset being financed.
 5736 Florida College System institutions ~~Community colleges~~ shall use
 5737 the services of the Division of Bond Finance of the State Board
 5738 of Administration to issue any revenue bonds authorized by this
 5739 subsection. Any such bonds issued by the Division of Bond
 5740 Finance shall be in compliance with the provisions of the State

5741 Bond Act. Bonds issued pursuant to the State Bond Act may be
 5742 validated in the manner established in chapter 75. The complaint
 5743 for such validation shall be filed in the circuit court of the
 5744 county where the seat of state government is situated, the
 5745 notice required to be published by s. 75.06 shall be published
 5746 only in the county where the complaint is filed, and the
 5747 complaint and order of the circuit court shall be served only on
 5748 the state attorney of the circuit in which the action is
 5749 pending.

5750 (10) Each school district and Florida College System
 5751 institution ~~community college~~ may assess a service charge for
 5752 the payment of tuition and fees in installments. Such service
 5753 charge must be approved by the district school board or Florida
 5754 College System institution ~~community college~~ board of trustees.

5755 (11) Any school district or Florida College System
 5756 institution ~~community college~~ that reports students who have not
 5757 paid fees in an approved manner in calculations of full-time
 5758 equivalent enrollments for state funding purposes shall be
 5759 penalized at a rate equal to 2 times the value of such
 5760 enrollments. Such penalty shall be charged against the following
 5761 year's allocation from workforce education funds or the Florida
 5762 ~~Community~~ College System Program Fund and shall revert to the
 5763 General Revenue Fund. The State Board of Education shall
 5764 specify, as necessary in rule, approved methods of student fee
 5765 payment. Such methods must include, but need not be limited to,
 5766 student fee payment; payment through federal, state, or
 5767 institutional financial aid; and employer fee payments.

5768 (12) Each school district and Florida College System

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5769 | institution ~~community college~~ shall report only those students
 5770 | who have actually enrolled in instruction provided or supervised
 5771 | by instructional personnel under contract with the district or
 5772 | Florida College System institution ~~community college~~ in
 5773 | calculations of actual full-time enrollments for state funding
 5774 | purposes. A student who has been exempted from taking a course
 5775 | or who has been granted academic or technical credit through
 5776 | means other than actual coursework completed at the granting
 5777 | institution may not be calculated for enrollment in the course
 5778 | from which the student has been exempted or for which the
 5779 | student has been granted credit. School districts and Florida
 5780 | College System institutions ~~community colleges~~ that report
 5781 | enrollments in violation of this subsection shall be penalized
 5782 | at a rate equal to 2 times the value of such enrollments. Such
 5783 | penalty shall be charged against the following year's allocation
 5784 | from workforce education funds and shall revert to the General
 5785 | Revenue Fund.

5786 | Section 118. Section 1009.23, Florida Statutes, is amended
 5787 | to read:

5788 | 1009.23 Florida College System institution ~~Community~~
 5789 | ~~college~~ student fees.—

5790 | (1) Unless otherwise provided, this section applies only
 5791 | to fees charged for college credit instruction leading to an
 5792 | associate in arts degree, an associate in applied science
 5793 | degree, an associate in science degree, or a baccalaureate
 5794 | degree authorized pursuant to s. 1007.33, for noncollege credit
 5795 | college-preparatory courses defined in s. 1004.02, and for
 5796 | educator preparation institute programs defined in s. 1004.85.

5797 (2) (a) All students shall be charged fees except students
 5798 who are exempt from fees or students whose fees are waived.

5799 (b) Tuition and out-of-state fees for upper-division
 5800 courses must reflect the fact that the Florida College System
 5801 institution ~~community college~~ has a less expensive cost
 5802 structure than that of a state university. Therefore, the board
 5803 of trustees shall establish tuition and out-of-state fees for
 5804 upper-division courses in baccalaureate degree programs approved
 5805 pursuant to s. 1007.33 consistent with law and proviso language
 5806 in the General Appropriations Act. However, the board of
 5807 trustees may not vary tuition and out-of-state fees as provided
 5808 in subsection (4).

5809 (3) (a) Effective January 1, 2008, for advanced and
 5810 professional, postsecondary vocational, college preparatory, and
 5811 educator preparation institute programs, the following tuition
 5812 and fee rates shall apply:

5813 1. The standard tuition shall be \$51.35 per credit hour
 5814 for students who are residents for tuition purposes.

5815 2. The standard tuition shall be \$51.35 per credit hour
 5816 and the out-of-state fee shall be \$154.14 per credit hour for
 5817 students who are nonresidents for tuition purposes.

5818 (b) Effective January 1, 2008, for baccalaureate degree
 5819 programs, the following tuition and fee rates shall apply:

5820 1. The tuition shall be \$65.47 per credit hour for
 5821 students who are residents for tuition purposes.

5822 2. The sum of the tuition and the out-of-state fee per
 5823 credit hour for students who are nonresidents for tuition
 5824 purposes shall be no more than 85 percent of the sum of the

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5825 | tuition and the out-of-state fee at the state university nearest
 5826 | the Florida College System institution ~~community college~~.

5827 | (c) Beginning with the 2008-2009 fiscal year and each year
 5828 | thereafter, the tuition and the out-of-state fee shall increase
 5829 | at the beginning of each fall semester at a rate equal to
 5830 | inflation, unless otherwise provided in the General
 5831 | Appropriations Act. The Office of Economic and Demographic
 5832 | Research shall report the rate of inflation to the President of
 5833 | the Senate, the Speaker of the House of Representatives, the
 5834 | Governor, and the State Board of Education each year prior to
 5835 | March 1. For purposes of this paragraph, the rate of inflation
 5836 | shall be defined as the rate of the 12-month percentage change
 5837 | in the Consumer Price Index for All Urban Consumers, U.S. City
 5838 | Average, All Items, or successor reports as reported by the
 5839 | United States Department of Labor, Bureau of Labor Statistics,
 5840 | or its successor for December of the previous year. In the event
 5841 | the percentage change is negative, the tuition and the out-of-
 5842 | state fee per credit hour shall remain at the same levels as the
 5843 | prior fiscal year.

5844 | (4) Each Florida College System institution ~~community~~
 5845 | ~~college~~ board of trustees shall establish tuition and out-of-
 5846 | state fees, which may vary no more than 10 percent below and 15
 5847 | percent above the combined total of the standard tuition and
 5848 | fees established in subsection (3).

5849 | (5) Except as otherwise provided in law, the sum of
 5850 | nonresident student tuition and out-of-state fees must be
 5851 | sufficient to defray the full cost of each program.

5852 | (6) A Florida College System institution ~~community college~~

5853 board of trustees that has a service area that borders another
 5854 state may implement a plan for a differential out-of-state fee.

5855 (7) Each Florida College System institution ~~community~~
 5856 ~~college~~ board of trustees may establish a separate activity and
 5857 service fee not to exceed 10 percent of the tuition fee,
 5858 according to rules of the State Board of Education. The student
 5859 activity and service fee shall be collected as a component part
 5860 of the tuition and fees. The student activity and service fees
 5861 shall be paid into a student activity and service fund at the
 5862 Florida College System institution ~~community college~~ and shall
 5863 be expended for lawful purposes to benefit the student body in
 5864 general. These purposes include, but are not limited to, student
 5865 publications and grants to duly recognized student
 5866 organizations, the membership of which is open to all students
 5867 at the Florida College System institution ~~community college~~
 5868 without regard to race, sex, or religion. No Florida College
 5869 System institution ~~community college~~ shall be required to lower
 5870 any activity and service fee approved by the board of trustees
 5871 of the Florida College System institution ~~community college~~ and
 5872 in effect prior to October 26, 2007, in order to comply with the
 5873 provisions of this subsection.

5874 (8) (a) Each Florida College System institution ~~community~~
 5875 ~~college~~ board of trustees is authorized to establish a separate
 5876 fee for financial aid purposes in an additional amount up to,
 5877 but not to exceed, 5 percent of the total student tuition or
 5878 out-of-state fees collected. Each Florida College System
 5879 institution ~~community college~~ board of trustees may collect up
 5880 to an additional 2 percent if the amount generated by the total

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5881 financial aid fee is less than \$500,000. If the amount generated
 5882 is less than \$500,000, a Florida College System institution
 5883 ~~community college~~ that charges tuition and out-of-state fees at
 5884 least equal to the average fees established by rule may transfer
 5885 from the general current fund to the scholarship fund an amount
 5886 equal to the difference between \$500,000 and the amount
 5887 generated by the total financial aid fee assessment. No other
 5888 transfer from the general current fund to the loan, endowment,
 5889 or scholarship fund, by whatever name known, is authorized.

5890 (b) All funds collected under this program shall be placed
 5891 in the loan and endowment fund or scholarship fund of the
 5892 college, by whatever name known. Such funds shall be disbursed
 5893 to students as quickly as possible. An amount not greater than
 5894 40 percent of the fees collected in a fiscal year may be carried
 5895 forward unexpended to the following fiscal year. However, funds
 5896 collected prior to July 1, 1989, and placed in an endowment fund
 5897 may not be considered part of the balance of funds carried
 5898 forward unexpended to the following fiscal year.

5899 (c) Up to 25 percent or \$600,000, whichever is greater, of
 5900 the financial aid fees collected may be used to assist students
 5901 who demonstrate academic merit; who participate in athletics,
 5902 public service, cultural arts, and other extracurricular
 5903 programs as determined by the institution; or who are identified
 5904 as members of a targeted gender or ethnic minority population.
 5905 The financial aid fee revenues allocated for athletic
 5906 scholarships and fee exemptions provided pursuant to s.
 5907 1009.25(3) for athletes shall be distributed equitably as
 5908 required by s. 1000.05(3)(d). A minimum of 75 percent of the

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5909 balance of these funds for new awards shall be used to provide
 5910 financial aid based on absolute need, and the remainder of the
 5911 funds shall be used for academic merit purposes and other
 5912 purposes approved by the boards of trustees. Such other purposes
 5913 shall include the payment of child care fees for students with
 5914 financial need. The State Board of Education shall develop
 5915 criteria for making financial aid awards. Each college shall
 5916 report annually to the Department of Education on the revenue
 5917 collected pursuant to this paragraph, the amount carried
 5918 forward, the criteria used to make awards, the amount and number
 5919 of awards for each criterion, and a delineation of the
 5920 distribution of such awards. The report shall include an
 5921 assessment by category of the financial need of every student
 5922 who receives an award, regardless of the purpose for which the
 5923 award is received. Awards which are based on financial need
 5924 shall be distributed in accordance with a nationally recognized
 5925 system of need analysis approved by the State Board of
 5926 Education. An award for academic merit shall require a minimum
 5927 overall grade point average of 3.0 on a 4.0 scale or the
 5928 equivalent for both initial receipt of the award and renewal of
 5929 the award.

5930 (d) These funds may not be used for direct or indirect
 5931 administrative purposes or salaries.

5932 (9) Any Florida College System institution ~~community~~
 5933 ~~college~~ that reports students who have not paid fees in an
 5934 approved manner in calculations of full-time equivalent
 5935 enrollments for state funding purposes shall be penalized at a
 5936 rate equal to two times the value of such enrollments. Such

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5937 | penalty shall be charged against the following year's allocation
 5938 | from the Florida ~~Community~~ College System Program Fund and shall
 5939 | revert to the General Revenue Fund.

5940 | (10) Each Florida College System institution ~~community~~
 5941 | ~~college~~ board of trustees is authorized to establish a separate
 5942 | fee for technology, which may not exceed 5 percent of tuition
 5943 | per credit hour or credit-hour equivalent for resident students
 5944 | and may not exceed 5 percent of tuition and the out-of-state fee
 5945 | per credit hour or credit-hour equivalent for nonresident
 5946 | students. Revenues generated from the technology fee shall be
 5947 | used to enhance instructional technology resources for students
 5948 | and faculty. The technology fee may apply to both college credit
 5949 | and college-preparatory instruction and shall not be included in
 5950 | any award under the Florida Bright Futures Scholarship Program.
 5951 | Fifty percent of technology fee revenues may be pledged by a
 5952 | Florida College System institution ~~community college~~ board of
 5953 | trustees as a dedicated revenue source for the repayment of
 5954 | debt, including lease-purchase agreements, not to exceed the
 5955 | useful life of the asset being financed. Revenues generated from
 5956 | the technology fee may not be bonded.

5957 | (11) (a) Each Florida College System institution ~~community~~
 5958 | ~~college~~ board of trustees may establish a separate fee for
 5959 | capital improvements, technology enhancements, or equipping
 5960 | student buildings which may not exceed 10 percent of tuition for
 5961 | resident students or 10 percent of the sum of tuition and out-
 5962 | of-state fees for nonresident students. The fee for resident
 5963 | students shall be limited to an increase of \$2 per credit hour
 5964 | over the prior year. Funds collected by Florida College System

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5965 institutions ~~community colleges~~ through the fee may be bonded
5966 only as provided in this subsection for the purpose of financing
5967 or refinancing new construction and equipment, renovation, or
5968 remodeling of educational facilities. The fee shall be collected
5969 as a component part of the tuition and fees, paid into a
5970 separate account, and expended only to construct and equip,
5971 maintain, improve, or enhance the educational facilities of the
5972 Florida College System institution ~~community college~~. Projects
5973 funded through the use of the capital improvement fee shall meet
5974 the survey and construction requirements of chapter 1013.
5975 Pursuant to s. 216.0158, each Florida College System institution
5976 ~~community college~~ shall identify each project, including
5977 maintenance projects, proposed to be funded in whole or in part
5978 by such fee.

5979 (b) Capital improvement fee revenues may be pledged by a
5980 board of trustees as a dedicated revenue source to the repayment
5981 of debt, including lease-purchase agreements, with an overall
5982 term of not more than 7 years, including renewals, extensions,
5983 and refundings, and revenue bonds with a term not exceeding 20
5984 annual maturities and not exceeding the useful life of the asset
5985 being financed, only for financing or refinancing of the new
5986 construction and equipment, renovation, or remodeling of
5987 educational facilities. Bonds authorized pursuant to this
5988 subsection shall be requested by the Florida College System
5989 institution ~~community college~~ board of trustees and shall be
5990 issued by the Division of Bond Finance in compliance with s.
5991 11(d), Art. VII of the State Constitution and the State Bond
5992 Act. The Division of Bond Finance may pledge fees collected by

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5993 | one or more Florida College System institutions ~~community~~
 5994 | ~~colleges~~ to secure such bonds. Any project included in the
 5995 | approved educational plant survey pursuant to chapter 1013 is
 5996 | approved pursuant to s. 11(f), Art. VII of the State
 5997 | Constitution.

5998 | (c) Bonds issued pursuant to this subsection may be
 5999 | validated in the manner provided by chapter 75. Only the initial
 6000 | series of bonds is required to be validated. The complaint for
 6001 | such validation shall be filed in the circuit court of the
 6002 | county where the seat of state government is situated, the
 6003 | notice required to be published by s. 75.06 shall be published
 6004 | only in the county where the complaint is filed, and the
 6005 | complaint and order of the circuit court shall be served only on
 6006 | the state attorney of the circuit in which the action is
 6007 | pending.

6008 | (d) A maximum of 15 percent may be allocated from the
 6009 | capital improvement fee for child care centers conducted by the
 6010 | Florida College System institution ~~community college~~. The use of
 6011 | capital improvement fees for such purpose shall be subordinate
 6012 | to the payment of any bonds secured by the fees.

6013 | (e) The state does hereby covenant with the holders of the
 6014 | bonds issued under this subsection that it will not take any
 6015 | action that will materially and adversely affect the rights of
 6016 | such holders so long as the bonds authorized by this subsection
 6017 | are outstanding.

6018 | (12) (a) In addition to tuition, out-of-state, financial
 6019 | aid, capital improvement, student activity and service, and
 6020 | technology fees authorized in this section, each Florida College

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6021 System institution ~~community college~~ board of trustees is
 6022 authorized to establish fee schedules for the following user
 6023 fees and fines: laboratory fees, which do not apply to a
 6024 distance learning course; parking fees and fines; library fees
 6025 and fines; fees and fines relating to facilities and equipment
 6026 use or damage; access or identification card fees; duplicating,
 6027 photocopying, binding, or microfilming fees; standardized
 6028 testing fees; diploma replacement fees; transcript fees;
 6029 application fees; graduation fees; and late fees related to
 6030 registration and payment. Such user fees and fines shall not
 6031 exceed the cost of the services provided and shall only be
 6032 charged to persons receiving the service. A Florida College
 6033 System institution ~~community college~~ may not charge any fee
 6034 except as authorized by law. Parking fee revenues may be pledged
 6035 by a Florida College System institution ~~community college~~ board
 6036 of trustees as a dedicated revenue source for the repayment of
 6037 debt, including lease-purchase agreements, with an overall term
 6038 of not more than 7 years, including renewals, extensions, and
 6039 refundings, and revenue bonds with a term not exceeding 20 years
 6040 and not exceeding the useful life of the asset being financed.
 6041 Florida College System institutions ~~Community colleges~~ shall use
 6042 the services of the Division of Bond Finance of the State Board
 6043 of Administration to issue any revenue bonds authorized by this
 6044 subsection. Any such bonds issued by the Division of Bond
 6045 Finance shall be in compliance with the provisions of the State
 6046 Bond Act. Bonds issued pursuant to the State Bond Act may be
 6047 validated in the manner established in chapter 75. The complaint
 6048 for such validation shall be filed in the circuit court of the

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6049 | county where the seat of state government is situated, the
 6050 | notice required to be published by s. 75.06 shall be published
 6051 | only in the county where the complaint is filed, and the
 6052 | complaint and order of the circuit court shall be served only on
 6053 | the state attorney of the circuit in which the action is
 6054 | pending.

6055 | (b) The State Board of Education may adopt rules pursuant
 6056 | to ss. 120.536(1) and 120.54 to administer this subsection.

6057 | (13) The State Board of Education shall specify, as
 6058 | necessary, by rule, approved methods of student fee payment.
 6059 | Such methods shall include, but not be limited to, student fee
 6060 | payment; payment through federal, state, or institutional
 6061 | financial aid; and employer fee payments.

6062 | (14) Each Florida College System institution ~~community~~
 6063 | ~~college~~ board of trustees shall report only those students who
 6064 | have actually enrolled in instruction provided or supervised by
 6065 | instructional personnel under contract with the Florida College
 6066 | System institution ~~community college~~ in calculations of actual
 6067 | full-time equivalent enrollments for state funding purposes. No
 6068 | student who has been exempted from taking a course or who has
 6069 | been granted academic or career credit through means other than
 6070 | actual coursework completed at the granting institution shall be
 6071 | calculated for enrollment in the course from which he or she has
 6072 | been exempted or granted credit. Florida College System
 6073 | institutions ~~Community colleges~~ that report enrollments in
 6074 | violation of this subsection shall be penalized at a rate equal
 6075 | to two times the value of such enrollments. Such penalty shall
 6076 | be charged against the following year's allocation from the

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6077 Florida ~~Community~~ College System Program Fund and shall revert
 6078 to the General Revenue Fund.

6079 (15) Each Florida College System institution ~~community~~
 6080 ~~college~~ may assess a service charge for the payment of tuition
 6081 and fees in installments and a convenience fee for the
 6082 processing of automated or online credit card payments. However,
 6083 the amount of the convenience fee may not exceed the total cost
 6084 charged by the credit card company to the Florida College System
 6085 institution ~~community college~~. Such service charge or
 6086 convenience fee must be approved by the Florida College System
 6087 institution ~~community college~~ board of trustees.

6088 (16) (a) Each Florida College System institution ~~community~~
 6089 ~~college~~ may assess a student who enrolls in a course listed in
 6090 the Florida Higher Education Distance Learning Catalog,
 6091 established pursuant to s. 1004.09, a per-credit-hour distance
 6092 learning course user fee. For purposes of assessing this fee, a
 6093 distance learning course is a course in which at least 80
 6094 percent of the direct instruction of the course is delivered
 6095 using some form of technology when the student and instructor
 6096 are separated by time or space, or both.

6097 (b) The amount of the distance learning course user fee
 6098 may not exceed the additional costs of the services provided
 6099 which are attributable to the development and delivery of the
 6100 distance learning course. If a Florida College System
 6101 institution ~~community college~~ assesses the distance learning
 6102 course user fee, the institution may not assess any other fees
 6103 to cover the additional costs. By September 1 of each year, each
 6104 board of trustees shall report to the Division of Florida

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6105 Colleges the total amount of revenue generated by the distance
 6106 learning course user fee for the prior fiscal year and how the
 6107 revenue was expended.

6108 (c) The link for the catalog must be prominently displayed
 6109 within the advising and distance learning sections of the
 6110 institution's website, using a graphic and description provided
 6111 by the Florida Distance Learning Consortium, to inform students
 6112 of the catalog.

6113 (17) The State Board of Education shall adopt a rule
 6114 specifying the definitions and procedures to be used in the
 6115 calculation of the percentage of cost paid by students. The rule
 6116 must provide for the calculation of the full cost of educational
 6117 programs based on the allocation of all funds provided through
 6118 the general current fund to programs of instruction, and other
 6119 activities as provided in the annual expenditure analysis. The
 6120 rule shall be developed in consultation with the Legislature.

6121 Section 119. Subsections (2) and (3) of section 1009.25,
 6122 Florida Statutes, are amended to read:

6123 1009.25 Fee exemptions.—

6124 (2) The following students are exempt from the payment of
 6125 tuition and fees, including lab fees, at a school district that
 6126 provides postsecondary career programs, Florida College System
 6127 institution ~~community college~~, or state university:

6128 (a) A student enrolled in a dual enrollment or early
 6129 admission program pursuant to s. 1007.27 or s. 1007.271.

6130 (b) A student enrolled in an approved apprenticeship
 6131 program, as defined in s. 446.021.

6132 (c) A student who is or was at the time he or she reached

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6133 | 18 years of age in the custody of the Department of Children and
 6134 | Family Services or who, after spending at least 6 months in the
 6135 | custody of the department after reaching 16 years of age, was
 6136 | placed in a guardianship by the court. Such exemption includes
 6137 | fees associated with enrollment in career-preparatory
 6138 | instruction. The exemption remains valid until the student
 6139 | reaches 28 years of age.

6140 | (d) A student who is or was at the time he or she reached
 6141 | 18 years of age in the custody of a relative under s. 39.5085 or
 6142 | who was adopted from the Department of Children and Family
 6143 | Services after May 5, 1997. Such exemption includes fees
 6144 | associated with enrollment in career-preparatory instruction.
 6145 | The exemption remains valid until the student reaches 28 years
 6146 | of age.

6147 | (e) A student enrolled in an employment and training
 6148 | program under the welfare transition program. The regional
 6149 | workforce board shall pay the state university, Florida College
 6150 | System institution ~~community college~~, or school district for
 6151 | costs incurred for welfare transition program participants.

6152 | (f) A student who lacks a fixed, regular, and adequate
 6153 | nighttime residence or whose primary nighttime residence is a
 6154 | public or private shelter designed to provide temporary
 6155 | residence for individuals intended to be institutionalized, or a
 6156 | public or private place not designed for, or ordinarily used as,
 6157 | a regular sleeping accommodation for human beings.

6158 | (g) A student who is a proprietor, owner, or worker of a
 6159 | company whose business has been at least 50 percent negatively
 6160 | financially impacted by the buyout of property around Lake

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6161 Apopka by the State of Florida. Such student may receive a fee
 6162 exemption only if the student has not received compensation
 6163 because of the buyout, the student is designated a Florida
 6164 resident for tuition purposes, pursuant to s. 1009.21, and the
 6165 student has applied for and been denied financial aid, pursuant
 6166 to s. 1009.40, which would have provided, at a minimum, payment
 6167 of all student fees. The student is responsible for providing
 6168 evidence to the postsecondary education institution verifying
 6169 that the conditions of this paragraph have been met, including
 6170 supporting documentation provided by the Department of Revenue.
 6171 The student must be currently enrolled in, or begin coursework
 6172 within, a program area by fall semester 2000. The exemption is
 6173 valid for a period of 4 years after the date that the
 6174 postsecondary education institution confirms that the conditions
 6175 of this paragraph have been met.

6176 (3) Each Florida College System institution ~~community~~
 6177 ~~college~~ is authorized to grant student fee exemptions from all
 6178 fees adopted by the State Board of Education and the Florida
 6179 College System institution ~~community college~~ board of trustees
 6180 for up to 40 full-time equivalent students at each institution.

6181 Section 120. Subsections (1), (7), (8), and (10) of
 6182 section 1009.26, Florida Statutes, are amended to read:

6183 1009.26 Fee waivers.—

6184 (1) School districts and Florida College System
 6185 institutions ~~community colleges~~ may waive fees for any fee-
 6186 nonexempt student. The total value of fee waivers granted by the
 6187 school district or Florida College System institution ~~community~~
 6188 ~~college~~ may not exceed the amount established annually in the

6189 | General Appropriations Act. Any student whose fees are waived in
 6190 | excess of the authorized amount may not be reported for state
 6191 | funding purposes. Any school district or Florida College System
 6192 | institution ~~community college~~ that waives fees and requests
 6193 | state funding for a student in violation of the provisions of
 6194 | this section shall be penalized at a rate equal to 2 times the
 6195 | value of the full-time student enrollment reported.

6196 | (7) The spouse of a deceased state employee is entitled,
 6197 | when eligible for the payment of student fees by the state as
 6198 | employer pursuant to s. 440.16, in lieu of such payment, to a
 6199 | full waiver of student fees for up to 80 semester hours in any
 6200 | Florida College System institution ~~community college~~.

6201 | (8) A state university or Florida College System
 6202 | institution ~~community college~~ shall waive undergraduate tuition
 6203 | for each recipient of a Purple Heart or another combat
 6204 | decoration superior in precedence who:

6205 | (a) Is enrolled as a full-time, part-time, or summer-
 6206 | school student in an undergraduate program that terminates in a
 6207 | degree or certificate;

6208 | (b) Is currently, and was at the time of the military
 6209 | action that resulted in the awarding of the Purple Heart or
 6210 | other combat decoration superior in precedence, a resident of
 6211 | this state; and

6212 | (c) Submits to the state university or the Florida College
 6213 | System institution ~~community college~~ the DD-214 form issued at
 6214 | the time of separation from service as documentation that the
 6215 | student has received a Purple Heart or another combat decoration
 6216 | superior in precedence.

6217
 6218 Such a waiver for a Purple Heart recipient or recipient of
 6219 another combat decoration superior in precedence shall be
 6220 applicable for 110 percent of the number of required credit
 6221 hours of the degree or certificate program for which the student
 6222 is enrolled.

6223 (10) A state university or Florida College System
 6224 institution ~~community college~~ may waive tuition and fees for a
 6225 classroom teacher, as defined in s. 1012.01(2)(a), who is
 6226 employed full-time by a school district and who meets the
 6227 academic requirements established by the Florida College System
 6228 institution ~~community college~~ or state university for up to 6
 6229 credit hours per term on a space-available basis in
 6230 undergraduate courses approved by the Department of Education.
 6231 Such courses shall be limited to undergraduate courses related
 6232 to special education, mathematics, or science. The waiver may
 6233 not be used for courses scheduled during the school district's
 6234 regular school day. The State Board of Education shall adopt a
 6235 rule that prescribes the process for the approval of courses by
 6236 the department.

6237 Section 121. Subsections (1), (2), (3), and (4) of section
 6238 1009.265, Florida Statutes, are amended to read:

6239 1009.265 State employee fee waivers.—

6240 (1) As a benefit to the employer and employees of the
 6241 state, subject to approval by an employee's agency head or the
 6242 equivalent, each state university and Florida College System
 6243 institution ~~community college~~ shall waive tuition and fees for
 6244 state employees to enroll for up to 6 credit hours of courses

6245 | per term on a space-available basis.

6246 | (2) The Chief Financial Officer, in cooperation with the
 6247 | Florida College System institutions ~~community colleges~~ and state
 6248 | universities, shall identify and implement ways to ease the
 6249 | administrative burden to Florida College System institutions
 6250 | ~~community colleges~~ and state universities, including, but not
 6251 | limited to, providing easier access to verify state employment.

6252 | (3) From funds appropriated by the Legislature for
 6253 | administrative costs to implement this section, Florida College
 6254 | System institutions ~~community colleges~~ and state universities
 6255 | shall be reimbursed on a pro rata basis according to the cost
 6256 | assessment data developed by the Department of Education.

6257 | (4) The Auditor General shall include a review of the cost
 6258 | assessment data in conjunction with his or her audit
 6259 | responsibilities for Florida College System institutions
 6260 | ~~community colleges~~, state universities, and the Department of
 6261 | Education.

6262 | Section 122. Subsections (1) and (3) of section 1009.27,
 6263 | Florida Statutes, are amended to read:

6264 | 1009.27 Deferral of fees.—

6265 | (1) School districts, Florida College System institutions
 6266 | ~~community colleges~~, and state universities may defer tuition and
 6267 | fees for students receiving financial aid from a federal or
 6268 | state assistance program when the aid is delayed in being
 6269 | transmitted to the student through circumstances beyond the
 6270 | control of the student. The failure to make timely application
 6271 | for the aid is an insufficient reason to receive a deferral of
 6272 | fees.

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6273 (3) Each school district, Florida College System
 6274 institution ~~community college~~, and state university is
 6275 responsible for collecting all deferred fees. If a school
 6276 district, Florida College System institution ~~community college~~,
 6277 or state university has not collected a deferred fee, the
 6278 student may not earn state funding for any course for which the
 6279 student subsequently registers until the fee has been paid.

6280 Section 123. Section 1009.28, Florida Statutes, is amended
 6281 to read:

6282 1009.28 Fees for repeated enrollment in college-
 6283 preparatory classes.—A student enrolled in the same college-
 6284 preparatory class more than twice shall pay 100 percent of the
 6285 full cost of instruction to support continuous enrollment of
 6286 that student in the same class, and the student shall not be
 6287 included in calculations of full-time equivalent enrollments for
 6288 state funding purposes; however, students who withdraw or fail a
 6289 class due to extenuating circumstances may be granted an
 6290 exception only once for each class, provided approval is granted
 6291 according to policy established by the board of trustees. Each
 6292 Florida College System institution ~~community college~~ may review
 6293 and reduce fees paid by students due to continued enrollment in
 6294 a college-preparatory class on an individual basis contingent
 6295 upon the student's financial hardship, pursuant to definitions
 6296 and fee levels established by the State Board of Education.

6297 Section 124. Section 1009.285, Florida Statutes, is
 6298 amended to read:

6299 1009.285 Fees for repeated enrollment in college-credit
 6300 courses.—A student enrolled in the same undergraduate college-

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6301 credit course more than twice shall pay tuition at 100 percent
 6302 of the full cost of instruction and shall not be included in
 6303 calculations of full-time equivalent enrollments for state
 6304 funding purposes. However, students who withdraw or fail a class
 6305 due to extenuating circumstances may be granted an exception
 6306 only once for each class, provided that approval is granted
 6307 according to policy established by the Florida College System
 6308 institution ~~community college~~ board of trustees or the
 6309 university board of trustees. Each Florida College System
 6310 institution ~~community college~~ and state university may review
 6311 and reduce fees paid by students due to continued enrollment in
 6312 a college-credit class on an individual basis contingent upon
 6313 the student's financial hardship. For purposes of this section,
 6314 first-time enrollment in a class shall mean enrollment in a
 6315 class beginning fall semester 1997, and calculations of the full
 6316 cost of instruction shall be based on the systemwide average of
 6317 the prior year's cost of undergraduate programs for the Florida
 6318 College System institutions ~~community colleges~~ and the state
 6319 universities. Boards of trustees may make exceptions to this
 6320 section for individualized study, elective coursework, courses
 6321 that are repeated as a requirement of a major, and courses that
 6322 are intended as continuing over multiple semesters, excluding
 6323 the repeat of coursework more than two times to increase grade
 6324 point average or meet minimum course grade requirements.

6325 Section 125. Subsections (5), (6), and (7) of section
 6326 1009.286, Florida Statutes, are amended to read:

6327 1009.286 Additional student payment for hours exceeding
 6328 baccalaureate degree program completion requirements at state

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6329 universities.-

6330 (5) Each state university and Florida College System
 6331 institution ~~community college~~ shall implement a process for
 6332 notifying students regarding the provisions of this section.
 6333 Notice must be provided by a state university or a Florida
 6334 College System institution ~~community college~~ upon a student's
 6335 initial enrollment in the institution. Such notice must be
 6336 provided a second time by a state university when a student has
 6337 earned the credit hours required to complete the baccalaureate
 6338 degree program in which the student is enrolled. The notice must
 6339 include a recommendation that each student who intends to earn
 6340 credit hours at the institution in excess of the credit hours
 6341 required for the baccalaureate degree program in which the
 6342 student is enrolled meet with his or her academic advisor.

6343 (6) For purposes of this section, the term "state
 6344 university" includes the institutions identified in s.
 6345 1000.21(6) and the term "Florida College System institution
 6346 ~~community college~~" includes the institutions identified in s.
 6347 1000.21(3).

6348 (7) The provisions of this section become effective for
 6349 students who enter a Florida College System institution
 6350 ~~community college~~ or a state university for the first time in
 6351 the 2009-2010 academic year and thereafter.

6352 Section 126. Subsection (1) of section 1009.29, Florida
 6353 Statutes, is amended to read:

6354 1009.29 Increased fees for funding financial aid program.-

6355 (1) Student tuition and registration fees at each state
 6356 university and Florida College System institution ~~community~~

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6357 | ~~college~~ shall include up to \$4.68 per quarter, or \$7.02 per
 6358 | semester, per full-time student, or the per-student credit hour
 6359 | equivalents of such amounts. The fees provided for by this
 6360 | section shall be adjusted from time to time, as necessary, to
 6361 | comply with the debt service coverage requirements of the
 6362 | student loan revenue bonds issued pursuant to s. 1009.79. If the
 6363 | Division of Bond Finance of the State Board of Administration
 6364 | and the Commissioner of Education determine that such fees are
 6365 | no longer required as security for revenue bonds issued pursuant
 6366 | to ss. 1009.78-1009.88, moneys previously collected pursuant to
 6367 | this section which are held in escrow, after administrative
 6368 | expenses have been met and up to \$150,000 has been used to
 6369 | establish a financial aid data processing system for the state
 6370 | universities incorporating the necessary features to meet the
 6371 | needs of all 11 universities for application through
 6372 | disbursement processing, shall be reallocated to the generating
 6373 | institutions to be used for student financial aid programs,
 6374 | including, but not limited to, scholarships and grants for
 6375 | educational purposes. Upon such determination, such fees shall
 6376 | no longer be assessed and collected.

6377 | Section 127. Paragraph (a) of subsection (1) of section
 6378 | 1009.40, Florida Statutes, is amended to read:

6379 | 1009.40 General requirements for student eligibility for
 6380 | state financial aid awards and tuition assistance grants.-

6381 | (1) (a) The general requirements for eligibility of
 6382 | students for state financial aid awards and tuition assistance
 6383 | grants consist of the following:

6384 | 1. Achievement of the academic requirements of and

6385 | acceptance at a state university or Florida College System
 6386 | institution ~~community college~~; a nursing diploma school approved
 6387 | by the Florida Board of Nursing; a Florida college, or
 6388 | university, ~~or community college~~ which is accredited by an
 6389 | accrediting agency recognized by the State Board of Education;
 6390 | any Florida institution the credits of which are acceptable for
 6391 | transfer to state universities; any career center; or any
 6392 | private career institution accredited by an accrediting agency
 6393 | recognized by the State Board of Education.

6394 | 2. Residency in this state for no less than 1 year
 6395 | preceding the award of aid or a tuition assistance grant for a
 6396 | program established pursuant to s. 1009.50, s. 1009.505, s.
 6397 | 1009.51, s. 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s.
 6398 | 1009.57, s. 1009.60, s. 1009.62, s. 1009.68, s. 1009.72, s.
 6399 | 1009.73, s. 1009.77, s. 1009.89, or s. 1009.891. Residency in
 6400 | this state must be for purposes other than to obtain an
 6401 | education. Resident status for purposes of receiving state
 6402 | financial aid awards shall be determined in the same manner as
 6403 | resident status for tuition purposes pursuant to s. 1009.21.

6404 | 3. Submission of certification attesting to the accuracy,
 6405 | completeness, and correctness of information provided to
 6406 | demonstrate a student's eligibility to receive state financial
 6407 | aid awards or tuition assistance grants. Falsification of such
 6408 | information shall result in the denial of any pending
 6409 | application and revocation of any award or grant currently held
 6410 | to the extent that no further payments shall be made.
 6411 | Additionally, students who knowingly make false statements in
 6412 | order to receive state financial aid awards or tuition

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6413 assistance grants commit a misdemeanor of the second degree
 6414 subject to the provisions of s. 837.06 and shall be required to
 6415 return all state financial aid awards or tuition assistance
 6416 grants wrongfully obtained.

6417 Section 128. Subsection (2) of section 1009.42, Florida
 6418 Statutes, is amended to read:

6419 1009.42 Financial aid appeal process.—

6420 (2) The president of each state university and each
 6421 Florida College System institution ~~community college~~ shall
 6422 establish a procedure for appeal, by students, of grievances
 6423 related to the award or administration of financial aid at the
 6424 institution.

6425 Section 129. Section 1009.44, Florida Statutes, is amended
 6426 to read:

6427 1009.44 Need-based financial aid; no preference to
 6428 students receiving other aid.—From the funds collected by state
 6429 universities and Florida College System institutions ~~community~~
 6430 ~~colleges~~ as a financial aid fee and from other funds
 6431 appropriated by the Legislature for financial aid from the
 6432 Educational Enhancement Trust Fund, institutions shall expend
 6433 those moneys designated as need-based financial aid with no
 6434 preference given to students who also qualify for merit-based or
 6435 other financial aid awards.

6436 Section 130. Paragraph (a) of subsection (2) and paragraph
 6437 (b) of subsection (4) of section 1009.50, Florida Statutes, are
 6438 amended to read:

6439 1009.50 Florida Public Student Assistance Grant Program;
 6440 eligibility for grants.—

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6441 (2) (a) State student assistance grants through the program
6442 may be made only to degree-seeking students who enroll in at
6443 least 6 semester hours, or the equivalent per term, and who meet
6444 the general requirements for student eligibility as provided in
6445 s. 1009.40, except as otherwise provided in this section. The
6446 grants shall be awarded annually for the amount of demonstrated
6447 unmet need for the cost of education and may not exceed an
6448 amount equal to the average prior academic year cost of tuition
6449 fees and other registration fees for 30 credit hours at state
6450 universities or such other amount as specified in the General
6451 Appropriations Act, to any recipient. A demonstrated unmet need
6452 of less than \$200 shall render the applicant ineligible for a
6453 state student assistance grant. Recipients of the grants must
6454 have been accepted at a state university or Florida College
6455 System institution ~~community college~~ authorized by Florida law.
6456 A student is eligible for the award for 110 percent of the
6457 number of credit hours required to complete the program in which
6458 enrolled, except as otherwise provided in s. 1009.40(3).

6459 (4)

6460 (b) Payment of Florida public student assistance grants
6461 shall be transmitted to the president of the state university or
6462 Florida College System institution ~~community college~~, or to his
6463 or her representative, in advance of the registration period.
6464 Institutions shall notify students of the amount of their
6465 awards.

6466 Section 131. Paragraphs (b) and (c) of subsection (2),
6467 paragraph (a) of subsection (3), and paragraphs (a) and (b) of
6468 subsection (4) of section 1009.505, Florida Statutes, are

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6469 amended to read:

6470 1009.505 Florida Public Postsecondary Career Education
6471 Student Assistance Grant Program.—

6472 (2) For purposes of this section, the term:

6473 (b) "Half-time" means the equivalent in clock hours at a
6474 public postsecondary career certificate program of 6 semester
6475 credit hours at a Florida College System institution ~~community~~
6476 ~~college~~.

6477 (c) "Public postsecondary career certificate program"
6478 means a postsecondary program that consists of 450 or more clock
6479 hours, is offered by a Florida College System institution
6480 ~~community college~~ authorized by Florida law or by a career
6481 center operated by a district school board under s. 1001.44, and
6482 terminates in a career certificate.

6483 (3) (a) Student assistance grants through the program may
6484 be made only to certificate-seeking students enrolled at least
6485 half-time in a public postsecondary career certificate program
6486 who meet the general requirements for student eligibility as
6487 provided in s. 1009.40, except as otherwise provided in this
6488 section. The grants shall be awarded annually to any recipient
6489 for the amount of demonstrated unmet need for the cost of
6490 education and may not exceed the average annual cost of tuition
6491 and registration fees or such other amount as specified in the
6492 General Appropriations Act. A demonstrated unmet need of less
6493 than \$200 shall render the applicant ineligible for a grant
6494 under this section. Recipients of the grants must have been
6495 accepted at a Florida College System institution ~~community~~
6496 ~~college~~ authorized by Florida law or a career center operated by

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6497 a district school board under s. 1001.44. A student is eligible
 6498 for the award for 110 percent of the number of clock hours
 6499 required to complete the program in which enrolled.

6500 (4) (a) The funds appropriated for the Florida Public
 6501 Postsecondary Career Education Student Assistance Grant Program
 6502 shall be distributed to eligible Florida College System
 6503 institutions ~~community colleges~~ and district school boards in
 6504 accordance with a formula approved by the department.

6505 (b) Payment of Florida public postsecondary career
 6506 education student assistance grants shall be transmitted to the
 6507 president of the Florida College System institution ~~community~~
 6508 ~~college~~ or to the district school superintendent, or to the
 6509 designee thereof, in advance of the registration period.
 6510 Institutions shall notify students of the amount of their
 6511 awards.

6512 Section 132. Subsection (1) of section 1009.533, Florida
 6513 Statutes, is amended to read:

6514 1009.533 Florida Bright Futures Scholarship Program;
 6515 eligible postsecondary education institutions.—A student is
 6516 eligible for an award or the renewal of an award from the
 6517 Florida Bright Futures Scholarship Program if the student meets
 6518 the requirements for the program as described in this act and is
 6519 enrolled in a postsecondary education institution that meets the
 6520 description in any one of the following subsections:

6521 (1) A Florida public university, Florida College System
 6522 institution ~~community college~~, or career center.

6523 Section 133. Subsection (2) of section 1009.535, Florida
 6524 Statutes, is amended to read:

6525 1009.535 Florida Medallion Scholars award.—
 6526 (2) A Florida Medallion Scholar is eligible for an award
 6527 equal to the amount required to pay 75 percent of tuition and
 6528 fees if the student is enrolled in a state university or a
 6529 baccalaureate degree program authorized pursuant to s. 1007.33.
 6530 A Florida Medallion Scholar is eligible for an award equal to
 6531 the amount required to pay 100 percent of tuition and fees for
 6532 college credit courses leading to an associate degree if the
 6533 student is enrolled in a Florida College System institution
 6534 ~~community college~~. A student who is enrolled in a nonpublic
 6535 postsecondary education institution is eligible for an award
 6536 equal to the amount that would be required to pay 75 percent of
 6537 the tuition and fees of a public postsecondary education
 6538 institution at the comparable level.

6539 Section 134. Paragraph (d) of subsection (2) and paragraph
 6540 (c) of subsection (3) of section 1009.55, Florida Statutes, are
 6541 amended to read:

6542 1009.55 Rosewood Family Scholarship Program.—

6543 (2) The Rosewood Family Scholarship Program shall be
 6544 administered by the Department of Education. The State Board of
 6545 Education shall adopt rules for administering this program which
 6546 shall at a minimum provide for the following:

6547 (d) Payment of an award shall be transmitted in advance of
 6548 the registration period each semester on behalf of the student
 6549 to the president of the university or Florida College System
 6550 institution ~~community college~~, or his or her representative, or
 6551 to the director of the career center which the recipient is
 6552 attending.

6553 (3) Beginning with the 1994-1995 academic year, the
 6554 department is authorized to make awards for undergraduate study
 6555 to students who:

6556 (c) Enroll as certificate-seeking or degree-seeking
 6557 students at a state university, Florida College System
 6558 institution ~~community college~~, or career center authorized by
 6559 law.

6560 Section 135. Paragraph (b) of subsection (2) of section
 6561 1009.56, Florida Statutes, is amended to read:

6562 1009.56 Seminole and Miccosukee Indian Scholarships.—

6563 (2) The department shall award scholarships to students
 6564 who:

6565 (b) Are enrolled at a state university or Florida College
 6566 System institution ~~community college~~ authorized by Florida law;
 6567 a nursing diploma school approved by the Board of Nursing; any
 6568 Florida college, or university, ~~or community college~~ which is
 6569 accredited by an accrediting association whose standards are
 6570 comparable to the minimum standards required to operate an
 6571 institution at that level in Florida, as determined by rules of
 6572 the Commission for Independent Education; or any Florida
 6573 institution the credits of which are acceptable for transfer to
 6574 state universities;

6575 Section 136. Section 1009.60, Florida Statutes, is amended
 6576 to read:

6577 1009.60 Minority teacher education scholars program.—There
 6578 is created the minority teacher education scholars program,
 6579 which is a collaborative performance-based scholarship program
 6580 for African-American, Hispanic-American, Asian-American, and

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6581 Native American students. The participants in the program
 6582 include Florida's Florida College System institutions ~~community~~
 6583 ~~colleges~~ and its public and private universities that have
 6584 teacher education programs.

6585 (1) The minority teacher education scholars program shall
 6586 provide an annual scholarship in an amount that shall be
 6587 prorated based on available appropriations and may not exceed
 6588 \$4,000 for each approved minority teacher education scholar who
 6589 is enrolled in one of Florida's public or private universities
 6590 in the junior year and is admitted into a teacher education
 6591 program.

6592 (2) To assist each participating education institution in
 6593 the recruitment and retention of minority teacher scholars, the
 6594 administrators of the Florida Fund for Minority Teachers, Inc.,
 6595 shall implement a systemwide training program. The training
 6596 program must include an annual conference or series of
 6597 conferences for students who are in the program or who are
 6598 identified by a high school or a Florida College System
 6599 institution ~~community college~~ as likely candidates for the
 6600 program. The training program must also include research about
 6601 and dissemination concerning successful activities or programs
 6602 that recruit minority students for teacher education and retain
 6603 them through graduation, certification, and employment. Staff
 6604 employed by the corporation may work with each participating
 6605 education institution to assure that local faculty and
 6606 administrators receive the benefit of all available research and
 6607 resources to increase retention of their minority teacher
 6608 education scholars.

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6609 (3) The total amount appropriated annually for new
6610 scholarships in the program must be divided by \$4,000 and by the
6611 number of participating colleges and universities. Each
6612 participating institution has access to the same number of
6613 scholarships and may award all of them to eligible minority
6614 students. If a college or university does not award all of its
6615 scholarships by the date set by the program administration at
6616 the Florida Fund for Minority Teachers, Inc., the remaining
6617 scholarships must be transferred to another institution that has
6618 eligible students. If the total amount appropriated for new
6619 scholarships is insufficient to award \$4,000 to each eligible
6620 student, the amount of the scholarship shall be prorated based
6621 on available appropriations.

6622 (4) A student may receive a scholarship from the program
6623 for 3 consecutive years if the student remains enrolled full-
6624 time in the program and makes satisfactory progress toward a
6625 baccalaureate degree with a major in education.

6626 (5) If a minority teacher education scholar graduates and
6627 is employed as a teacher by a Florida district school board, the
6628 scholar is not required to repay the scholarship amount so long
6629 as the scholar teaches in a Florida public school. A scholar may
6630 repay the entire scholarship amount by remaining employed as a
6631 Florida public school teacher for 1 year for each year he or she
6632 received the scholarship.

6633 (6) If a minority teacher education scholar does not
6634 graduate within 3 years, or if the scholar graduates but does
6635 not teach in a Florida public school, the scholar must repay the
6636 total amount awarded, plus annual interest of 8 percent.

6637 (a) Interest begins accruing the first day of the 13th
 6638 month after the month in which the recipient completes an
 6639 approved teacher education program or after the month in which
 6640 enrollment as a full-time student is terminated. Interest does
 6641 not accrue during any period of deferment or eligible teaching
 6642 service.

6643 (b) The repayment period begins the first day of the 13th
 6644 month after the month in which the recipient completes an
 6645 approved teacher education program or after the month in which
 6646 enrollment as a full-time student is terminated.

6647 (c) The terms and conditions of the scholarship repayment
 6648 must be contained in a promissory note and a repayment schedule.
 6649 The loan must be paid within 10 years after the date of
 6650 graduation or termination of full-time enrollment, including any
 6651 periods of deferment. A shorter repayment period may be granted.
 6652 The minimum monthly repayment is \$50 or the unpaid balance,
 6653 unless otherwise approved, except that the monthly payment may
 6654 not be less than the accruing interest. The recipient may prepay
 6655 any part of the scholarship without penalty.

6656 (d) The holder of the promissory note may grant a
 6657 deferment of repayment for a recipient who is a full-time
 6658 student, who is unable to secure a teaching position that would
 6659 qualify as repayment, who becomes disabled, or who experiences
 6660 other hardships. Such a deferment may be granted for a total of
 6661 24 months.

6662 (e) If a student defaults on the scholarship, the entire
 6663 unpaid balance, including interest accrued, becomes due and
 6664 payable at the option of the holder of the promissory note, or

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6665 when the recipient is no longer able to pay or no longer intends
 6666 to pay. The recipient is responsible for paying all reasonable
 6667 attorney's fees and other costs and charges necessary for
 6668 administration of the collection process.

6669 Section 137. Subsection (3) of section 1009.605, Florida
 6670 Statutes, is amended to read:

6671 1009.605 Florida Fund for Minority Teachers, Inc.—

6672 (3) A board of directors shall administer the corporation.
 6673 The Governor shall appoint to the board at least 15 but not more
 6674 than 25 members, who shall serve terms of 3 years, except that 4
 6675 of the initial members shall serve 1-year terms and 4 shall
 6676 serve 2-year terms. At least 4 members must be employed by
 6677 Florida College System institutions ~~public community colleges~~
 6678 and at least 11 members must be employed by public or private
 6679 postsecondary institutions that operate colleges of education.
 6680 At least one member must be a financial aid officer employed by
 6681 a postsecondary education institution operating in Florida.
 6682 Administrative costs for support of the Board of Directors and
 6683 the Florida Fund for Minority Teachers may not exceed 5 percent
 6684 of funds allocated for the program. The board shall:

- 6685 (a) Hold meetings to implement this section.
- 6686 (b) Select a chairperson annually.
- 6687 (c) Make rules for its own government.
- 6688 (d) Appoint an executive director to serve at its
 6689 pleasure. The executive director shall be the chief
 6690 administrative officer and agent of the board.
- 6691 (e) Maintain a record of its proceedings.
- 6692 (f) Delegate to the chairperson the responsibility for

6693 signing final orders.

6694 (g) Carry out the training program as required for the
 6695 minority teacher education scholars program. No more than 5
 6696 percent of the funds appropriated for the minority teacher
 6697 education scholars program may be expended for administration,
 6698 including administration of the required training program.

6699 Section 138. Subsection (3) of section 1009.65, Florida
 6700 Statutes, is amended to read:

6701 1009.65 Medical Education Reimbursement and Loan Repayment
 6702 Program.—

6703 (3) The Department of Health may adopt any rules necessary
 6704 for the administration of the Medical Education Reimbursement
 6705 and Loan Repayment Program. The department may also solicit
 6706 technical advice regarding conduct of the program from the
 6707 Department of Education and Florida universities and Florida
 6708 College System institutions ~~community colleges~~. The Department
 6709 of Health shall submit a budget request for an amount sufficient
 6710 to fund medical education reimbursement, loan repayments, and
 6711 program administration.

6712 Section 139. Paragraphs (a) and (b) of subsection (4) of
 6713 section 1009.67, Florida Statutes, are amended to read:

6714 1009.67 Nursing scholarship program.—

6715 (4) Credit for repayment of a scholarship shall be as
 6716 follows:

6717 (a) For each full year of scholarship assistance, the
 6718 recipient agrees to work for 12 months in a faculty position in
 6719 a college of nursing or Florida College System institution
 6720 ~~community college~~ nursing program in this state or at a health

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6721 care facility in a medically underserved area as approved by the
 6722 Department of Health. Scholarship recipients who attend school
 6723 on a part-time basis shall have their employment service
 6724 obligation prorated in proportion to the amount of scholarship
 6725 payments received.

6726 (b) Eligible health care facilities include nursing homes
 6727 and hospitals in this state, state-operated medical or health
 6728 care facilities, public schools, county health departments,
 6729 federally sponsored community health centers, colleges of
 6730 nursing in universities in this state, and Florida College
 6731 System institution ~~community college~~ nursing programs in this
 6732 state, family practice teaching hospitals as defined in s.
 6733 395.805, or specialty children's hospitals as described in s.
 6734 409.9119. The recipient shall be encouraged to complete the
 6735 service obligation at a single employment site. If continuous
 6736 employment at the same site is not feasible, the recipient may
 6737 apply to the department for a transfer to another approved
 6738 health care facility.

6739 Section 140. Paragraph (a) of subsection (4) of section
 6740 1009.70, Florida Statutes, is amended to read:

6741 1009.70 Florida Education Fund.—

6742 (4) The Florida Education Fund shall be administered by a
 6743 board of directors, which is hereby established.

6744 (a) The board of directors shall consist of 12 members, to
 6745 be appointed as follows:

- 6746 1. Two laypersons appointed by the Governor;
- 6747 2. Two laypersons appointed by the President of the
- 6748 Senate;

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6749 3. Two laypersons appointed by the Speaker of the House of
6750 Representatives; and

6751 4. Two representatives of state universities, two
6752 representatives of Florida College System institutions ~~public~~
6753 ~~community colleges~~, and two representatives of independent
6754 colleges or universities appointed by the State Board of
6755 Education.

6756

6757 The board of directors may appoint to the board an additional
6758 five members from the private sector for the purpose of
6759 assisting in the procurement of private contributions. Such
6760 members shall serve as voting members of the board.

6761 Section 141. Paragraph (a) of subsection (5) of section
6762 1009.72, Florida Statutes, is amended to read:

6763 1009.72 Jose Marti Scholarship Challenge Grant Program.—

6764 (5) (a) In order to be eligible to receive a scholarship
6765 pursuant to this section, an applicant shall:

6766 1. Be a Hispanic-American, or a person of Spanish culture
6767 with origins in Mexico, South America, Central America, or the
6768 Caribbean, regardless of race.

6769 2. Be a citizen of the United States and meet the general
6770 requirements for student eligibility as provided in s. 1009.40,
6771 except as otherwise provided in this section.

6772 3. Be accepted at a state university, ~~or~~ Florida College
6773 System institution, ~~community college~~ or any Florida college or
6774 university that is accredited by an association whose standards
6775 are comparable to the minimum standards required to operate a
6776 postsecondary education institution at that level in Florida.

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6777 4. Enroll as a full-time undergraduate or graduate
6778 student.

6779 5. Earn a 3.0 unweighted grade point average on a 4.0
6780 scale, or the equivalent for high school subjects creditable
6781 toward a diploma. If an applicant applies as a graduate student,
6782 he or she shall have earned a 3.0 cumulative grade point average
6783 for undergraduate college-level courses.

6784 Section 142. Paragraph (a) of subsection (1) and paragraph
6785 (a) of subsection (8) of section 1009.77, Florida Statutes, are
6786 amended to read:

6787 1009.77 Florida Work Experience Program.—

6788 (1) There is established the Florida Work Experience
6789 Program to be administered by the Department of Education. The
6790 purpose of the program is to introduce eligible students to work
6791 experience that will complement and reinforce their educational
6792 program and career goals and provide a self-help student aid
6793 program that reduces student loan indebtedness. Additionally,
6794 the program's opportunities for employment at a student's school
6795 will serve as a retention tool because students employed on
6796 campus are more likely to complete their postsecondary
6797 education. The program shall be available to:

6798 (a) Any student attending a state university or Florida
6799 College System institution ~~community college~~ authorized by
6800 Florida law;

6801 (8) A student is eligible to participate in the Florida
6802 Work Experience Program if the student:

6803 (a) Is enrolled:

6804 1. At an eligible college or university as no less than a

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6805 half-time undergraduate student in good standing;

6806 2. In an eligible postsecondary career certificate program

6807 as no less than a half-time student in good standing. Eligible

6808 programs must be approved by the Department of Education and

6809 must consist of no less than 450 clock hours of instruction.

6810 Such programs must be offered by a career center operated by a

6811 district school board under s. 1001.44 or by a Florida College

6812 System institution ~~community college~~; or

6813 3. At an educator preparation institute established under

6814 s. 1004.85 as no less than a half-time student in good standing.

6815

6816 However, a student may be employed during the break between two

6817 consecutive terms or employed, although not enrolled, during a

6818 term if the student was enrolled at least half time during the

6819 preceding term and preregisters as no less than a half-time

6820 student for the subsequent academic term. A student who attends

6821 an institution that does not provide preregistration shall

6822 provide documentation of intent to enroll as no less than a

6823 half-time student for the subsequent academic term.

6824 Section 143. Subsection (3) of section 1009.89, Florida

6825 Statutes, is amended to read:

6826 1009.89 The William L. Boyd, IV, Florida resident access

6827 grants.—

6828 (3) The department shall issue through the program a

6829 William L. Boyd, IV, Florida resident access grant to any full-

6830 time degree-seeking undergraduate student registered at an

6831 independent nonprofit college or university which is located in

6832 and chartered by the state; which is accredited by the

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6833 Commission on Colleges of the Southern Association of Colleges
 6834 and Schools; which grants baccalaureate degrees; which is not a
 6835 state university or Florida College System institution ~~state~~
 6836 ~~community college~~; and which has a secular purpose, so long as
 6837 the receipt of state aid by students at the institution would
 6838 not have the primary effect of advancing or impeding religion or
 6839 result in an excessive entanglement between the state and any
 6840 religious sect. Any independent college or university that was
 6841 eligible to receive tuition vouchers on January 1, 1989, and
 6842 which continues to meet the criteria under which its eligibility
 6843 was established, shall remain eligible to receive William L.
 6844 Boyd, IV, Florida resident access grant payments.

6845 Section 144. Subsection (3) of section 1009.891, Florida
 6846 Statutes, is amended to read:

6847 1009.891 The Access to Better Learning and Education Grant
 6848 Program.—

6849 (3) The department shall issue an access grant to any
 6850 full-time student seeking a baccalaureate degree who is
 6851 registered at a for-profit college or university that is located
 6852 in and chartered by the state and that is accredited by the
 6853 Commission on Colleges of the Southern Association of Colleges
 6854 and Schools or who is registered at a nonprofit college or
 6855 university that is chartered out of the state, that has been
 6856 located in the state for 10 years or more, and that is
 6857 accredited by the Commission on Colleges of the Southern
 6858 Association of Colleges and Schools, the Middle States
 6859 Association of Colleges and Schools, the North Central
 6860 Association of Colleges and Schools, or the New England

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6861 Association of Colleges and Schools; that grants baccalaureate
 6862 degrees; that is not a state university or Florida College
 6863 System institution ~~state community college~~; and that has a
 6864 secular purpose, if the receipt of state aid by students at the
 6865 institution would not have the primary effect of advancing or
 6866 impeding religion or result in an excessive entanglement between
 6867 the state and any religious sect. Institutions eligible for the
 6868 Access to Better Learning and Education Grant Program in the
 6869 initial year of funding shall include only those for-profit
 6870 colleges or universities identified in this subsection.
 6871 Nonprofit colleges or universities identified in this subsection
 6872 shall be eligible for financial support in the second year of
 6873 funding.

6874 Section 145. Paragraph (h) of subsection (3) of section
 6875 1009.97, Florida Statutes, is amended to read:

6876 1009.97 General provisions.—

6877 (3) DEFINITIONS.—As used in ss. 1009.97-1009.984, the
 6878 term:

6879 (h) "State postsecondary institution" means any Florida
 6880 College System institution ~~public community college~~ or state
 6881 university.

6882 Section 146. Paragraph (e) of subsection (4) of section
 6883 1009.971, Florida Statutes, is amended to read:

6884 1009.971 Florida Prepaid College Board.—

6885 (4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND DUTIES.—The
 6886 board shall have the powers and duties necessary or proper to
 6887 carry out the provisions of ss. 1009.97-1009.984, including, but
 6888 not limited to, the power and duty to:

6889 (e) Establish agreements or other transactions with
 6890 federal, state, and local agencies, including state universities
 6891 and Florida College System institutions ~~community colleges~~.

6892 Section 147. Subsection (2), paragraph (e) of subsection
 6893 (5), and subsection (6) of section 1009.98, Florida Statutes,
 6894 are amended to read:

6895 1009.98 Stanley G. Tate Florida Prepaid College Program.—

6896 (2) PREPAID COLLEGE PLANS.—At a minimum, the board shall
 6897 make advance payment contracts available for two independent
 6898 plans to be known as the Florida College System institution
 6899 ~~community college~~ plan and the university plan. The board may
 6900 also make advance payment contracts available for a dormitory
 6901 residence plan. The board may restrict the number of
 6902 participants in the Florida College System institution ~~community~~
 6903 ~~college~~ plan, university plan, and dormitory residence plan,
 6904 respectively. However, any person denied participation solely on
 6905 the basis of such restriction shall be granted priority for
 6906 participation during the succeeding year.

6907 (a)1. Through the Florida College System institution
 6908 ~~community college~~ plan, the advance payment contract may provide
 6909 prepaid registration fees for a specified number of
 6910 undergraduate semester credit hours not to exceed the average
 6911 number of hours required for the conference of an associate
 6912 degree. Qualified beneficiaries shall bear the cost of any
 6913 laboratory fees associated with enrollment in specific courses.
 6914 Each qualified beneficiary shall be classified as a resident for
 6915 tuition purposes, pursuant to s. 1009.21, regardless of his or
 6916 her actual legal residence.

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6917 2. Effective July 1, 1998, the board may provide advance
 6918 payment contracts for additional fees delineated in s. 1009.23,
 6919 not to exceed the average number of hours required for the
 6920 conference of an associate degree, in conjunction with advance
 6921 payment contracts for registration fees. Florida College System
 6922 institution ~~Community college~~ plan contracts purchased prior to
 6923 July 1, 1998, shall be limited to the payment of registration
 6924 fees as defined in s. 1009.97.

6925 3. Effective July 1, 2009, the board may offer an advance
 6926 payment contract for the Florida College System institution
 6927 ~~community college~~ plan covering prepaid registration fees and
 6928 the fees authorized in s. 1009.23. Such a contract may be
 6929 offered in specific increments for use toward an associate
 6930 degree. The total number of hours purchased for a qualified
 6931 beneficiary may not exceed the average number of hours required
 6932 for the conference of an associate degree.

6933 (b)1. Through the university plan, the advance payment
 6934 contract may provide prepaid registration fees for a specified
 6935 number of undergraduate semester credit hours not to exceed the
 6936 average number of hours required for the conference of a
 6937 baccalaureate degree. Qualified beneficiaries shall bear the
 6938 cost of any laboratory fees associated with enrollment in
 6939 specific courses. Each qualified beneficiary shall be classified
 6940 as a resident for tuition purposes pursuant to s. 1009.21,
 6941 regardless of his or her actual legal residence.

6942 2. Effective July 1, 1998, the board may provide advance
 6943 payment contracts for additional fees delineated in s.
 6944 1009.24(9)-(12), for a specified number of undergraduate

6945 semester credit hours not to exceed the average number of hours
 6946 required for the conference of a baccalaureate degree, in
 6947 conjunction with advance payment contracts for registration
 6948 fees. Such contracts shall provide prepaid coverage for the sum
 6949 of such fees, to a maximum of 45 percent of the cost of
 6950 registration fees. University plan contracts purchased prior to
 6951 July 1, 1998, shall be limited to the payment of registration
 6952 fees as defined in s. 1009.97.

6953 3. Effective July 1, 2007, the board may provide advance
 6954 payment contracts for the tuition differential authorized in s.
 6955 1009.24(16) for a specified number of undergraduate semester
 6956 credit hours, which may not exceed the average number of hours
 6957 required for the conference of a baccalaureate degree, in
 6958 conjunction with advance payment contracts for registration
 6959 fees.

6960 4. Effective July 1, 2009, the board may offer an advance
 6961 payment contract for the university plan covering prepaid
 6962 registration fees, the fees authorized in s. 1009.24(9)-(12),
 6963 and the tuition differential authorized in s. 1009.24(16). Such
 6964 a contract may be offered in specific increments for use toward
 6965 a baccalaureate degree. The total number of hours purchased for
 6966 a qualified beneficiary may not exceed the average number of
 6967 hours required for the conference of a baccalaureate degree.

6968 (c) The cost of participation in contracts authorized
 6969 under paragraph (a) or paragraph (b) shall be based primarily on
 6970 the current and projected fees included in the plan within the
 6971 Florida College System or the State University System,
 6972 respectively, the number of credit hours or semesters included

6973 | in the plan, and the number of years expected to elapse between
 6974 | the purchase of the plan on behalf of a qualified beneficiary
 6975 | and the exercise of the benefits provided in the plan by such
 6976 | beneficiary.

6977 | (d) Through the dormitory residence plan, the advance
 6978 | payment contract may provide prepaid housing fees for a maximum
 6979 | of 10 semesters of full-time undergraduate enrollment in a state
 6980 | university. Dormitory residence plans shall be purchased in
 6981 | increments of 2 semesters. The cost of participation in the
 6982 | dormitory residence plan shall be based primarily on the average
 6983 | current and projected housing fees within the State University
 6984 | System and the number of years expected to elapse between the
 6985 | purchase of the plan on behalf of a qualified beneficiary and
 6986 | the exercise of the benefits provided in the plan by such
 6987 | beneficiary. Qualified beneficiaries shall have the highest
 6988 | priority in the assignment of housing within university
 6989 | residence halls. Qualified beneficiaries shall bear the cost of
 6990 | any additional elective charges such as laundry service or long-
 6991 | distance telephone service. Each state university may specify
 6992 | the residence halls or other university-held residences eligible
 6993 | for inclusion in the plan. In addition, any state university may
 6994 | request immediate termination of a dormitory residence contract
 6995 | based on a violation or multiple violations of rules of the
 6996 | residence hall or other university-held residences. In the event
 6997 | that sufficient housing is not available for all qualified
 6998 | beneficiaries, the board shall refund the purchaser or qualified
 6999 | beneficiary an amount equal to the fees charged for dormitory
 7000 | residence during that semester. If a qualified beneficiary fails

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7001 to be admitted to a state university or chooses to attend a
 7002 Florida College System institution ~~community college~~ that
 7003 operates one or more dormitories or residency opportunities, or
 7004 has one or more dormitories or residency opportunities operated
 7005 by the Florida College System institution ~~community college~~
 7006 direct-support organization, the qualified beneficiary may
 7007 transfer or cause to have transferred to the Florida College
 7008 System institution ~~community college~~, or Florida College System
 7009 institution ~~community college~~ direct-support organization, the
 7010 fees associated with dormitory residence. Dormitory fees
 7011 transferred to the Florida College System institution ~~community~~
 7012 ~~college~~ or Florida College System institution ~~community college~~
 7013 direct-support organization may not exceed the maximum fees
 7014 charged for state university dormitory residence for the
 7015 purposes of this section, or the fees charged for Florida
 7016 College System institution ~~community college~~ or Florida College
 7017 System institution ~~community college~~ direct-support organization
 7018 dormitories or residency opportunities, whichever is less.

7019 (5) REFUNDS.—

7020 (e) A refund may not be authorized through an advance
 7021 payment contract for any school year partially attended but not
 7022 completed. For purposes of this section, a school year partially
 7023 attended but not completed shall mean any one semester whereby
 7024 the student is still enrolled at the conclusion of the official
 7025 drop-add period but withdraws before the end of such semester.
 7026 If a beneficiary does not complete a Florida College System
 7027 institution ~~community college~~ plan or university plan for
 7028 reasons other than specified in paragraph (c), the purchaser

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7029 shall receive a refund of the amount paid into the fund for the
 7030 remaining unattended years of the advance payment contract
 7031 pursuant to rules promulgated by the board.

7032 (6) CONFIDENTIALITY OF ACCOUNT INFORMATION.—Information
 7033 that identifies the purchasers or beneficiaries of any plan
 7034 promulgated under this section and their advance payment account
 7035 activities is exempt from the provisions of s. 119.07(1).
 7036 However, the board may authorize the program's records
 7037 administrator to release such information to a Florida College
 7038 System institution ~~community college~~, college, or university in
 7039 which a beneficiary may enroll or is enrolled. Florida College
 7040 System institutions ~~Community colleges~~, colleges, and
 7041 universities shall maintain such information as exempt from the
 7042 provisions of s. 119.07(1).

7043 Section 148. Subsection (6) of section 1009.981, Florida
 7044 Statutes, is amended to read:

7045 1009.981 Florida College Savings Program.—

7046 (6) CONFIDENTIALITY OF ACCOUNT INFORMATION.—Information
 7047 that identifies the benefactors or the designated beneficiary of
 7048 any account initiated under this section is confidential and
 7049 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 7050 Constitution. However, the board may authorize the release of
 7051 such information to a Florida College System institution
 7052 ~~community college~~, college, or university in which a designated
 7053 beneficiary may enroll or is enrolled. Florida College System
 7054 institutions ~~Community colleges~~, colleges, and universities
 7055 shall maintain the confidentiality of such information.

7056 Section 149. Paragraph (a) of subsection (1) and

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7057 subsection (4) of section 1010.01, Florida Statutes, are amended
 7058 to read:

7059 1010.01 Uniform records and accounts.—

7060 (1) (a) The financial records and accounts of each school
 7061 district, Florida College System institution ~~community college~~,
 7062 and other institution or agency under the supervision of the
 7063 State Board of Education shall be prepared and maintained as
 7064 prescribed by law and rules of the State Board of Education.

7065 (4) Required financial accounts and reports shall include
 7066 provisions that are unique to each of the following: K-12 school
 7067 districts, Florida College System institutions ~~community~~
 7068 ~~colleges~~, and state universities, and shall provide for the data
 7069 to be reported to the National Center of Educational Statistics
 7070 and other governmental and professional educational data
 7071 information services as appropriate.

7072 Section 150. Subsection (1) of section 1010.02, Florida
 7073 Statutes, is amended to read:

7074 1010.02 Financial accounting and expenditures.—

7075 (1) All funds accruing to a school district or a Florida
 7076 College System institution ~~community college~~ must be received,
 7077 accounted for, and expended in accordance with law and rules of
 7078 the State Board of Education.

7079 Section 151. Section 1010.03, Florida Statutes, is amended
 7080 to read:

7081 1010.03 Delinquent accounts.—District school boards,
 7082 Florida College System institution ~~community college~~ boards of
 7083 trustees, and university boards of trustees:

7084 (1) Shall exert every effort to collect all delinquent

7085 | accounts.

7086 | (2) May charge off or settle such accounts as may prove

7087 | uncollectible.

7088 | (3) May employ the services of a collection agency when

7089 | deemed advisable in collecting delinquent accounts.

7090 | (4) May adopt rules, as necessary, to implement the

7091 | provisions of this section, including setoff procedures, payroll

7092 | deductions, and restrictions on release of transcripts, awarding

7093 | of diplomas, and access to other resources and services of the

7094 | school district, Florida College System institution ~~community~~

7095 | ~~college~~, or university.

7096 | Section 152. Paragraph (a) of subsection (1), subsections

7097 | (2) and (3), and paragraph (a) of subsection (4) of section

7098 | 1010.04, Florida Statutes, are amended to read:

7099 | 1010.04 Purchasing.—

7100 | (1) (a) Purchases and leases by school districts and

7101 | Florida College System institutions ~~community colleges~~ shall

7102 | comply with the requirements of law and rules of the State Board

7103 | of Education.

7104 | (2) Each district school board, Florida College System

7105 | institution ~~community college~~ board of trustees, and each

7106 | university board of trustees shall adopt rules to be followed in

7107 | making purchases.

7108 | (3) In districts in which the county purchasing agent is

7109 | authorized by law to make purchases for the benefit of other

7110 | governmental agencies within the county, the district school

7111 | board and Florida College System institution ~~community college~~

7112 | board of trustees shall have the option to purchase from the

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7113 current county contracts at the unit price stated therein if
 7114 such purchase is to the economic advantage of the district
 7115 school board or the Florida College System institution ~~community~~
 7116 ~~college~~ board of trustees; subject to confirmation of the items
 7117 of purchase to the standards and specifications prescribed by
 7118 the school district or Florida College System institution
 7119 ~~community college~~.

7120 (4) (a) The State Board of Education may, by rule, provide
 7121 for alternative procedures for school districts and Florida
 7122 College System institutions ~~community colleges~~ for bidding or
 7123 purchasing in cases in which the character of the item requested
 7124 renders competitive bidding impractical.

7125 Section 153. Section 1010.06, Florida Statutes, is amended
 7126 to read:

7127 1010.06 Indirect cost limitation.—State funds appropriated
 7128 by the Legislature to the Division of Public Schools within the
 7129 Department of Education may not be used to pay indirect costs to
 7130 a university, Florida College System institution ~~community~~
 7131 ~~college~~, school district, or any other entity.

7132 Section 154. Subsection (1) and paragraph (a) of
 7133 subsection (2) of section 1010.07, Florida Statutes, are amended
 7134 to read:

7135 1010.07 Bonds or insurance required.—

7136 (1) Each district school board, Florida College System
 7137 institution ~~community college~~ board of trustees, and university
 7138 board of trustees shall ensure that each official and employee
 7139 responsible for handling, expending, or authorizing the
 7140 expenditure of funds shall be appropriately bonded or insured to

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7141 protect the board and the funds involved.

7142 (2) (a) Contractors paid from school district or Florida
 7143 College System institution ~~community college~~ funds shall give
 7144 bond for the faithful performance of their contracts in such
 7145 amount and for such purposes as prescribed by s. 255.05 or by
 7146 rules of the State Board of Education relating to the type of
 7147 contract involved. It shall be the duty of the district school
 7148 board or Florida College System institution ~~community college~~
 7149 board of trustees to require from construction contractors a
 7150 bond adequate to protect the board and the board's funds
 7151 involved.

7152 Section 155. Section 1010.08, Florida Statutes, is amended
 7153 to read:

7154 1010.08 Promotion and public relations; funding.—Each
 7155 district school board and Florida College System institution
 7156 ~~community college~~ board of trustees may budget and use a portion
 7157 of the funds accruing to it from auxiliary enterprises and
 7158 undesignated gifts for promotion and public relations as
 7159 prescribed by rules of the State Board of Education. Such funds
 7160 may be used to provide hospitality to business guests in the
 7161 district or elsewhere. However, such hospitality expenses may
 7162 not exceed the amount authorized for such contingency funds as
 7163 prescribed by rules of the State Board of Education.

7164 Section 156. Subsection (1) of section 1010.09, Florida
 7165 Statutes, is amended to read:

7166 1010.09 Direct-support organizations.—

7167 (1) School district and Florida College System institution
 7168 ~~community college~~ direct-support organizations shall be

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7169 organized and conducted under the provisions of ss. 1001.453 and
 7170 1004.70 and rules of the State Board of Education, as
 7171 applicable.

7172 Section 157. Section 1010.11, Florida Statutes, is amended
 7173 to read:

7174 1010.11 Electronic transfer of funds.—Pursuant to the
 7175 provisions of s. 215.85, each district school board, Florida
 7176 College System institution ~~community college~~ board of trustees,
 7177 and university board of trustees shall adopt written policies
 7178 prescribing the accounting and control procedures under which
 7179 any funds under their control are allowed to be moved by
 7180 electronic transaction for any purpose including direct deposit,
 7181 wire transfer, withdrawal, investment, or payment. Electronic
 7182 transactions shall comply with the provisions of chapter 668.

7183 Section 158. Section 1010.22, Florida Statutes, is amended
 7184 to read:

7185 1010.22 Cost accounting and reporting for workforce
 7186 education.—

7187 (1) Each school district and each Florida College System
 7188 institution ~~community college~~ shall account for expenditures of
 7189 all state, local, federal, and other funds in the manner
 7190 prescribed by the State Board of Education.

7191 (2) Each school district and each Florida College System
 7192 institution ~~community college~~ shall report expenditures for
 7193 workforce education in accordance with requirements prescribed
 7194 by the State Board of Education.

7195 (3) The Department of Education, in cooperation with
 7196 school districts and Florida College System institutions

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7197 ~~community colleges~~, shall develop and maintain a database of
 7198 valid comparable information on workforce education which will
 7199 meet both state and local needs.

7200 Section 159. Section 1010.23, Florida Statutes, is amended
 7201 to read:

7202 1010.23 Cost accounting and reporting for Florida College
 7203 System institutions ~~community colleges~~.—Florida College System
 7204 institutions ~~Community colleges~~ shall provide an annual report
 7205 on the cost of operations as provided in s. 1011.84.

7206 Section 160. Section 1010.30, Florida Statutes, is amended
 7207 to read:

7208 1010.30 Audits required.—School districts, Florida College
 7209 System institutions ~~community colleges~~, and other institutions
 7210 and agencies under the supervision of the State Board of
 7211 Education and state universities under the supervision of the
 7212 Board of Governors are subject to the audit provisions under ss.
 7213 11.45 and 218.39.

7214 Section 161. Section 1010.33, Florida Statutes, is amended
 7215 to read:

7216 1010.33 Financial and performance audits.—Each district
 7217 school board and Florida College System institution ~~community~~
 7218 ~~college~~ board of trustees, and university board of trustees is
 7219 authorized to have an audit of their accounts and records by an
 7220 independent certified public accountant retained by them and
 7221 paid from their public funds. These audits are in addition to
 7222 those required by ss. 11.45 and 218.39.

7223 Section 162. Section 1010.34, Florida Statutes, is amended
 7224 to read:

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7225 1010.34 Audits of direct-support organizations.—Audits of
 7226 school district, Florida College System institution ~~community~~
 7227 ~~college~~, and state university direct-support organizations are
 7228 subject to the audit provisions of ss. 1001.453(4), 1004.28(5),
 7229 and 1004.70(6), as applicable.

7230 Section 163. Section 1010.58, Florida Statutes, is amended
 7231 to read:

7232 1010.58 Procedure for determining number of instruction
 7233 units for Florida College System institutions ~~community~~
 7234 ~~colleges~~.—The number of instruction units for Florida College
 7235 System institutions ~~community colleges~~ shall be determined from
 7236 the full-time equivalent students in the Florida College System
 7237 institution ~~community college~~, provided that full-time
 7238 equivalent students may not be counted more than once in
 7239 determining instruction units. Instruction units for Florida
 7240 College System institutions ~~community colleges~~ shall be computed
 7241 as follows:

7242 (1) One unit for each 12 full-time equivalent students at
 7243 a Florida College System institution ~~community college~~ for the
 7244 first 420 students and one unit for each 15 full-time equivalent
 7245 students for all over 420 students, in other than career
 7246 education programs as defined by rules of the State Board of
 7247 Education, and one unit for each 10 full-time equivalent
 7248 students in career education programs and compensatory education
 7249 programs as defined by rules of the State Board of Education.
 7250 Full-time equivalent students enrolled in a Florida College
 7251 System institution ~~community college~~ shall be defined by rules
 7252 of the State Board of Education.

7253 (2) For each 8 instruction units in a Florida College
 7254 System institution ~~community college~~, 1 instruction unit or
 7255 proportionate fraction of a unit shall be allowed for
 7256 administrative and special instructional services, and for each
 7257 20 instruction units, 1 instruction unit or proportionate
 7258 fraction of a unit shall be allowed for student personnel
 7259 services.

7260 Section 164. Subsection (1), paragraph (a) of subsection
 7261 (2), and paragraph (a) of subsection (3) of section 1011.01,
 7262 Florida Statutes, are amended to read:

7263 1011.01 Budget system established.—

7264 (1) The State Board of Education shall prepare and submit
 7265 a coordinated K-20 education annual legislative budget request
 7266 to the Governor and the Legislature on or before the date
 7267 provided by the Governor and the Legislature. The board's
 7268 legislative budget request must clearly define the needs of
 7269 school districts, Florida College System institutions ~~community~~
 7270 ~~colleges~~, universities, other institutions, organizations,
 7271 programs, and activities under the supervision of the board and
 7272 that are assigned by law or the General Appropriations Act to
 7273 the Department of Education.

7274 (2) (a) There shall be established in each school district
 7275 and Florida College System institution ~~community college~~ a
 7276 budget system as prescribed by law and rules of the State Board
 7277 of Education.

7278 (3) (a) Each district school board and each Florida College
 7279 System institution ~~community college~~ board of trustees shall
 7280 prepare, adopt, and submit to the Commissioner of Education for

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7281 review an annual operating budget. Operating budgets shall be
 7282 prepared and submitted in accordance with the provisions of law,
 7283 rules of the State Board of Education, the General
 7284 Appropriations Act, and for district school boards in accordance
 7285 with the provisions of ss. 200.065 and 1011.64.

7286 Section 165. Section 1011.011, Florida Statutes, is
 7287 amended to read:

7288 1011.011 Legislative capital outlay budget request.—The
 7289 State Board of Education shall submit an integrated,
 7290 comprehensive budget request for educational facilities
 7291 construction and fixed capital outlay needs for school
 7292 districts, Florida College System institutions ~~community~~
 7293 ~~colleges~~, and, in conjunction with the Board of Governors,
 7294 universities pursuant to this section and s. 1013.46 and
 7295 applicable provisions of chapter 216.

7296 Section 166. Subsection (1) of section 1011.012, Florida
 7297 Statutes, is amended to read:

7298 1011.012 Annual capital outlay budget.—

7299 (1) Each district school board, Florida College System
 7300 institution ~~community college~~ board of trustees, and university
 7301 board of trustees shall, each year, adopt a capital outlay
 7302 budget for the ensuing year in order that the capital outlay
 7303 needs of the board for the entire year may be well understood by
 7304 the public. This capital outlay budget shall be a part of the
 7305 annual budget and shall be based upon and in harmony with the
 7306 educational plant and ancillary facilities plan. This budget
 7307 shall designate the proposed capital outlay expenditures by
 7308 project for the year from all fund sources. The board may not

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7309 | expend any funds on any project not included in the budget, as
 7310 | amended.

7311 | Section 167. Section 1011.30, Florida Statutes, is amended
 7312 | to read:

7313 | 1011.30 Budgets for Florida College System institutions
 7314 | ~~community colleges~~.—Each Florida College System institution
 7315 | ~~community college~~ president shall recommend to the Florida
 7316 | College System institution ~~community college~~ board of trustees a
 7317 | budget of income and expenditures at such time and in such form
 7318 | as the State Board of Education may prescribe. Upon approval of
 7319 | a budget by the Florida College System institution ~~community~~
 7320 | ~~college~~ board of trustees, such budget shall be transmitted to
 7321 | the Department of Education for review and approval. Rules of
 7322 | the State Board of Education shall prescribe procedures for
 7323 | effecting budget amendments subsequent to the final approval of
 7324 | a budget for a given year.

7325 | Section 168. Section 1011.31, Florida Statutes, is amended
 7326 | to read:

7327 | 1011.31 Current loans to Florida College System
 7328 | institution ~~community college~~ boards of trustees.—

7329 | (1) At any time the current funds on hand are insufficient
 7330 | to pay obligations created by a Florida College System
 7331 | institution ~~community college~~ board of trustees in accordance
 7332 | with the approved budget of the Florida College System
 7333 | institution ~~community college~~, the Florida College System
 7334 | institution ~~community college~~ board of trustees may request
 7335 | approval by the Commissioner of Education of a proposal to
 7336 | negotiate a current loan, with provisions for the repayment of

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7337 such loan during the fiscal year in which the loan is made, in
 7338 order to meet these obligations.

7339 (2) The Commissioner of Education shall approve such
 7340 proposal when, in his or her opinion, the proposal is reasonable
 7341 and just, the expenditure is necessary, and revenues sufficient
 7342 to meet the requirements of the loan can reasonably be
 7343 anticipated.

7344 Section 169. Section 1011.32, Florida Statutes, is amended
 7345 to read:

7346 1011.32 Florida College System Institution ~~Community~~
 7347 ~~College~~ Facility Enhancement Challenge Grant Program.—

7348 (1) The Legislature recognizes that the Florida College
 7349 System institutions ~~community colleges~~ do not have sufficient
 7350 physical facilities to meet the current demands of their
 7351 instructional and community programs. It further recognizes
 7352 that, to strengthen and enhance Florida College System
 7353 institutions ~~community colleges~~, it is necessary to provide
 7354 facilities in addition to those currently available from
 7355 existing revenue sources. It further recognizes that there are
 7356 sources of private support that, if matched with state support,
 7357 can assist in constructing much needed facilities and strengthen
 7358 the commitment of citizens and organizations in promoting
 7359 excellence at each Florida College System institution ~~community~~
 7360 ~~college~~. Therefore, it is the intent of the Legislature to
 7361 establish a program to provide the opportunity for each Florida
 7362 College System institution ~~community college~~ through its direct-
 7363 support organization to receive and match challenge grants for
 7364 instructional and community-related capital facilities within

7365 | the Florida College System institution ~~community college~~.

7366 | (2) There is established the Florida College System
 7367 | Institution ~~Community College~~ Facility Enhancement Challenge
 7368 | Grant Program for the purpose of assisting the Florida College
 7369 | System institutions ~~community colleges~~ in building high priority
 7370 | instructional and community-related capital facilities
 7371 | consistent with s. 1004.65, including common areas connecting
 7372 | such facilities. The direct-support organizations that serve the
 7373 | Florida College System institutions ~~community colleges~~ shall
 7374 | solicit gifts from private sources to provide matching funds for
 7375 | capital facilities. For the purposes of this section, private
 7376 | sources of funds shall not include any federal or state
 7377 | government funds that a Florida College System institution
 7378 | ~~community college~~ may receive.

7379 | (3) The Florida College System Institution ~~Community~~
 7380 | ~~College~~ Capital Facilities Matching Program shall provide funds
 7381 | to match private contributions for the development of high
 7382 | priority instructional and community-related capital facilities,
 7383 | including common areas connecting such facilities, within the
 7384 | Florida College System institutions ~~community colleges~~.

7385 | (4) Within the direct-support organization of each Florida
 7386 | College System institution ~~community college~~ there must be
 7387 | established a separate capital facilities matching account for
 7388 | the purpose of providing matching funds from the direct-support
 7389 | organization's unrestricted donations or other private
 7390 | contributions for the development of high priority instructional
 7391 | and community-related capital facilities, including common areas
 7392 | connecting such facilities. The Legislature shall appropriate

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7393 funds for distribution to a Florida College System institution
 7394 ~~community college~~ after matching funds are certified by the
 7395 direct-support organization and Florida College System
 7396 institution ~~community college~~. The Public Education Capital
 7397 Outlay and Debt Service Trust Fund shall not be used as the
 7398 source of the state match for private contributions.

7399 (5) A project may not be initiated unless all private
 7400 funds for planning, construction, and equipping the facility
 7401 have been received and deposited in the direct-support
 7402 organization's matching account for this purpose. However, this
 7403 requirement does not preclude the Florida College System
 7404 institution ~~community college~~ or direct-support organization
 7405 from expending available funds from private sources to develop a
 7406 prospectus, including preliminary architectural schematics or
 7407 models, for use in its efforts to raise private funds for a
 7408 facility and for site preparation, planning, and construction.
 7409 The Legislature may appropriate the state's matching funds in
 7410 one or more fiscal years for the planning, construction, and
 7411 equipping of an eligible facility. Each Florida College System
 7412 institution ~~community college~~ shall notify all donors of private
 7413 funds of a substantial delay in the availability of state
 7414 matching funds for this program.

7415 (6) To be eligible to participate in the Florida College
 7416 System Institution ~~Community College~~ Facility Enhancement
 7417 Challenge Grant Program, a Florida College System institution
 7418 ~~community college~~, through its direct-support organization,
 7419 shall raise a contribution equal to one-half of the total cost
 7420 of a facilities construction project from private sources which

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7421 shall be matched by a state appropriation equal to the amount
7422 raised for a facilities construction project, subject to the
7423 General Appropriations Act.

7424 (7) If the state's share of the required match is
7425 insufficient to meet the requirements of subsection (6), the
7426 Florida College System institution ~~community college~~ shall
7427 renegotiate the terms of the contribution with the donors. If
7428 the project is terminated, each private donation, plus accrued
7429 interest, reverts to the direct-support organization for
7430 remittance to the donor.

7431 (8) By October 15 of each year, the State Board of
7432 Education shall transmit to the Governor and the Legislature a
7433 list of projects that meet all eligibility requirements to
7434 participate in the Florida College System Institution ~~Community~~
7435 ~~College~~ Facility Enhancement Challenge Grant Program and a
7436 budget request that includes the recommended schedule necessary
7437 to complete each project.

7438 (9) In order for a project to be eligible under this
7439 program, it must be survey recommended under the provisions of
7440 s. 1013.31 and included in the Florida College System
7441 institution's ~~community college's~~ 5-year capital improvement
7442 plan, and it must receive approval from the State Board of
7443 Education or the Legislature.

7444 (10) A Florida College System institution ~~community~~
7445 ~~college~~ project may not be removed from the approved 3-year PECO
7446 priority list because of its successful participation in this
7447 program until approved by the Legislature and provided for in
7448 the General Appropriations Act. When such a project is completed

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7449 and removed from the list, all other projects shall move up on
 7450 the 3-year PECO priority list.

7451 (11) Any private matching funds for a project which are
 7452 unexpended after the project is completed shall revert to the
 7453 Florida College System institution's ~~community college's~~ direct-
 7454 support organization capital facilities matching account. The
 7455 balance of any unexpended state matching funds shall be returned
 7456 to the fund from which those funds were appropriated.

7457 (12) The surveys, architectural plans, facility, and
 7458 equipment shall be the property of the participating Florida
 7459 College System institution ~~community college~~. A facility
 7460 constructed under this section may be named in honor of a donor
 7461 at the option of the Florida College System institution
 7462 ~~community college~~ district board of trustees. A facility may not
 7463 be named after a living person without prior approval by the
 7464 State Board of Education.

7465 Section 170. Paragraph (d) of subsection (3) of section
 7466 1011.51, Florida Statutes, is amended to read:

7467 1011.51 Independent postsecondary endowment grants.—

7468 (3) The matching endowment grants made available under
 7469 this section shall be made available to any independent
 7470 nonprofit college or university which:

7471 (d) Is not a state university or Florida College System
 7472 institution ~~community college~~.

7473 Section 171. Paragraphs (i) and (j) of subsection (1) of
 7474 section 1011.62, Florida Statutes, are amended to read:

7475 1011.62 Funds for operation of schools.—If the annual
 7476 allocation from the Florida Education Finance Program to each

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7477 district for operation of schools is not determined in the
 7478 annual appropriations act or the substantive bill implementing
 7479 the annual appropriations act, it shall be determined as
 7480 follows:

7481 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 7482 OPERATION.—The following procedure shall be followed in
 7483 determining the annual allocation to each district for
 7484 operation:

7485 (i) *Calculation of full-time equivalent membership with*
 7486 *respect to dual enrollment instruction.*—Students enrolled in
 7487 dual enrollment instruction pursuant to s. 1007.271 may be
 7488 included in calculations of full-time equivalent student
 7489 memberships for basic programs for grades 9 through 12 by a
 7490 district school board. Instructional time for dual enrollment
 7491 may vary from 900 hours; however, the school district may only
 7492 report the student for a maximum of 1.0 full-time equivalent
 7493 student membership, as provided in s. 1011.61(4). Dual
 7494 enrollment full-time equivalent student membership shall be
 7495 calculated in an amount equal to the hours of instruction that
 7496 would be necessary to earn the full-time equivalent student
 7497 membership for an equivalent course if it were taught in the
 7498 school district. Students in dual enrollment courses may also be
 7499 calculated as the proportional shares of full-time equivalent
 7500 enrollments they generate for a Florida College System
 7501 institution ~~community college~~ or university conducting the dual
 7502 enrollment instruction. Early admission students shall be
 7503 considered dual enrollments for funding purposes. Students may
 7504 be enrolled in dual enrollment instruction provided by an

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7505 eligible independent college or university and may be included
 7506 in calculations of full-time equivalent student memberships for
 7507 basic programs for grades 9 through 12 by a district school
 7508 board. However, those provisions of law which exempt dual
 7509 enrolled and early admission students from payment of
 7510 instructional materials and tuition and fees, including
 7511 laboratory fees, shall not apply to students who select the
 7512 option of enrolling in an eligible independent institution. An
 7513 independent college or university which is located and chartered
 7514 in Florida, is not for profit, is accredited by the Commission
 7515 on Colleges of the Southern Association of Colleges and Schools
 7516 or the Accrediting Council for Independent Colleges and Schools,
 7517 and confers degrees as defined in s. 1005.02 shall be eligible
 7518 for inclusion in the dual enrollment or early admission program.
 7519 Students enrolled in dual enrollment instruction shall be exempt
 7520 from the payment of tuition and fees, including laboratory fees.
 7521 No student enrolled in college credit mathematics or English
 7522 dual enrollment instruction shall be funded as a dual enrollment
 7523 unless the student has successfully completed the relevant
 7524 section of the entry-level examination required pursuant to s.
 7525 1008.30.

7526 (j) *Coenrollment*.—If a high school student wishes to earn
 7527 high school credits from a Florida College System institution
 7528 ~~community college~~ and enrolls in one or more adult secondary
 7529 education courses at the Florida College System institution
 7530 ~~community college~~, the Florida College System institution
 7531 ~~community college~~ shall be reimbursed for the costs incurred
 7532 because of the high school student's coenrollment as provided in

7533 | the General Appropriations Act.

7534 | Section 172. Paragraph (d) of subsection (1) of section
7535 | 1011.68, Florida Statutes, is amended to read:

7536 | 1011.68 Funds for student transportation.—The annual
7537 | allocation to each district for transportation to public school
7538 | programs, including charter schools as provided in s.

7539 | 1002.33(17)(b), of students in membership in kindergarten
7540 | through grade 12 and in migrant and exceptional student programs
7541 | below kindergarten shall be determined as follows:

7542 | (1) Subject to the rules of the State Board of Education,
7543 | each district shall determine the membership of students who are
7544 | transported:

7545 | (d) By reason of being career, dual enrollment, or
7546 | students with disabilities transported from one school center to
7547 | another to participate in an instructional program or service;
7548 | or students with disabilities, transported from one designation
7549 | to another in the state, provided one designation is a school
7550 | center and provided the student's individual educational plan
7551 | (IEP) identifies the need for the instructional program or
7552 | service and transportation to be provided by the school
7553 | district. A "school center" is defined as a public school
7554 | center, Florida College System institution ~~community college~~,
7555 | state university, or other facility rented, leased, or owned and
7556 | operated by the school district or another public agency. A
7557 | "dual enrollment student" is defined as a public school student
7558 | in membership in both a public secondary school program and a
7559 | Florida College System institution ~~community college~~ or a state
7560 | university program under a written agreement to partially

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7561 fulfill ss. 1003.435 and 1007.23 and earning full-time
 7562 equivalent membership under s. 1011.62(1)(i).

7563 Section 173. Subsection (3) of section 1011.75, Florida
 7564 Statutes, is amended to read:

7565 1011.75 Gifted education exemplary program grants.—

7566 (3) Pursuant to policies and rules to be adopted by the
 7567 State Board of Education, each district school board, two or
 7568 more district school boards in cooperation, or a public school
 7569 principal through the district school board may submit to the
 7570 commissioner a proposed program designed to effectuate an
 7571 exemplary program for education for the gifted in a school,
 7572 district, or group of districts. Consideration for funding shall
 7573 be given to proposed programs of district school boards that are
 7574 developed with the cooperation of a Florida College System
 7575 institution ~~community college~~ or public or private college or
 7576 university for the purpose of providing advanced accelerated
 7577 instruction for public school students pursuant to s. 1003.435.
 7578 In order to be approved, a program proposal must include:

7579 (a) Clearly stated goals and objectives expressed, to the
 7580 maximum extent possible, in measurable terms.

7581 (b) Information concerning the number of students,
 7582 teachers, and other personnel to be involved in the program.

7583 (c) The estimated cost of the program and the number of
 7584 years for which it is to be funded.

7585 (d) Provisions for evaluation of the program and for its
 7586 integration into the general curriculum and financial program of
 7587 the school district or districts at the end of the funded
 7588 period.

7589 (e) Such other information and provisions as the
 7590 commissioner requires.

7591 Section 174. Subsection (2), paragraph (a) of subsection
 7592 (5), and subsections (6), (7), (8), (9), and (10) of section
 7593 1011.80, Florida Statutes, are amended to read:

7594 1011.80 Funds for operation of workforce education
 7595 programs.—

7596 (2) Any workforce education program may be conducted by a
 7597 Florida College System institution ~~community college~~ or a school
 7598 district, except that college credit in an associate in applied
 7599 science or an associate in science degree may be awarded only by
 7600 a Florida College System institution ~~community college~~. However,
 7601 if an associate in applied science or an associate in science
 7602 degree program contains within it an occupational completion
 7603 point that confers a certificate or an applied technology
 7604 diploma, that portion of the program may be conducted by a
 7605 school district career center. Any instruction designed to
 7606 articulate to a degree program is subject to guidelines and
 7607 standards adopted by the State Board of Education pursuant to s.
 7608 1007.25.

7609 (5) State funding and student fees for workforce education
 7610 instruction shall be established as follows:

7611 (a) Expenditures for the continuing workforce education
 7612 programs provided by the Florida College System institutions
 7613 ~~community colleges~~ or school districts must be fully supported
 7614 by fees. Enrollments in continuing workforce education courses
 7615 shall not be counted for purposes of funding full-time
 7616 equivalent enrollment.

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7617 (6) (a) A school district or a Florida College System
 7618 institution ~~community college~~ that provides workforce education
 7619 programs shall receive funds in accordance with distributions
 7620 for base and performance funding established by the Legislature
 7621 in the General Appropriations Act. If the General Appropriations
 7622 Act does not provide for the distribution of funds, the
 7623 following methodology shall apply:

7624 1. Base funding shall be allocated based on weighted
 7625 enrollment and shall not exceed 90 percent of the allocation.
 7626 The Department of Education shall develop a funding process for
 7627 school district workforce education programs that is comparable
 7628 with Florida College System institution ~~community college~~
 7629 workforce programs.

7630 2. Performance funding shall be at least 10 percent of the
 7631 allocation, based on the previous fiscal year's achievement of
 7632 output and outcomes in accordance with formulas adopted pursuant
 7633 to subsection (10). Performance funding must incorporate
 7634 payments for at least three levels of placements that reflect
 7635 wages and workforce demand. Payments for completions must not
 7636 exceed 60 percent of the payments for placement. School
 7637 districts and Florida College System institutions ~~community~~
 7638 ~~colleges~~ shall be awarded funds pursuant to this paragraph based
 7639 on performance output data and performance outcome data
 7640 available in that year.

7641 (b) A program is established to assist school districts
 7642 and Florida College System institutions ~~community colleges~~ in
 7643 responding to the needs of new and expanding businesses and
 7644 thereby strengthening the state's workforce and economy. The

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7645 program may be funded in the General Appropriations Act. A
 7646 school district or Florida College System institution ~~community~~
 7647 ~~college~~ may expend funds under the program without regard to
 7648 performance criteria set forth in subparagraph (a)2. The
 7649 district or Florida College System institution ~~community college~~
 7650 shall use the program to provide customized training for
 7651 businesses which satisfies the requirements of s. 288.047.
 7652 Business firms whose employees receive the customized training
 7653 must provide 50 percent of the cost of the training. Balances
 7654 remaining in the program at the end of the fiscal year shall not
 7655 revert to the general fund, but shall be carried over for 1
 7656 additional year and used for the purpose of serving incumbent
 7657 worker training needs of area businesses with fewer than 100
 7658 employees. Priority shall be given to businesses that must
 7659 increase or upgrade their use of technology to remain
 7660 competitive.

7661 (7) A school district or Florida College System
 7662 institution ~~community college~~ that receives workforce education
 7663 funds must use the money to benefit the workforce education
 7664 programs it provides. The money may be used for equipment
 7665 upgrades, program expansions, or any other use that would result
 7666 in workforce education program improvement. The district school
 7667 board or Florida College System institution ~~community college~~
 7668 board of trustees may not withhold any portion of the
 7669 performance funding for indirect costs.

7670 (8) The State Board of Education and Workforce Florida,
 7671 Inc., shall provide the Legislature with recommended formulas,
 7672 criteria, timeframes, and mechanisms for distributing

7673 performance funds. The commissioner shall consolidate the
 7674 recommendations and develop a consensus proposal for funding.
 7675 The Legislature shall adopt a formula and distribute the
 7676 performance funds to the State Board of Education for Florida
 7677 College System institutions ~~community colleges~~ and school
 7678 districts through the General Appropriations Act. These
 7679 recommendations shall be based on formulas that would discourage
 7680 low-performing or low-demand programs and encourage through
 7681 performance-funding awards:

7682 (a) Programs that prepare people to enter high-wage
 7683 occupations identified by the Workforce Estimating Conference
 7684 created by s. 216.136 and other programs as approved by
 7685 Workforce Florida, Inc. At a minimum, performance incentives
 7686 shall be calculated for adults who reach completion points or
 7687 complete programs that lead to specified high-wage employment
 7688 and to their placement in that employment.

7689 (b) Programs that successfully prepare adults who are
 7690 eligible for public assistance, economically disadvantaged,
 7691 disabled, not proficient in English, or dislocated workers for
 7692 high-wage occupations. At a minimum, performance incentives
 7693 shall be calculated at an enhanced value for the completion of
 7694 adults identified in this paragraph and job placement of such
 7695 adults upon completion. In addition, adjustments may be made in
 7696 payments for job placements for areas of high unemployment.

7697 (c) Programs that are specifically designed to be
 7698 consistent with the workforce needs of private enterprise and
 7699 regional economic development strategies, as defined in
 7700 guidelines set by Workforce Florida, Inc. Workforce Florida,

7701 Inc., shall develop guidelines to identify such needs and
 7702 strategies based on localized research of private employers and
 7703 economic development practitioners.

7704 (d) Programs identified by Workforce Florida, Inc., as
 7705 increasing the effectiveness and cost efficiency of education.

7706 (9) School districts shall report full-time equivalent
 7707 students by discipline category for the programs specified in
 7708 subsection (1). There shall be an annual cost analysis for the
 7709 school district workforce education programs that reports cost
 7710 by discipline category consistent with the reporting for full-
 7711 time equivalent students. The annual financial reports submitted
 7712 by the school districts must accurately report on the student
 7713 fee revenues by fee type according to the programs specified in
 7714 subsection (1). The Department of Education shall develop a plan
 7715 for comparable reporting of program, student, facility,
 7716 personnel, and financial data between the Florida College System
 7717 institutions ~~community colleges~~ and the school district
 7718 workforce education programs.

7719 (10) A high school student dually enrolled under s.
 7720 1007.271 in a workforce education program operated by a Florida
 7721 College System institution ~~community college~~ or school district
 7722 career center generates the amount calculated for workforce
 7723 education funding, including any payment of performance funding,
 7724 and the proportional share of full-time equivalent enrollment
 7725 generated through the Florida Education Finance Program for the
 7726 student's enrollment in a high school. If a high school student
 7727 is dually enrolled in a Florida College System institution
 7728 ~~community college~~ program, including a program conducted at a

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7729 | high school, the Florida College System institution ~~community~~
 7730 | ~~college~~ earns the funds generated for workforce education
 7731 | funding, and the school district earns the proportional share of
 7732 | full-time equivalent funding from the Florida Education Finance
 7733 | Program. If a student is dually enrolled in a career center
 7734 | operated by the same district as the district in which the
 7735 | student attends high school, that district earns the funds
 7736 | generated for workforce education funding and also earns the
 7737 | proportional share of full-time equivalent funding from the
 7738 | Florida Education Finance Program. If a student is dually
 7739 | enrolled in a workforce education program provided by a career
 7740 | center operated by a different school district, the funds must
 7741 | be divided between the two school districts proportionally from
 7742 | the two funding sources. A student may not be reported for
 7743 | funding in a dual enrollment workforce education program unless
 7744 | the student has completed the basic skills assessment pursuant
 7745 | to s. 1004.91.

7746 | Section 175. Section 1011.801, Florida Statutes, is
 7747 | amended to read:

7748 | 1011.801 Workforce Development Capitalization Incentive
 7749 | Grant Program.—The Legislature recognizes that the need for
 7750 | school districts and Florida College System institutions
 7751 | ~~community colleges~~ to be able to respond to emerging local or
 7752 | statewide economic development needs is critical to the
 7753 | workforce development system. The Workforce Development
 7754 | Capitalization Incentive Grant Program is created to provide
 7755 | grants to school districts and Florida College System
 7756 | institutions ~~community colleges~~ on a competitive basis to fund

7757 | some or all of the costs associated with the creation or
 7758 | expansion of workforce development programs that serve specific
 7759 | employment workforce needs.

7760 | (1) Funds awarded for a workforce development
 7761 | capitalization incentive grant may be used for instructional
 7762 | equipment, laboratory equipment, supplies, personnel, student
 7763 | services, or other expenses associated with the creation or
 7764 | expansion of a workforce development program. Expansion of a
 7765 | program may include either the expansion of enrollments in a
 7766 | program or expansion into new areas of specialization within a
 7767 | program. No grant funds may be used for recurring instructional
 7768 | costs or for institutions' indirect costs.

7769 | (2) The State Board of Education shall accept applications
 7770 | from school districts or Florida College System institutions
 7771 | ~~community colleges~~ for workforce development capitalization
 7772 | incentive grants. Applications from school districts or Florida
 7773 | College System institutions ~~community colleges~~ shall contain
 7774 | projected enrollments and projected costs for the new or
 7775 | expanded workforce development program. The State Board of
 7776 | Education, in consultation with the Workforce Florida, Inc.,
 7777 | shall review and rank each application for a grant according to
 7778 | subsection (3) and shall submit to the Legislature a list in
 7779 | priority order of applications recommended for a grant award.

7780 | (3) The State Board of Education shall give highest
 7781 | priority to programs that train people to enter high-skill,
 7782 | high-wage occupations identified by the Workforce Estimating
 7783 | Conference and other programs approved by Workforce Florida,
 7784 | Inc.; programs that train people to enter occupations under the

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7785 welfare transition program; or programs that train for the
 7786 workforce adults who are eligible for public assistance,
 7787 economically disadvantaged, disabled, not proficient in English,
 7788 or dislocated workers. The State Board of Education shall
 7789 consider the statewide geographic dispersion of grant funds in
 7790 ranking the applications and shall give priority to applications
 7791 from education agencies that are making maximum use of their
 7792 workforce development funding by offering high-performing, high-
 7793 demand programs.

7794 Section 176. Section 1011.81, Florida Statutes, is amended
 7795 to read:

7796 1011.81 Florida College System ~~Community College~~ Program
 7797 Fund.—

7798 (1) There is established a Florida College System
 7799 ~~Community College~~ Program Fund. This fund shall comprise all
 7800 appropriations made by the Legislature for the support of the
 7801 current operating program and shall be apportioned and
 7802 distributed to the Florida College System institution ~~community~~
 7803 ~~college~~ districts of the state on the basis of procedures
 7804 established by law and rules of the State Board of Education.
 7805 The annual apportionment for each Florida College System
 7806 institution ~~community college~~ district shall be distributed
 7807 monthly in payments as nearly equal as possible.

7808 (2) None of the funds made available in the Florida
 7809 College System ~~Community College~~ Program Fund, or funds made
 7810 available to Florida College System institutions ~~community~~
 7811 ~~colleges~~ outside the Florida College System ~~Community College~~
 7812 Program Fund, may be used to implement, organize, direct,

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7813 | coordinate, or administer, or to support the implementation,
 7814 | organization, direction, coordination, or administration of,
 7815 | activities related to, or involving, travel to a terrorist
 7816 | state. For purposes of this section, "terrorist state" is
 7817 | defined as any state, country, or nation designated by the
 7818 | United States Department of State as a state sponsor of
 7819 | terrorism.

7820 | Section 177. Section 1011.82, Florida Statutes, is amended
 7821 | to read:

7822 | 1011.82 Requirements for participation in Florida College
 7823 | System ~~Community College~~ Program Fund.—Each Florida College
 7824 | System institution ~~community college~~ district which participates
 7825 | in the state appropriations for the Florida College System
 7826 | ~~Community College~~ Program Fund shall provide evidence of its
 7827 | effort to maintain an adequate Florida College System
 7828 | institution ~~community college~~ program which shall:

7829 | (1) Meet the minimum standards prescribed by the State
 7830 | Board of Education in accordance with s. 1001.02(6).

7831 | (2) Effectively fulfill the mission of the Florida College
 7832 | System institutions ~~community colleges~~ in accordance with s.
 7833 | 1004.65.

7834 | Section 178. Section 1011.83, Florida Statutes, is amended
 7835 | to read:

7836 | 1011.83 Financial support of Florida College System
 7837 | institutions ~~community colleges~~.—

7838 | (1) Each Florida College System institution ~~community~~
 7839 | ~~college~~ that has been approved by the Department of Education
 7840 | and meets the requirements of law and rules of the State Board

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7841 of Education shall participate in the Florida College System
 7842 ~~Community College~~ Program Fund. However, funds to support
 7843 workforce education programs conducted by Florida College System
 7844 institutions ~~community colleges~~ shall be provided pursuant to s.
 7845 1011.80.

7846 (2) A student in a baccalaureate degree program approved
 7847 pursuant to s. 1007.33 who is not classified as a resident for
 7848 tuition purposes pursuant to s. 1009.21 may not be included in
 7849 calculations of full-time equivalent enrollments for state
 7850 funding purposes.

7851 Section 179. Section 1011.84, Florida Statutes, is amended
 7852 to read:

7853 1011.84 Procedure for determining state financial support
 7854 and annual apportionment of state funds to each Florida College
 7855 System institution ~~community college~~ district.—The procedure for
 7856 determining state financial support and the annual apportionment
 7857 to each Florida College System institution ~~community college~~
 7858 district authorized to operate a Florida College System
 7859 institution ~~community college~~ under the provisions of s. 1001.61
 7860 shall be as follows:

7861 (1) DETERMINING THE AMOUNT TO BE INCLUDED IN THE FLORIDA
 7862 COLLEGE SYSTEM ~~COMMUNITY COLLEGE~~ PROGRAM FUND FOR THE CURRENT
 7863 OPERATING PROGRAM.—

7864 (a) The Department of Education shall determine annually
 7865 from an analysis of operating costs, prepared in the manner
 7866 prescribed by rules of the State Board of Education, the costs
 7867 per full-time equivalent student served in courses and fields of
 7868 study offered in Florida College System institutions ~~community~~

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7869 ~~colleges~~. This information and current college operating budgets
 7870 shall be submitted to the Executive Office of the Governor with
 7871 the legislative budget request prior to each regular session of
 7872 the Legislature.

7873 (b) The allocation of funds for Florida College System
 7874 institutions ~~community colleges~~ shall be based on advanced and
 7875 professional disciplines, college-preparatory programs, and
 7876 other programs for adults funded pursuant to s. 1011.80.

7877 (c) The category of lifelong learning is for students
 7878 enrolled pursuant to s. 1004.93. A student shall also be
 7879 reported as a lifelong learning student for his or her
 7880 enrollment in any course that he or she has previously taken,
 7881 unless it is a credit course in which the student earned a grade
 7882 of D or F.

7883 (d) If an adult student has been determined to be a
 7884 disabled student eligible for an approved educational program
 7885 for disabled adults provided pursuant to s. 1004.93 and rules of
 7886 the State Board of Education and is enrolled in a class with
 7887 curriculum frameworks developed for the program, state funding
 7888 for that student shall be provided at a level double that of a
 7889 student enrolled in a special adult general education program
 7890 provided by a Florida College System institution ~~community~~
 7891 ~~college~~.

7892 (e) All state inmate education provided by Florida College
 7893 System institutions ~~community colleges~~ shall be reported by
 7894 program, FTE expenditure, and revenue source. These enrollments,
 7895 expenditures, and revenues shall be reported and projected
 7896 separately. Instruction of state inmates shall not be included

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7897 | in the full-time equivalent student enrollment for funding
 7898 | through the Florida College System ~~Community College~~ Program
 7899 | Fund.

7900 | (f) When a public educational institution has been fully
 7901 | funded by an external agency for direct instructional costs of
 7902 | any course or program, the FTE generated shall not be reported
 7903 | for state funding.

7904 | (g) The State Board of Education shall adopt rules to
 7905 | implement s. 9(d)(8)f., Art. XII of the State Constitution.
 7906 | These rules shall provide for the use of the funds available
 7907 | under s. 9(d)(8)f., Art. XII by an individual Florida College
 7908 | System institution ~~community college~~ for operating expense in
 7909 | any fiscal year during which the State Board of Education has
 7910 | determined that all major capital outlay needs have been met.
 7911 | Highest priority for the use of these funds for purposes other
 7912 | than financing approved capital outlay projects shall be for the
 7913 | proper maintenance and repair of existing facilities for
 7914 | projects approved by the State Board of Education. However, in
 7915 | any fiscal year in which funds from this source are authorized
 7916 | for operating expense other than approved maintenance and repair
 7917 | projects, the allocation of Florida College System institution
 7918 | ~~community college~~ program funds shall be reduced by an amount
 7919 | equal to the sum used for such operating expense for that
 7920 | Florida College System institution ~~community college~~ that year,
 7921 | and that amount shall not be released or allocated among the
 7922 | other Florida College System institutions ~~community colleges~~
 7923 | that year.

7924 | (2) DETERMINING THE AMOUNT TO BE INCLUDED FOR CAPITAL

7925 OUTLAY AND DEBT SERVICE.—The amount included for capital outlay
 7926 and debt service shall be as determined and provided in s. 18,
 7927 Art. XII of the State Constitution of 1885, as adopted by s.
 7928 9(d), Art. XII of the 1968 revised State Constitution and State
 7929 Board of Education rules.

7930 (3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.—

7931 (a) By December 15 of each year, the Department of
 7932 Education shall estimate the annual enrollment of each Florida
 7933 College System institution ~~community college~~ for the current
 7934 fiscal year and for the 3 subsequent fiscal years. These
 7935 estimates shall be based upon prior years' enrollments, upon the
 7936 initial fall term enrollments for the current fiscal year for
 7937 each college, and upon each college's estimated current
 7938 enrollment and demographic changes in the respective Florida
 7939 College System institution ~~community college~~ districts. Upper-
 7940 division enrollment shall be estimated separately from lower-
 7941 division enrollment.

7942 (b) The apportionment to each Florida College System
 7943 institution ~~community college~~ from the Florida College System
 7944 ~~Community College~~ Program Fund shall be determined annually in
 7945 the General Appropriations Act. In determining each college's
 7946 apportionment, the Legislature shall consider the following
 7947 components:

7948 1. Base budget, which includes the state appropriation to
 7949 the Florida College System ~~Community College~~ Program Fund in the
 7950 current year plus the related student tuition and out-of-state
 7951 fees assigned in the current General Appropriations Act.

7952 2. The cost-to-continue allocation, which consists of

7953 incremental changes to the base budget, including salaries,
 7954 price levels, and other related costs allocated through a
 7955 funding model approved by the Legislature which may recognize
 7956 differing economic factors arising from the individual
 7957 educational approaches of the various Florida College System
 7958 institutions ~~community colleges~~, including, but not limited to:

- 7959 a. Direct Instructional Funding, including class size,
 7960 faculty productivity factors, average faculty salary, ratio of
 7961 full-time to part-time faculty, costs of programs, and
 7962 enrollment factors.
- 7963 b. Academic Support, including small colleges factor,
 7964 multicampus factor, and enrollment factor.
- 7965 c. Student Services Support, including headcount of
 7966 students as well as FTE count and enrollment factors.
- 7967 d. Library Support, including volume and other
 7968 materials/audiovisual requirements.
- 7969 e. Special Projects.
- 7970 f. Operations and Maintenance of Plant, including square
 7971 footage and utilization factors.
- 7972 g. District Cost Differential.

7973 3. Students enrolled in a recreation and leisure program
 7974 and students enrolled in a lifelong learning program who may not
 7975 be counted as full-time equivalent enrollments for purposes of
 7976 enrollment workload adjustments.

7977 4. Operating costs of new facilities adjustments, which
 7978 shall be provided, from funds available, for each new facility
 7979 that is owned by the college and is recommended in accordance
 7980 with s. 1013.31.

7981 5. New and improved program enhancements, which shall be
7982 determined by the Legislature.

7983
7984 Student fees in the base budget plus student fee revenues
7985 generated by increases in fee rates shall be deducted from the
7986 sum of the components determined in subparagraphs 1.-5. The
7987 amount remaining shall be the net annual state apportionment to
7988 each college.

7989 (c) No Florida College System institution ~~community~~
7990 ~~college~~ shall commit funds for the employment of personnel or
7991 resources in excess of those required to continue the same level
7992 of support for either the previously approved enrollment or the
7993 revised enrollment, whichever is lower.

7994 (d) The apportionment to each Florida College System
7995 institution ~~community college~~ district for capital outlay and
7996 debt service shall be the amount determined in accordance with
7997 subsection (2). This amount, less any amount determined as
7998 necessary for administrative expense by the State Board of
7999 Education and any amount necessary for debt service on bonds
8000 issued by the State Board of Education, shall be transmitted to
8001 the Florida College System institution ~~community college~~ board
8002 of trustees to be expended in a manner prescribed by rules of
8003 the State Board of Education.

8004 (e) If at any time the unencumbered balance in the general
8005 fund of the Florida College System institution ~~community college~~
8006 board of trustees approved operating budget goes below 5
8007 percent, the president shall provide written notification to the
8008 State Board of Education.

8009 (f) Expenditures for apprenticeship programs shall be
 8010 reported separately.

8011 (g) Expenditures for upper-division enrollment in a
 8012 Florida College System institution ~~community college~~ that grants
 8013 baccalaureate degrees shall be reported separately from
 8014 expenditures for lower-division enrollment, in accordance with
 8015 law and State Board of Education rule.

8016 (4) EXPENDITURE OF ALLOCATED FUNDS.—Any funds allocated
 8017 herein to any Florida College System institution ~~community~~
 8018 ~~college~~ shall be expended only for the purpose of supporting
 8019 that Florida College System institution ~~community college~~.

8020 (5) REPORT OF REMEDIAL EDUCATION.—Each Florida College
 8021 System institution ~~community college~~ board of trustees shall
 8022 report the volume and cost of remedial education activities as a
 8023 separate item in its annual cost accounting system.

8024 Section 180. Section 1011.85, Florida Statutes, is amended
 8025 to read:

8026 1011.85 Dr. Philip Benjamin Matching Grant Program for
 8027 Florida College System Institutions ~~Community Colleges~~.—

8028 (1) There is created the Dr. Philip Benjamin Matching
 8029 Grant Program for Florida College System Institutions ~~Community~~
 8030 ~~Colleges~~ as a single matching gifts program that encompasses the
 8031 goals originally set out in the Academic Improvement Program,
 8032 the Scholarship Matching Program, and the Health Care Education
 8033 Quality Enhancement Challenge Grant. The program shall be
 8034 administered according to rules of the State Board of Education
 8035 and used to encourage private support in enhancing Florida
 8036 College System institutions ~~community colleges~~ by providing the

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8037 Florida ~~community~~ College System with the opportunity to receive
 8038 and match challenge grants. Funds received prior to the
 8039 effective date of this act for each of the three programs shall
 8040 be retained in the separate account for which it was designated.

8041 (2) Each Florida College System institution ~~community~~
 8042 ~~college~~ board of trustees receiving state appropriations under
 8043 this program shall approve each gift to ensure alignment with
 8044 the unique mission of the Florida College System institution
 8045 ~~community college~~. The board of trustees must link all requests
 8046 for a state match to the goals and mission statement. The
 8047 Florida College System Institution ~~Community College~~ Foundation
 8048 Board receiving state appropriations under this program shall
 8049 approve each gift to ensure alignment with its goals and mission
 8050 statement.

8051 (3) Upon approval by the Florida College System
 8052 institution ~~community college~~ board of trustees and the State
 8053 Board of Education, the ordering of donations for priority
 8054 listing of unmatched gifts should be determined by the
 8055 submitting Florida College System institution ~~community college~~.

8056 (4) Each year, eligible contributions received by a
 8057 Florida College System institution's ~~community college's~~
 8058 foundation or the State Board of Education by February 1 shall
 8059 be eligible for state matching funds.

8060 (a) Each Florida College System institution ~~community~~
 8061 ~~college~~ board of trustees and, when applicable, the Florida
 8062 College System Institution ~~Community College~~ Foundation Board,
 8063 receiving state appropriations under this program shall also
 8064 certify in an annual report to the State Board of Education the

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8065 receipt of eligible cash contributions that were previously
 8066 unmatched by the state. The State Board of Education shall adopt
 8067 rules providing all Florida College System institutions
 8068 ~~community colleges~~ with an opportunity to apply for excess funds
 8069 before the awarding of such funds.

8070 (b) Florida College System institutions ~~Community colleges~~
 8071 must submit to the State Board of Education an annual
 8072 expenditure report tracking the use of all matching funds.

8073 (c) The audit of each foundation receiving state funds
 8074 from this program must include a certification of accuracy in
 8075 the amount reported for matching funds.

8076 (5) The matching ratio for donations that are specifically
 8077 designated to support scholarships, including scholarships for
 8078 first-generation-in-college students, student loans, or need-
 8079 based grants shall be \$1 of state funds to \$1 of local private
 8080 funds.

8081 (6) Otherwise, funds shall be proportionately allocated to
 8082 the Florida College System institutions ~~community colleges~~ on
 8083 the basis of matching each \$6 of local or private funds with \$4
 8084 of state funds. To be eligible, a minimum of \$4,500 must be
 8085 raised from private sources.

8086 (7) The Florida College System institution ~~community~~
 8087 ~~college~~ board of trustees, in conjunction with the donor, shall
 8088 make the determination of whether scholarships established
 8089 pursuant to this program are endowed.

8090 (8) (a) Funds sufficient to provide the match shall be
 8091 transferred from the state appropriations to the local Florida
 8092 College System institution ~~community college~~ foundation or the

8093 | statewide Florida College System institution ~~community college~~
 8094 | foundation upon notification that a proportionate amount has
 8095 | been received and deposited by a Florida College System
 8096 | institution ~~community college~~ in its own trust fund.

8097 | (b) If state funds appropriated for the program are
 8098 | insufficient to match contributions, the amount allocated shall
 8099 | be reduced in proportion to its share of the total eligible
 8100 | contributions. However, in making proportional reductions, every
 8101 | Florida College System institution ~~community college~~ shall
 8102 | receive a minimum of \$75,000 in state matching funds if its
 8103 | eligible contributions would have generated an amount at least
 8104 | equal to \$75,000. All unmet contributions shall be eligible for
 8105 | state matching funds in subsequent fiscal years.

8106 | (9) Each Florida College System institution ~~community~~
 8107 | ~~college~~ entity shall establish its own matching grant program
 8108 | fund as a depository for the private contributions and matching
 8109 | state funds provided under this section. Florida College System
 8110 | institution ~~Community college~~ foundations are responsible for
 8111 | the maintenance, investment, and administration of their
 8112 | matching grant program funds.

8113 | (10) The State Board of Education may receive submissions
 8114 | of requests for matching funds and documentation relating to
 8115 | those requests, may approve requests for matching funds, and may
 8116 | allocate such funds to the Florida College System institutions
 8117 | ~~community colleges~~.

8118 | (11) The board of trustees of the Florida College System
 8119 | institution ~~community college~~ and the State Board of Education
 8120 | are responsible for determining the uses for the proceeds of

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8121 their respective trust funds. Such use of the proceeds shall
 8122 include, but not be limited to, expenditure of the funds for:
 8123 (a) Scientific and technical equipment.
 8124 (b) Scholarships, loans, or need-based grants.
 8125 (c) Other activities that will benefit future students as
 8126 well as students currently enrolled at the Florida College
 8127 System institution ~~community college~~, will improve the quality
 8128 of education at the Florida College System institution ~~community~~
 8129 ~~college~~, or will enhance economic development in the community.

8130 (12) Each Florida College System institution ~~community~~
 8131 ~~college~~ shall notify all donors of private funds of a
 8132 substantial delay in the availability of state matching funds
 8133 for this program.

8134 Section 181. Subsection (1) of section 1011.86, Florida
 8135 Statutes, is amended to read:

8136 1011.86 Educational leadership enhancement grants.—

8137 (1) State universities and Florida College System
 8138 institutions ~~community colleges~~ may submit proposals for
 8139 educational leadership enhancement grants to the Commissioner of
 8140 Education. Proposals shall be funded competitively.

8141 Section 182. Subsection (1) and paragraph (b) of
 8142 subsection (6) of section 1012.01, Florida Statutes, are amended
 8143 to read:

8144 1012.01 Definitions.—As used in this chapter, the
 8145 following terms have the following meanings:

8146 (1) SCHOOL OFFICERS.—The officers of the state system of
 8147 public K-12 and Florida College System institution ~~community~~
 8148 ~~college~~ education shall be the Commissioner of Education and the

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8149 members of the State Board of Education; for each district
 8150 school system, the officers shall be the district school
 8151 superintendent and members of the district school board; and for
 8152 each Florida College System institution ~~community college~~, the
 8153 officers shall be the Florida College System institution
 8154 ~~community college~~ president and members of the Florida College
 8155 System institution ~~community college~~ board of trustees.

8156 (6) EDUCATIONAL SUPPORT EMPLOYEES.—"Educational support
 8157 employees" means K-12 employees whose job functions are neither
 8158 administrative nor instructional, yet whose work supports the
 8159 educational process.

8160 (b) Technicians are individuals whose occupations require
 8161 a combination of knowledge and manual skill which can be
 8162 obtained through about 2 years of post-high school education,
 8163 such as is offered in many career centers and Florida College
 8164 System institutions ~~community colleges~~, or through equivalent
 8165 on-the-job training.

8166 Section 183. Paragraph (c) of subsection (1) of section
 8167 1012.35, Florida Statutes, is amended to read:

8168 1012.35 Substitute teachers.—

8169 (1) Each district school board shall adopt rules
 8170 prescribing the compensation of, and the procedure for
 8171 employment of, substitute teachers.

8172 (c) The required training programs for substitute teachers
 8173 may be provided by Florida College System institutions ~~community~~
 8174 ~~colleges~~, colleges of education, district school boards,
 8175 educational consortia, or commercial vendors.

8176 Section 184. Paragraph (e) of subsection (3) and paragraph

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8177 (e) of subsection (6) of section 1012.56, Florida Statutes, are
 8178 amended to read:

8179 1012.56 Educator certification requirements.—

8180 (3) MASTERY OF GENERAL KNOWLEDGE.—Acceptable means of
 8181 demonstrating mastery of general knowledge are:

8182 (e) Documentation of two semesters of successful teaching
 8183 in a Florida College System institution ~~community college~~, state
 8184 university, or private college or university that awards an
 8185 associate or higher degree and is an accredited institution or
 8186 an institution of higher education identified by the Department
 8187 of Education as having a quality program.

8188 (6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION
 8189 COMPETENCE.—Acceptable means of demonstrating mastery of
 8190 professional preparation and education competence are:

8191 (e) Documentation of two semesters of successful teaching
 8192 in a Florida College System institution ~~community college~~, state
 8193 university, or private college or university that awards an
 8194 associate or higher degree and is an accredited institution or
 8195 an institution of higher education identified by the Department
 8196 of Education as having a quality program;

8197 Section 185. Paragraph (a) of subsection (1) of section
 8198 1012.80, Florida Statutes, is amended to read:

8199 1012.80 Participation by employees in disruptive
 8200 activities at public postsecondary educational institutions;
 8201 penalties.—

8202 (1) (a) Any person who accepts the privilege extended by
 8203 the laws of this state of employment at any Florida College
 8204 System institution ~~community college~~ shall, by working at such

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8205 institution, be deemed to have given his or her consent to the
 8206 policies of that institution, the policies of the State Board of
 8207 Education, and the laws of this state. Such policies shall
 8208 include prohibition against disruptive activities at Florida
 8209 College System institutions ~~community colleges~~.

8210 Section 186. Section 1012.81, Florida Statutes, is amended
 8211 to read:

8212 1012.81 Personnel records.—Rules of the State Board of
 8213 Education shall prescribe the content and custody of limited-
 8214 access records which a Florida College System institution
 8215 ~~community college~~ may maintain on its employees. Such records
 8216 shall be limited to information reflecting evaluations of
 8217 employee performance and shall be open to inspection only by the
 8218 employee and by officials of the college who are responsible for
 8219 supervision of the employee. Such limited-access employee
 8220 records are confidential and exempt from the provisions of s.
 8221 119.07(1). Except as required for use by the president in the
 8222 discharge of his or her official responsibilities, the custodian
 8223 of limited-access employee records may release information from
 8224 such records only upon authorization in writing from the
 8225 employee or the president or upon order of a court of competent
 8226 jurisdiction.

8227 Section 187. Section 1012.82, Florida Statutes, is amended
 8228 to read:

8229 1012.82 Teaching faculty; minimum teaching hours per
 8230 week.—Each full-time member of the teaching faculty at any
 8231 Florida College System institution ~~community college~~ who is paid
 8232 wholly from funds appropriated from the Florida College System

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8233 | ~~community college~~ Program Fund or from funds appropriated for
 8234 | Florida College System institution ~~community college~~
 8235 | baccalaureate degree programs shall teach a minimum of 15
 8236 | classroom contact hours per week at such institution. However,
 8237 | the required classroom contact hours per week may be reduced
 8238 | upon approval of the president of the institution in direct
 8239 | proportion to specific duties and responsibilities assigned the
 8240 | faculty member by his or her departmental chair or other
 8241 | appropriate college administrator. Such specific duties may
 8242 | include specific research duties, specific duties associated
 8243 | with developing television, video tape, or other specifically
 8244 | assigned innovative teaching techniques or devices, or assigned
 8245 | responsibility for off-campus student internship or work-study
 8246 | programs. A "classroom contact hour" consists of a regularly
 8247 | scheduled classroom activity of not less than 50 minutes in a
 8248 | course of instruction which has been approved by the Florida
 8249 | College System institution ~~community college~~ board of trustees.
 8250 | Any full-time faculty member who is paid partly from Florida
 8251 | College System institution ~~community college~~ program funds and
 8252 | partly from other funds or appropriations shall teach a minimum
 8253 | number of classroom contact hours per week in such proportion to
 8254 | 15 classroom contact hours as his or her salary paid from
 8255 | Florida College System institution ~~community college~~ program
 8256 | funds bears to his or her total salary. Any full-time faculty
 8257 | member who is paid partly from funds appropriated for Florida
 8258 | College System institution ~~community college~~ baccalaureate
 8259 | degree programs and partly from other funds or appropriations
 8260 | shall teach a minimum number of classroom contact hours per week

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8261 in such proportion to 15 classroom contact hours as his or her
 8262 salary paid from funds appropriated for Florida College System
 8263 institution ~~community college~~ baccalaureate degree programs
 8264 bears to his or her total salary.

8265 Section 188. Section 1012.83, Florida Statutes, is amended
 8266 to read:

8267 1012.83 Contracts with administrative and instructional
 8268 staff.—

8269 (1) Each person employed in an administrative or
 8270 instructional capacity in a Florida College System institution
 8271 ~~community college~~ shall be entitled to a contract as provided by
 8272 rules of the State Board of Education.

8273 (2) A Florida College System institution ~~community college~~
 8274 board of trustees may not enter into an employment contract that
 8275 requires the Florida College System institution ~~community~~
 8276 ~~college~~ to pay an employee an amount from appropriated state
 8277 funds in excess of 1 year of the employee's annual salary for
 8278 termination, buyout, or any other type of contract settlement.
 8279 This subsection does not prohibit the payment of leave and
 8280 benefits accrued by the employee in accordance with the Florida
 8281 College System institution's ~~community college's~~ leave and
 8282 benefits policies before the contract terminates.

8283 Section 189. Subsection (1) of section 1012.84, Florida
 8284 Statutes, is amended to read:

8285 1012.84 Exemption from county civil service commissions.—

8286 (1) Any Florida College System institution ~~community~~
 8287 ~~college~~ located in a county which has either a budget commission
 8288 or a civil service commission is exempt from the regulation,

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8289 supervision, and control of any such commission.

8290 Section 190. Section 1012.85, Florida Statutes, is amended
8291 to read:

8292 1012.85 Payment of costs of civil actions against
8293 officers, employees, or agents of Florida College System
8294 institution ~~community college~~ board of trustees.-

8295 (1) Whenever any civil action has been brought against any
8296 officer of the Florida College System institution ~~community~~
8297 ~~college~~ board of trustees, including a board member, or any
8298 person employed by or agent of the Florida College System
8299 institution ~~community college~~ board of trustees, of any Florida
8300 College System institution ~~community college~~ for any act or
8301 omission arising out of and in the course of the performance of
8302 his or her duties and responsibilities, the Florida College
8303 System institution ~~community college~~ board of trustees may
8304 defray all costs of defending such action, including reasonable
8305 attorney's fees and expenses together with costs of appeal, if
8306 any, and may save harmless and protect such person from any
8307 financial loss resulting therefrom; and the Florida College
8308 System institution ~~community college~~ board of trustees may be
8309 self-insured, to enter into risk management programs, or to
8310 purchase insurance for whatever coverage it may choose, or to
8311 have any combination thereof, to cover all such losses and
8312 expenses. However, any attorney's fees paid from public funds
8313 for any officer, employee, or agent who is found to be
8314 personally liable by virtue of acting outside the scope of his
8315 or her employment or acting in bad faith, with malicious
8316 purpose, or in a manner exhibiting wanton and willful disregard

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8317 of human rights, safety, or property may be recovered by the
 8318 state, county, municipality, or political subdivision in a civil
 8319 action against such officer, employee, or agent.

8320 (2) Failure by a Florida College System institution
 8321 ~~community college~~ board of trustees to perform any act
 8322 authorized by this section shall not constitute a cause of
 8323 action against a Florida College System institution ~~community~~
 8324 ~~college~~ or its trustees, officers, employees, or agents.

8325 Section 191. Section 1012.855, Florida Statutes, is
 8326 amended to read:

8327 1012.855 Employment of Florida College System institution
 8328 ~~community college~~ personnel; discrimination in granting salary
 8329 prohibited.—

8330 (1) (a) Employment of all personnel in each Florida College
 8331 System institution ~~community college~~ shall be upon
 8332 recommendation of the president, subject to rejection for cause
 8333 by the Florida College System institution ~~community college~~
 8334 board of trustees; to the rules of the State Board of Education
 8335 relative to certification, tenure, leaves of absence of all
 8336 types, including sabbaticals, remuneration, and such other
 8337 conditions of employment as the State Board of Education deems
 8338 necessary and proper; and to policies of the Florida College
 8339 System institution ~~community college~~ board of trustees not
 8340 inconsistent with law.

8341 (b) Any internal auditor employed by a Florida College
 8342 System institution ~~community college~~ shall be hired by the
 8343 Florida College System institution ~~community college~~ board of
 8344 trustees and shall report directly to the board.

8345 (2) Each Florida College System institution ~~community~~
 8346 ~~college~~ board of trustees shall undertake a program to eradicate
 8347 any discrimination on the basis of gender, race, or physical
 8348 handicap in the granting of salaries to employees.

8349 Section 192. Subsections (1), (2), (3), (5), and (6) of
 8350 section 1012.86, Florida Statutes, are amended to read:

8351 1012.86 Florida College System institution ~~Community~~
 8352 ~~college~~ employment equity accountability program.—

8353 (1) Each Florida College System institution ~~community~~
 8354 ~~college~~ shall include in its annual equity update a plan for
 8355 increasing the representation of women and minorities in senior-
 8356 level administrative positions and in full-time faculty
 8357 positions, and for increasing the representation of women and
 8358 minorities who have attained continuing-contract status.
 8359 Positions shall be defined in the personnel data element
 8360 directory of the Department of Education. The plan must include
 8361 specific measurable goals and objectives, specific strategies
 8362 and timelines for accomplishing these goals and objectives, and
 8363 comparable national standards as provided by the Department of
 8364 Education. The goals and objectives shall be based on meeting or
 8365 exceeding comparable national standards and shall be reviewed
 8366 and recommended by the State Board of Education as appropriate.
 8367 Such plans shall be maintained until appropriate representation
 8368 has been achieved and maintained for at least 3 consecutive
 8369 reporting years.

8370 (2) (a) On or before May 1 of each year, each Florida
 8371 College System institution ~~community college~~ president shall
 8372 submit an annual employment accountability plan to the

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8373 Commissioner of Education and the State Board of Education. The
 8374 accountability plan must show faculty and administrator
 8375 employment data according to requirements specified on the
 8376 federal Equal Employment Opportunity (EE0-6) report.

8377 (b) The plan must show the following information for those
 8378 positions including, but not limited to:

- 8379 1. Job classification title.
- 8380 2. Gender.
- 8381 3. Ethnicity.
- 8382 4. Appointment status.
- 8383 5. Salary information. At each Florida College System
 8384 institution ~~community college~~, salary information shall also
 8385 include the salary ranges in which new hires were employed
 8386 compared to the salary ranges for employees with comparable
 8387 experience and qualifications.
- 8388 6. Other comparative information including, but not
 8389 limited to, composite information regarding the total number of
 8390 positions within the particular job title classification for the
 8391 Florida College System institution ~~community college~~ by race,
 8392 gender, and salary range compared to the number of new hires.
- 8393 7. A statement certifying diversity and balance in the
 8394 gender and ethnic composition of the selection committee for
 8395 each vacancy, including a brief description of guidelines used
 8396 for ensuring balanced and diverse membership on selection and
 8397 review committees.

8398 (c) The annual employment accountability plan shall also
 8399 include an analysis and an assessment of the Florida College
 8400 System institution's ~~community college's~~ attainment of annual

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8401 | goals and of long-range goals for increasing the number of women
 8402 | and minorities in faculty and senior-level administrative
 8403 | positions, and a corrective action plan for addressing
 8404 | underrepresentation.

8405 | (d) Each Florida College System institution's ~~community~~
 8406 | ~~college's~~ employment accountability plan must also include:

8407 | 1. The requirements for receiving a continuing contract.

8408 | 2. A brief description of the process used to grant
 8409 | continuing-contract status.

8410 | 3. A brief description of the process used to annually
 8411 | apprise each eligible faculty member of progress toward
 8412 | attainment of continuing-contract status.

8413 | (3) Florida College System institution ~~Community college~~
 8414 | presidents and the heads of each major administrative division
 8415 | shall be evaluated annually on the progress made toward meeting
 8416 | the goals and objectives of the Florida College System
 8417 | institution's ~~community college's~~ employment accountability
 8418 | plan.

8419 | (a) The Florida College System institution ~~community~~
 8420 | ~~college~~ presidents, or the presidents' designees, shall annually
 8421 | evaluate each department chairperson, dean, provost, and vice
 8422 | president in achieving the annual and long-term goals and
 8423 | objectives. A summary of the results of such evaluations shall
 8424 | be reported annually by the Florida College System institution
 8425 | ~~community college~~ president to the Florida College System
 8426 | institution ~~community college~~ board of trustees. Annual budget
 8427 | allocations by the Florida College System institution ~~community~~
 8428 | ~~college~~ board of trustees for positions and funding must take

8429 into consideration these evaluations.

8430 (b) Florida College System institution ~~Community college~~
 8431 boards of trustees shall annually evaluate the performance of
 8432 the Florida College System institution ~~community college~~
 8433 presidents in achieving the annual and long-term goals and
 8434 objectives. A summary of the results of such evaluations shall
 8435 be reported to the Commissioner of Education and the State Board
 8436 of Education as part of the Florida College System institution's
 8437 ~~community college's~~ annual employment accountability plan, and
 8438 to the Legislature as part of the annual equity progress report
 8439 submitted by the State Board of Education.

8440 (5) Each Florida College System institution ~~community~~
 8441 ~~college~~ shall develop a budgetary incentive plan to support and
 8442 ensure attainment of the goals developed pursuant to this
 8443 section. The plan shall specify, at a minimum, how resources
 8444 shall be allocated to support the achievement of goals and the
 8445 implementation of strategies in a timely manner. After prior
 8446 review and approval by the Florida College System institution
 8447 ~~community college~~ president and the Florida College System
 8448 institution ~~community college~~ board of trustees, the plan shall
 8449 be submitted as part of the annual employment accountability
 8450 plan submitted by each Florida College System institution
 8451 ~~community college~~ to the State Board of Education.

8452 (6) Subject to available funding, the Legislature shall
 8453 provide an annual appropriation to the State Board of Education
 8454 to be allocated to Florida College System institution ~~community~~
 8455 ~~college~~ presidents, faculty, and administrative personnel to
 8456 further enhance equity initiatives and related priorities that

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8457 support the mission of colleges and departments in recognition
 8458 of the attainment of the equity goals and objectives.

8459 Section 193. Section 1012.865, Florida Statutes, is
 8460 amended to read:

8461 1012.865 Sick leave.—Each Florida College System
 8462 institution ~~community college~~ board of trustees shall adopt
 8463 rules whereby any full-time employee who is unable to perform
 8464 his or her duties at the Florida College System institution
 8465 ~~community college~~ on account of personal sickness, accident
 8466 disability, or extended personal illness, or because of illness
 8467 or death of the employee's father, mother, brother, sister,
 8468 husband, wife, child, or other close relative or member of the
 8469 employee's own household, and who consequently has to be absent
 8470 from work shall be granted leave of absence for sickness by the
 8471 president or by the president's designated representative. The
 8472 following provisions shall govern sick leave:

8473 (1) DEFINITIONS.—As used in this section, unless the
 8474 context otherwise requires, the term:

8475 (a) "Educational support employee" means any person
 8476 employed by a Florida College System institution ~~community~~
 8477 ~~college~~ as an education or administrative paraprofessional; a
 8478 member of the operations, maintenance, or comparable department;
 8479 or a secretary, clerical, or comparable level support employee.

8480 (b) "Instructional staff" shall be used synonymously with
 8481 the word "teacher" or "faculty" and includes faculty members,
 8482 librarians, counselors, and other comparable members engaged in
 8483 an instructional capacity in the Florida College System
 8484 institution ~~community college~~.

8485 (2) EXTENT OF LEAVE WITH COMPENSATION.—

8486 (a) Each full-time employee shall earn 1 day of sick leave
 8487 with compensation for each calendar month or major fraction of a
 8488 calendar month of service, not to exceed 12 days for each fiscal
 8489 year. Such leave shall be taken only when necessary because of
 8490 sickness as herein prescribed. Such sick leave shall be
 8491 cumulative from year to year. Accumulated sick leave may be
 8492 transferred from another Florida College System institution
 8493 ~~community college~~, the Florida Department of Education, a state
 8494 university, a Florida district school board, or a state agency,
 8495 provided that at least one-half of the sick leave accumulated at
 8496 any time must have been established in the college in which such
 8497 employee is currently employed.

8498 (b) A Florida College System institution ~~community college~~
 8499 board of trustees may establish rules and prescribe procedures
 8500 whereby a full-time employee may, at the beginning date of
 8501 employment in any year, be credited with 12 days of sick leave
 8502 with compensation in excess of the number of days the employee
 8503 has earned. Upon termination of employment, the employee's final
 8504 compensation shall be adjusted in an amount necessary to ensure
 8505 that sick leave with compensation does not exceed the days of
 8506 earned sick leave as provided herein.

8507 (c) A Florida College System institution ~~community college~~
 8508 board of trustees may establish rules and prescribe standards to
 8509 permit a full-time employee to be absent no more than 4 days for
 8510 personal reasons. However, such absences for personal reasons
 8511 shall be charged only to accrued sick leave, and leave for
 8512 personal reasons shall be noncumulative.

8513 (d) A Florida College System institution ~~community college~~
 8514 board of trustees may establish rules to provide terminal pay
 8515 for accumulated sick leave to full-time instructional staff and
 8516 educational support employees or to the employee's beneficiary
 8517 if service is terminated by death. However, such terminal pay
 8518 may not exceed an amount determined as follows:

8519 1. During the first 3 years of service, the daily rate of
 8520 pay multiplied by 35 percent times the number of days of
 8521 accumulated sick leave.

8522 2. During the next 3 years of service, the daily rate of
 8523 pay multiplied by 40 percent times the number of days of
 8524 accumulated sick leave.

8525 3. During the next 3 years of service, the daily rate of
 8526 pay multiplied by 45 percent times the number of days of
 8527 accumulated sick leave.

8528 4. During the 10th year of service, the daily rate of pay
 8529 multiplied by 50 percent times the number of days of accumulated
 8530 sick leave.

8531 5. During the next 20 years of service, the daily rate of
 8532 pay multiplied by 50 percent plus up to an additional 2.5
 8533 percent per year for each year of service beyond 10 years, times
 8534 the number of days of accumulated sick leave.

8535
 8536 If an employee receives terminal pay benefits based on unused
 8537 sick leave credit, all unused sick leave credit shall become
 8538 invalid; however, if an employee terminates his or her
 8539 employment without receiving terminal pay benefits and is
 8540 reemployed, his or her sick leave credit shall be reinstated.

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8541 (e) A Florida College System institution ~~community college~~
 8542 board of trustees may, by rule, provide for terminal pay for
 8543 accumulated unused sick leave to be paid to any full-time
 8544 employee of a Florida College System institution ~~community~~
 8545 ~~college~~ other than instructional staff or educational support
 8546 employees. If termination of employment is by death of the
 8547 employee, any terminal pay to which the employee may have been
 8548 entitled shall be made to the employee's beneficiary.

8549 1. For unused sick leave accumulated before July 1, 2001,
 8550 terminal pay shall be made pursuant to rules or policies of the
 8551 board of trustees which were in effect on June 30, 2001.

8552 2. For unused sick leave accumulated on or after July 1,
 8553 2001, terminal payment may not exceed an amount equal to one-
 8554 fourth of the employee's unused sick leave or 60 days of the
 8555 employee's pay, whichever amount is less.

8556 3. If the employee had an accumulated sick leave balance
 8557 of 60 days or more on June 30, 2001, sick leave earned after
 8558 that date may not be accumulated for terminal pay purposes until
 8559 the accumulated leave balance as of June 30, 2001, is less than
 8560 60 days.

8561 (3) CLAIM MUST BE FILED.—Any full-time employee who finds
 8562 it necessary to be absent from his or her duties because of
 8563 illness as defined in this section shall notify the Florida
 8564 College System institution ~~community college~~ president or a
 8565 college official designated by the president, if possible before
 8566 the opening of college on the day on which the employee must be
 8567 absent or during the day, except when he or she is absent for
 8568 emergency reasons recognized by the Florida College System

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8569 | institution ~~community college~~ board of trustees as valid. Any
 8570 | employee shall, before claiming and receiving compensation for
 8571 | the time absent from his or her duties while absent because of
 8572 | sick leave as prescribed in this section, make and file a
 8573 | written certificate which shall set forth the day or days
 8574 | absent, that such absence was necessary, and that he or she is
 8575 | entitled or not entitled to receive pay for such absence in
 8576 | accordance with the provisions of this section. The Florida
 8577 | College System institution ~~community college~~ board of trustees
 8578 | may adopt rules under which the president may require a
 8579 | certificate of illness from a licensed physician or from the
 8580 | county health officer.

8581 | (4) COMPENSATION.—Any full-time employee who has unused
 8582 | sick leave credit shall receive full-time compensation for the
 8583 | time justifiably absent on sick leave; however, no compensation
 8584 | may be allowed beyond that provided in subsection (6).

8585 | (5) EXPENDITURE AUTHORIZED.—Florida College System
 8586 | institution ~~Community college~~ boards of trustees may expend
 8587 | public funds for payment to employees on account of sickness.
 8588 | The expending and excluding of such funds shall be in compliance
 8589 | with rules adopted by the Department of Management Services
 8590 | pursuant to chapter 650.

8591 | (6) SICK LEAVE POOL.—Notwithstanding any other provision
 8592 | of this section, a Florida College System institution ~~community~~
 8593 | ~~college~~ board of trustees may, by rule, based upon the
 8594 | maintenance of reliable and accurate records by the Florida
 8595 | College System institution ~~community college~~ showing the amount
 8596 | of sick leave which has been accumulated and is unused by

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8597 employees in accordance with this section, establish a plan
 8598 allowing participating full-time employees of the Florida
 8599 College System institution ~~community college~~ to pool sick leave
 8600 accrued and allowing any sick leave thus pooled to be disbursed
 8601 to any participating employee who is in need of sick leave in
 8602 excess of that amount he or she has personally accrued. Such
 8603 rules shall include, but not be limited to, the following
 8604 provisions:

8605 (a) Participation in the sick leave pool shall at all
 8606 times be voluntary on the part of employees.

8607 (b) Any full-time employee shall be eligible for
 8608 participation in the sick leave pool after 1 year of employment
 8609 with the Florida College System institution ~~community college~~,
 8610 provided such employee has accrued a minimum amount of unused
 8611 sick leave, which minimum shall be established by rule.

8612 (c) Any sick leave pooled pursuant to this section shall
 8613 be removed from the personally accumulated sick leave balance of
 8614 the employee donating such leave.

8615 (d) Participating employees shall make equal contributions
 8616 to the sick leave pool. There shall be established a maximum
 8617 amount of sick leave which may be contributed to the pool by an
 8618 employee. After the initial contribution which an employee makes
 8619 upon electing to participate, no further contributions shall be
 8620 required except as may be necessary to replenish the pool. Any
 8621 such further contribution shall be equally required of all
 8622 employees participating in the pool.

8623 (e) Any sick leave time drawn from the pool by a
 8624 participating employee must be used for that employee's personal

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8625 illness, accident, or injury.

8626 (f) A participating employee will not be eligible to use
 8627 sick leave from the pool until all of his or her sick leave has
 8628 been depleted. There shall be established a maximum number of
 8629 days for which an employee may draw sick leave from the sick
 8630 leave pool.

8631 (g) A participating employee who uses sick leave from the
 8632 pool will not be required to recontribute such sick leave to the
 8633 pool, except as otherwise provided herein.

8634 (h) A participating employee who chooses to no longer
 8635 participate in the sick leave pool will not be eligible to
 8636 withdraw any sick leave already contributed to the pool.

8637 (i) Alleged abuse of the use of the sick leave pool shall
 8638 be investigated, and, on a finding of wrongdoing, the employee
 8639 shall repay all of the sick leave credits drawn from the sick
 8640 leave pool and shall be subject to such other disciplinary
 8641 action as is determined by the board to be appropriate. Rules
 8642 adopted for the administration of this program shall provide for
 8643 the investigation of the use of sick leave utilized by the
 8644 participating employee in the sick leave pool.

8645 Section 194. Section 1012.87, Florida Statutes, is amended
 8646 to read:

8647 1012.87 Retirement annuities.—Each Florida College System
 8648 institution ~~community college~~ board of trustees may purchase
 8649 annuities for its Florida College System institution ~~community~~
 8650 ~~college~~ personnel who have 25 or more years of creditable
 8651 service and who have reached age 55 and have applied for
 8652 retirement under the Florida Retirement System. No such annuity

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8653 | may provide for more than the total difference in retirement
 8654 | income between the retirement benefit based on average monthly
 8655 | compensation and creditable service as of the member's early
 8656 | retirement date and the early retirement benefit. Florida
 8657 | College System institution ~~Community college~~ boards of trustees
 8658 | may also purchase annuities for members of the Florida
 8659 | Retirement System who have out-of-state teaching service in
 8660 | another state or country which is documented as valid by the
 8661 | appropriate educational entity. Such annuities may be based on
 8662 | no more than 5 years of out-of-state teaching service and may
 8663 | equal, but not exceed, the benefits that would be payable under
 8664 | the Florida Retirement System if credit for out-of-state
 8665 | teaching was authorized under that system. Each Florida College
 8666 | System institution ~~community college~~ board of trustees may
 8667 | invest funds, purchase annuities, or provide local supplemental
 8668 | retirement programs for purposes of providing retirement
 8669 | annuities for Florida College System institution ~~community~~
 8670 | ~~college~~ personnel. All such retirement annuities shall comply
 8671 | with s. 14, Art. X of the State Constitution.

8672 | Section 195. Section 1012.875, Florida Statutes, is
 8673 | amended to read:

8674 | 1012.875 State Community College System Optional
 8675 | Retirement Program.—Each Florida College System institution
 8676 | ~~community college~~ may implement an optional retirement program,
 8677 | if such program is established therefor pursuant to s.
 8678 | 1001.64(20), under which annuity or other contracts providing
 8679 | retirement and death benefits may be purchased by, and on behalf
 8680 | of, eligible employees who participate in the program, in

8681 accordance with s. 403(b) of the Internal Revenue Code. Except
 8682 as otherwise provided herein, this retirement program, which
 8683 shall be known as the State Community College System Optional
 8684 Retirement Program, may be implemented and administered only by
 8685 an individual Florida College System institution ~~community~~
 8686 ~~college~~ or by a consortium of Florida College System
 8687 institutions ~~community colleges~~.

8688 (1) As used in this section, the term:

8689 (a) "Activation" means the date upon which an optional
 8690 retirement program is first made available by the program
 8691 administrator to eligible employees.

8692 (b) "College" means Florida College System institutions
 8693 ~~community colleges~~ as defined in s. 1000.21.

8694 (c) "Department" means the Department of Management
 8695 Services.

8696 (d) "Program administrator" means the individual college
 8697 or consortium of colleges responsible for implementing and
 8698 administering an optional retirement program.

8699 (e) "Program participant" means an eligible employee who
 8700 has elected to participate in an available optional retirement
 8701 program as authorized by this section.

8702 (2) Participation in the optional retirement program
 8703 provided by this section is limited to employees who satisfy the
 8704 criteria set forth in s. 121.051(2)(c).

8705 (3)(a) With respect to any employee who is eligible to
 8706 participate in the optional retirement program by reason of
 8707 qualifying employment commencing before the program's
 8708 activation:

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8709 | 1. The employee may elect to participate in the optional
8710 | retirement program in lieu of participation in the Florida
8711 | Retirement System. To become a program participant, the employee
8712 | must file with the personnel officer of the college, within 90
8713 | days after the program's activation, a written election on a
8714 | form provided by the Florida Retirement System and a completed
8715 | application for an individual contract or certificate.

8716 | 2. An employee's participation in the optional retirement
8717 | program commences on the first day of the next full calendar
8718 | month following the filing of the election and completed
8719 | application with the program administrator and receipt of such
8720 | election by the department. An employee's membership in the
8721 | Florida Retirement System terminates on this same date.

8722 | 3. Any such employee who fails to make an election to
8723 | participate in the optional retirement program within 60 days
8724 | after its activation has elected to retain membership in the
8725 | Florida Retirement System.

8726 | (b) With respect to any employee who becomes eligible to
8727 | participate in an optional retirement program by reason of
8728 | qualifying employment commencing on or after the program's
8729 | activation:

8730 | 1. The employee may elect to participate in the optional
8731 | retirement program in lieu of participation in the Florida
8732 | Retirement System. To become a program participant, the employee
8733 | must file with the personnel officer of the college, within 90
8734 | days after commencing qualifying employment as provided in s.
8735 | 121.051(2)(c)4., a written election on a form provided by the
8736 | Florida Retirement System and a completed application for an

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8737 individual contract or certificate.

8738 2. An employee's participation in the optional retirement
8739 program commences retroactive to the first day of qualifying
8740 employment following the filing of the election and completed
8741 application with the program administrator and receipt of such
8742 election by the department. An employee's membership in the
8743 Florida Retirement System terminates on this same date.

8744 3. Any such employee who fails to make an election to
8745 participate in the optional retirement program within 90 days
8746 after commencing qualifying employment has elected to retain
8747 membership in the Florida Retirement System.

8748 (c) Any employee who, on or after an optional retirement
8749 program's activation, becomes eligible to participate in the
8750 program by reason of a change in status due to the subsequent
8751 designation of the employee's position as one of those
8752 referenced in subsection (2), or due to the employee's
8753 appointment, promotion, transfer, or reclassification to a
8754 position referenced in subsection (2), must be notified by the
8755 college of the employee's eligibility to participate in the
8756 optional retirement program in lieu of participation in the
8757 Florida Retirement System. These eligible employees are subject
8758 to the provisions of paragraph (b) and may elect to participate
8759 in the optional retirement program in the same manner as those
8760 employees described in paragraph (b), except that the 90-day
8761 election period commences upon the date notice of eligibility is
8762 received by the employee and participation in the program begins
8763 the first day of the first full calendar month that the change
8764 in status becomes effective.

8765 (d) Program participants must be fully and immediately
 8766 vested in the optional retirement program upon issuance of an
 8767 optional retirement program contract.

8768 (e) The election by an eligible employee to participate in
 8769 the optional retirement program is irrevocable for so long as
 8770 the employee continues to meet the eligibility requirements set
 8771 forth in this section and in s. 121.051(2)(c), except as
 8772 provided in paragraph (i) or as provided in s. 121.051(2)(c)3.

8773 (f) If a program participant becomes ineligible to
 8774 continue participating in the optional retirement program
 8775 pursuant to the criteria referenced in subsection (2), the
 8776 employee becomes a member of the Florida Retirement System if
 8777 eligible. The college must notify the department of an
 8778 employee's change in eligibility status within 30 days after the
 8779 event that makes the employee ineligible to continue
 8780 participation in the optional retirement program.

8781 (g) An eligible employee who is a member of the Florida
 8782 Retirement System at the time of election to participate in the
 8783 optional retirement program retains all retirement service
 8784 credit earned under the Florida Retirement System at the rate
 8785 earned. Additional service credit in the Florida Retirement
 8786 System may not be earned while the employee participates in the
 8787 optional retirement program, nor is the employee eligible for
 8788 disability retirement under the Florida Retirement System. An
 8789 eligible employee may transfer from the Florida Retirement
 8790 System to his or her accounts under the State Community College
 8791 Optional Retirement Program a sum representing the present value
 8792 of his or her service credit accrued under the defined benefit

8793 program of the Florida Retirement System for the period between
 8794 his or her first eligible transfer date from the defined benefit
 8795 plan to the optional retirement program and the actual date of
 8796 such transfer as provided in s. 121.051(2)(c)7. Upon such
 8797 transfer, all such service credit previously earned under the
 8798 defined benefit program of the Florida Retirement System during
 8799 this period shall be nullified for purposes of entitlement to a
 8800 future benefit under the defined benefit program of the Florida
 8801 Retirement System.

8802 (h) A program participant may not simultaneously
 8803 participate in any other state-administered retirement system,
 8804 plan, or class.

8805 (i) Except as provided in s. 121.052(6)(d), a program
 8806 participant who is or who becomes dually employed in two or more
 8807 positions covered by the Florida Retirement System, one of which
 8808 is eligible for an optional retirement program pursuant to this
 8809 section and one of which is not, is subject to the dual
 8810 employment provisions of chapter 121.

8811 (4)(a) Each college must contribute on behalf of each
 8812 program participant an amount equal to 10.43 percent of the
 8813 participant's gross monthly compensation. The college shall
 8814 deduct an amount approved by the district board of trustees of
 8815 the college to provide for the administration of the optional
 8816 retirement program. Payment of this contribution must be made
 8817 either directly by the college or through the program
 8818 administrator to the designated company contracting for payment
 8819 of benefits to the program participant.

8820 (b) Each college must contribute on behalf of each program

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8821 participant an amount equal to the unfunded actuarial accrued
 8822 liability portion of the employer contribution which would be
 8823 required if the program participant were a member of the Regular
 8824 Class of the Florida Retirement System. Payment of this
 8825 contribution must be made directly by the college to the
 8826 department for deposit in the Florida Retirement System Trust
 8827 Fund.

8828 (c) Each program participant who has been issued an
 8829 optional retirement program contract may contribute by way of
 8830 salary reduction or deduction a percentage of the program
 8831 participant's gross compensation, but this percentage may not
 8832 exceed the corresponding percentage contributed by the Florida
 8833 College System institution ~~community college~~ to the optional
 8834 retirement program. Payment of this contribution may be made
 8835 either directly by the college or through the program
 8836 administrator to the designated company contracting for payment
 8837 of benefits to the program participant.

8838 (d) Contributions to an optional retirement program by a
 8839 college or a program participant are in addition to, and have no
 8840 effect upon, contributions required now or in future by the
 8841 federal Social Security Act.

8842 (e) The college may accept for deposit into participant
 8843 account or accounts contributions in the form of rollovers or
 8844 direct trustee-to-trustee transfers by or on behalf of
 8845 participants who are reasonably determined by the college to be
 8846 eligible for rollover or transfer to the optional retirement
 8847 program pursuant to the Internal Revenue Code, if such
 8848 contributions are made in accordance with the applicable

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8849 requirements of the college. Accounting for such contributions
 8850 shall be in accordance with any applicable requirements of the
 8851 Internal Revenue Code and the college.

8852 (5) (a) The benefits to be provided to program participants
 8853 must be provided through contracts, including individual
 8854 contracts or individual certificates issued for group annuity or
 8855 other contracts, which may be fixed, variable, or both, in
 8856 accordance with s. 403(b) of the Internal Revenue Code. Each
 8857 individual contract or certificate must state the type of
 8858 contract on its face page, and must include at least a statement
 8859 of ownership, the contract benefits, distribution options,
 8860 limitations, expense charges, and surrender charges, if any.

8861 (b) Benefits are payable under the optional retirement
 8862 program to program participants or their beneficiaries, and the
 8863 benefits must be paid only by the designated company in
 8864 accordance with the terms of the contracts applicable to the
 8865 program participant. Benefits shall accrue in individual
 8866 accounts that are participant-directed, portable, and funded by
 8867 employer contributions and the earnings thereon. Benefits funded
 8868 by employer contributions are payable in accordance with the
 8869 following terms and conditions:

8870 1. Benefits shall be payable only to a participant, to his
 8871 or her beneficiaries, or to his or her estate, as designated by
 8872 the participant.

8873 2. Benefits shall be paid by the provider company or
 8874 companies in accordance with the law, the provisions of the
 8875 contract, and any applicable employer rule or policy.

8876 3. In the event of a participant's death, moneys

8877 accumulated by, or on behalf of, the participant, less
 8878 withholding taxes remitted to the Internal Revenue Service, if
 8879 any, shall be distributed to the participant's designated
 8880 beneficiary or beneficiaries, or to the participant's estate, as
 8881 if the participant retired on the date of death as provided in
 8882 paragraph (d). No other death benefits shall be available for
 8883 survivors of participants under the optional retirement program
 8884 except for such benefits, or coverage for such benefits, as are
 8885 separately afforded by the employer at the employer's
 8886 discretion.

8887 (c) Upon receipt by the provider company of a properly
 8888 executed application for distribution of benefits, the total
 8889 accumulated benefits shall be payable to the participant as:

- 8890 1. A lump-sum distribution to the participant;
- 8891 2. A lump-sum direct rollover distribution whereby all
 8892 accrued benefits, plus interest and investment earnings, are
 8893 paid from the participant's account directly to an eligible
 8894 retirement plan as defined in s. 402(c)(8)(B) of the Internal
 8895 Revenue Code, on behalf of the participant;
- 8896 3. Periodic distributions;
- 8897 4. A partial lump-sum payment whereby a portion of the
 8898 accrued benefit is paid to the participant and the remaining
 8899 amount is transferred to an eligible retirement plan, as defined
 8900 in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of
 8901 the participant; or
- 8902 5. Such other distribution options as are provided for in
 8903 the participant's optional retirement program contract.

8904 (d) Survivor benefits shall be payable as:

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8905 | 1. A lump-sum distribution payable to the beneficiaries or
 8906 | to the deceased participant's estate;

8907 | 2. An eligible rollover distribution on behalf of the
 8908 | surviving spouse or beneficiary of a deceased participant
 8909 | whereby all accrued benefits, plus interest and investment
 8910 | earnings, are paid from the deceased participant's account
 8911 | directly to an eligible retirement plan, as described in s.
 8912 | 402(c)(8)(B) of the Internal Revenue Code, on behalf of the
 8913 | surviving spouse;

8914 | 3. Such other distribution options as are provided for in
 8915 | the participant's optional retirement program contract; or

8916 | 4. A partial lump-sum payment whereby a portion of the
 8917 | accrued benefits are paid to the deceased participant's
 8918 | surviving spouse or other designated beneficiaries, less
 8919 | withholding taxes remitted to the Internal Revenue Service, if
 8920 | any, and the remaining amount is transferred directly to an
 8921 | eligible retirement plan, as described in s. 402(c)(8)(B) of the
 8922 | Internal Revenue Code, on behalf of the surviving spouse. The
 8923 | proportions must be specified by the participant or the
 8924 | surviving beneficiary.

8925 |
 8926 | Nothing in this paragraph abrogates other applicable provisions
 8927 | of state or federal law providing payment of death benefits.

8928 | (e) The benefits payable to any person under the optional
 8929 | retirement program, and any contribution accumulated under the
 8930 | program, are not subject to assignment, execution, attachment,
 8931 | or to any legal process whatsoever.

8932 | (6) (a) The optional retirement program authorized by this

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8933 section must be implemented and administered by the program
 8934 administrator under s. 403(b) of the Internal Revenue Code. The
 8935 program administrator has the express authority to contract with
 8936 a third party to fulfill any of the program administrator's
 8937 duties.

8938 (b) The program administrator shall solicit competitive
 8939 bids or issue a request for proposal and select no more than
 8940 four companies from which optional retirement program contracts
 8941 may be purchased under the optional retirement program. In
 8942 making these selections, the program administrator shall
 8943 consider the following factors:

- 8944 1. The financial soundness of the company.
- 8945 2. The extent of the company's experience in providing
 8946 annuity or other contracts to fund retirement programs.
- 8947 3. The nature and extent of the rights and benefits
 8948 provided to program participants in relation to the premiums
 8949 paid.
- 8950 4. The suitability of the rights and benefits provided to
 8951 the needs of eligible employees and the interests of the college
 8952 in the recruitment and retention of employees.

8953
 8954 In lieu of soliciting competitive bids or issuing a request for
 8955 proposals, the program administrator may authorize the purchase
 8956 of annuity contracts under the optional retirement program from
 8957 those companies currently selected by the department to offer
 8958 such contracts through the State University System Optional
 8959 Retirement Program, as set forth in s. 121.35.

8960 (c) Optional retirement program annuity contracts must be

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8961 approved in form and content by the program administrator in
 8962 order to qualify. The program administrator may use the same
 8963 annuity contracts currently used within the State University
 8964 System Optional Retirement Program, as set forth in s. 121.35.

8965 (d) The provision of each annuity contract applicable to a
 8966 program participant must be contained in a written program
 8967 description that includes a report of pertinent financial and
 8968 actuarial information on the solvency and actuarial soundness of
 8969 the program and the benefits applicable to the program
 8970 participant. The company must furnish the description annually
 8971 to the program administrator, and to each program participant
 8972 upon commencement of participation in the program and annually
 8973 thereafter.

8974 (e) The program administrator must ensure that each
 8975 program participant is provided annually with an accounting of
 8976 the total contributions and the annual contributions made by and
 8977 on the behalf of the program participant.

8978 Section 196. Section 1012.88, Florida Statutes, is amended
 8979 to read:

8980 1012.88 Florida College System institution ~~Community~~
 8981 ~~college~~ police.-

8982 (1) Each Florida College System institution ~~community~~
 8983 ~~college~~ is permitted and empowered to employ police officers for
 8984 the Florida College System institution ~~community~~ ~~college~~, who
 8985 must be designated Florida College System institution ~~community~~
 8986 ~~college~~ police.

8987 (2) Each Florida College System institution ~~community~~
 8988 ~~college~~ police officer is a law enforcement officer of the state

8989 and a conservator of the peace who has the authority to arrest,
 8990 in accordance with the laws of this state, any person for a
 8991 violation of state law or applicable county or municipal
 8992 ordinance if that violation occurs on or in any property or
 8993 facilities of the Florida College System institution ~~community~~
 8994 ~~college~~ by which he or she is employed or any property or
 8995 facilities of a direct-support organization of such Florida
 8996 College System institution ~~community college~~. A Florida College
 8997 System institution ~~community college~~ police officer may also
 8998 arrest a person off campus for a violation committed on campus
 8999 after a hot pursuit of that person that began on any such
 9000 property or facilities. A Florida College System institution
 9001 ~~community college~~ police officer may bear arms in the
 9002 performance of his or her duties and carry out a search pursuant
 9003 to a search warrant on the campus where he or she is employed.
 9004 Florida College System institution ~~Community college~~ police,
 9005 upon request of the sheriff or local police authority, may serve
 9006 subpoenas or other legal process and may make arrests of persons
 9007 against whom arrest warrants have been issued or against whom
 9008 charges have been made for violations of federal or state laws
 9009 or county or municipal ordinances.

9010 (3) Florida College System institution ~~Community college~~
 9011 police shall promptly deliver all persons arrested and charged
 9012 with felonies to the sheriff of the county within which the
 9013 Florida College System institution ~~community college~~ is located
 9014 and all persons arrested and charged with misdemeanors to the
 9015 applicable authority as provided by law, but otherwise to the
 9016 sheriff of the county in which the Florida College System

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9017 | institution ~~community college~~ is located.

9018 | (4) Florida College System institution ~~Community college~~

9019 | police must meet the minimum standards established by the Police

9020 | Standards and Training Commission of the Department of Law

9021 | Enforcement and chapter 943 for law enforcement officers. Each

9022 | Florida College System institution ~~community college~~ police

9023 | officer must, before entering into the performance of his or her

9024 | duties, take the oath of office established by the Florida

9025 | College System institution ~~community college~~. Each Florida

9026 | College System institution ~~community college~~ that employs police

9027 | officers may obtain and approve a bond on each police officer,

9028 | conditioned upon the officer's faithful performance of his or

9029 | her duties, which bond must be payable to the Governor. The

9030 | Florida College System institution ~~community college~~ may

9031 | determine the amount of the bond. In determining the amount of

9032 | the bond, the Florida College System institution ~~community~~

9033 | ~~college~~ may consider the amount of money or property likely to

9034 | be in the custody of the officer at any one time. The Florida

9035 | College System institution ~~community college~~ shall provide a

9036 | uniform set of identifying credentials to each Florida College

9037 | System institution ~~community college~~ police officer it employs.

9038 | (5) In performance of any of the powers, duties, and

9039 | functions authorized by law, Florida College System institution

9040 | ~~community college~~ police have the same rights, protections, and

9041 | immunities afforded other law enforcement officers.

9042 | (6) The Florida College System institution ~~community~~

9043 | ~~college~~, with the approval of the Department of Law Enforcement,

9044 | shall adopt rules, including, without limitation, rules for the

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9045 | appointment, employment, and removal of Florida College System
 9046 | institution ~~community college~~ police in accordance with the
 9047 | state Career Service System and shall establish in writing a
 9048 | policy manual, that includes, without limitation, procedures for
 9049 | managing routine law enforcement situations and emergency law
 9050 | enforcement situations. The Florida College System institution
 9051 | ~~community college~~ shall furnish a copy of the policy manual to
 9052 | each of the police officers it employs.

9053 | Section 197. Section 1012.885, Florida Statutes, is
 9054 | amended to read:

9055 | 1012.885 Remuneration of Florida College System
 9056 | institution ~~community college~~ presidents; limitations.—

9057 | (1) DEFINITIONS.—As used in this section, the term:

9058 | (a) "Appropriated state funds" means funds appropriated
 9059 | from the General Revenue Fund or funds appropriated from state
 9060 | trust funds.

9061 | (b) "Cash-equivalent compensation" means any benefit that
 9062 | may be assigned an equivalent cash value.

9063 | (c) "Remuneration" means salary, bonuses, and cash-
 9064 | equivalent compensation paid to a Florida College System
 9065 | institution ~~community college~~ president by his or her employer
 9066 | for work performed, excluding health insurance benefits and
 9067 | retirement benefits.

9068 | (2) LIMITATION ON COMPENSATION.—Notwithstanding any other
 9069 | law, resolution, or rule to the contrary, a Florida College
 9070 | System institution ~~community college~~ president may not receive
 9071 | more than \$225,000 in remuneration annually from appropriated
 9072 | state funds. Only compensation, as defined in s. 121.021(22),

9073 provided to a Florida College System institution ~~community~~
 9074 ~~college~~ president may be used in calculating benefits under
 9075 chapter 121.

9076 (3) EXCEPTIONS.—This section does not prohibit any party
 9077 from providing cash or cash-equivalent compensation from funds
 9078 that are not appropriated state funds to a Florida College
 9079 System institution ~~community college~~ president in excess of the
 9080 limit in subsection (2). If a party is unable or unwilling to
 9081 fulfill an obligation to provide cash or cash-equivalent
 9082 compensation to a Florida College System institution ~~community~~
 9083 ~~college~~ president as permitted under this subsection,
 9084 appropriated state funds may not be used to fulfill such
 9085 obligation.

9086 Section 198. Subsections (4) and (5) of section 1012.98,
 9087 Florida Statutes, are amended to read:

9088 1012.98 School Community Professional Development Act.—

9089 (4) The Department of Education, school districts,
 9090 schools, Florida College System institutions ~~community colleges~~,
 9091 and state universities share the responsibilities described in
 9092 this section. These responsibilities include the following:

9093 (a) The department shall disseminate to the school
 9094 community research-based professional development methods and
 9095 programs that have demonstrated success in meeting identified
 9096 student needs. The Commissioner of Education shall use data on
 9097 student achievement to identify student needs. The methods of
 9098 dissemination must include a web-based statewide performance
 9099 support system, including a database of exemplary professional
 9100 development activities, a listing of available professional

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9101 development resources, training programs, and available
 9102 assistance.

9103 (b) Each school district shall develop a professional
 9104 development system as specified in subsection (3). The system
 9105 shall be developed in consultation with teachers, teacher-
 9106 educators of Florida College System institutions ~~community~~
 9107 ~~colleges~~ and state universities, business and community
 9108 representatives, and local education foundations, consortia, and
 9109 professional organizations. The professional development system
 9110 must:

9111 1. Be approved by the department. All substantial
 9112 revisions to the system shall be submitted to the department for
 9113 review for continued approval.

9114 2. Be based on analyses of student achievement data and
 9115 instructional strategies and methods that support rigorous,
 9116 relevant, and challenging curricula for all students. Schools
 9117 and districts, in developing and refining the professional
 9118 development system, shall also review and monitor school
 9119 discipline data; school environment surveys; assessments of
 9120 parental satisfaction; performance appraisal data of teachers,
 9121 managers, and administrative personnel; and other performance
 9122 indicators to identify school and student needs that can be met
 9123 by improved professional performance.

9124 3. Provide inservice activities coupled with followup
 9125 support appropriate to accomplish district-level and school-
 9126 level improvement goals and standards. The inservice activities
 9127 for instructional personnel shall focus on analysis of student
 9128 achievement data, ongoing formal and informal assessments of

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9129 student achievement, identification and use of enhanced and
 9130 differentiated instructional strategies that emphasize rigor,
 9131 relevance, and reading in the content areas, enhancement of
 9132 subject content expertise, integrated use of classroom
 9133 technology that enhances teaching and learning, classroom
 9134 management, parent involvement, and school safety.

9135 4. Include a master plan for inservice activities,
 9136 pursuant to rules of the State Board of Education, for all
 9137 district employees from all fund sources. The master plan shall
 9138 be updated annually by September 1, must be based on input from
 9139 teachers and district and school instructional leaders, and must
 9140 use the latest available student achievement data and research
 9141 to enhance rigor and relevance in the classroom. Each district
 9142 inservice plan must be aligned to and support the school-based
 9143 inservice plans and school improvement plans pursuant to s.
 9144 1001.42(18). District plans must be approved by the district
 9145 school board annually in order to ensure compliance with
 9146 subsection (1) and to allow for dissemination of research-based
 9147 best practices to other districts. District school boards must
 9148 submit verification of their approval to the Commissioner of
 9149 Education no later than October 1, annually.

9150 5. Require each school principal to establish and maintain
 9151 an individual professional development plan for each
 9152 instructional employee assigned to the school as a seamless
 9153 component to the school improvement plans developed pursuant to
 9154 s. 1001.42(18). The individual professional development plan
 9155 must:

9156 a. Be related to specific performance data for the

9157 students to whom the teacher is assigned.

9158 b. Define the inservice objectives and specific measurable

9159 improvements expected in student performance as a result of the

9160 inservice activity.

9161 c. Include an evaluation component that determines the

9162 effectiveness of the professional development plan.

9163 6. Include inservice activities for school administrative

9164 personnel that address updated skills necessary for

9165 instructional leadership and effective school management

9166 pursuant to s. 1012.986.

9167 7. Provide for systematic consultation with regional and

9168 state personnel designated to provide technical assistance and

9169 evaluation of local professional development programs.

9170 8. Provide for delivery of professional development by

9171 distance learning and other technology-based delivery systems to

9172 reach more educators at lower costs.

9173 9. Provide for the continuous evaluation of the quality

9174 and effectiveness of professional development programs in order

9175 to eliminate ineffective programs and strategies and to expand

9176 effective ones. Evaluations must consider the impact of such

9177 activities on the performance of participating educators and

9178 their students' achievement and behavior.

9179 (5) Each district school board shall provide funding for

9180 the professional development system as required by s. 1011.62

9181 and the General Appropriations Act, and shall direct

9182 expenditures from other funding sources to continuously

9183 strengthen the system in order to increase student achievement

9184 and support instructional staff in enhancing rigor and relevance

9185 | in the classroom. A school district may coordinate its
 9186 | professional development program with that of another district,
 9187 | with an educational consortium, or with a Florida College System
 9188 | institution ~~community college~~ or university, especially in
 9189 | preparing and educating personnel. Each district school board
 9190 | shall make available inservice activities to instructional
 9191 | personnel of nonpublic schools in the district and the state
 9192 | certified teachers who are not employed by the district school
 9193 | board on a fee basis not to exceed the cost of the activity per
 9194 | all participants.

9195 | Section 199. Subsections (3) and (16) of section 1013.01,
 9196 | Florida Statutes, are amended to read:

9197 | 1013.01 Definitions.—The following terms shall be defined
 9198 | as follows for the purpose of this chapter:

9199 | (3) "Board," unless otherwise specified, means a district
 9200 | school board, a Florida College System institution ~~community~~
 9201 | ~~college~~ board of trustees, a university board of trustees, and
 9202 | the Board of Trustees for the Florida School for the Deaf and
 9203 | the Blind. The term "board" does not include the State Board of
 9204 | Education or the Board of Governors.

9205 | (16) "Public education capital outlay (PECO) funded
 9206 | projects" means site acquisition, renovation, remodeling,
 9207 | construction projects, and site improvements necessary to
 9208 | accommodate buildings, equipment, other structures, and special
 9209 | educational use areas that are built, installed, or established
 9210 | to serve primarily the educational instructional program of the
 9211 | district school board, Florida College System institution
 9212 | ~~community college~~ board of trustees, or university board of

9213 trustees.

9214 Section 200. Paragraph (a) of subsection (2) of section

9215 1013.02, Florida Statutes, is amended to read:

9216 1013.02 Purpose; rules and regulations.—

9217 (2) (a) The State Board of Education shall adopt rules

9218 pursuant to ss. 120.536(1) and 120.54 to implement the

9219 provisions of this chapter for school districts and Florida

9220 College System institutions ~~community colleges~~.

9221 Section 201. Section 1013.03, Florida Statutes, is amended

9222 to read:

9223 1013.03 Functions of the department and the Board of

9224 Governors.—The functions of the Department of Education as it

9225 pertains to educational facilities of school districts and

9226 Florida College System institutions ~~community colleges~~ and of

9227 the Board of Governors as it pertains to educational facilities

9228 of state universities shall include, but not be limited to, the

9229 following:

9230 (1) Establish recommended minimum and maximum square

9231 footage standards for different functions and areas and

9232 procedures for determining the gross square footage for each

9233 educational facility to be funded in whole or in part by the

9234 state, including public broadcasting stations but excluding

9235 postsecondary special purpose laboratory space. The gross square

9236 footage determination standards may be exceeded when the core

9237 facility space of an educational facility is constructed or

9238 renovated to accommodate the future addition of classrooms to

9239 meet projected increases in student enrollment. The department

9240 and the Board of Governors shall encourage multiple use of

9241 facilities and spaces in educational plants.

9242 (2) Establish, for the purpose of determining need,
 9243 equitably uniform utilization standards for all types of like
 9244 space, regardless of the level of education. These standards
 9245 shall also establish, for postsecondary education classrooms, a
 9246 minimum room utilization rate of 40 hours per week and a minimum
 9247 station utilization rate of 60 percent. These rates shall be
 9248 subject to increase based on national norms for utilization of
 9249 postsecondary education classrooms.

9250 (3) Require boards to submit other educational plant
 9251 inventories data and statistical data or information relevant to
 9252 construction, capital improvements, and related costs.

9253 (4) Require each board and other appropriate agencies to
 9254 submit complete and accurate financial data as to the amounts of
 9255 funds from all sources that are available and spent for
 9256 construction and capital improvements. The commissioner shall
 9257 prescribe the format and the date for the submission of this
 9258 data and any other educational facilities data. If any district
 9259 does not submit the required educational facilities fiscal data
 9260 by the prescribed date, the Commissioner of Education shall
 9261 notify the district school board of this fact and, if
 9262 appropriate action is not taken to immediately submit the
 9263 required report, the district school board shall be directed to
 9264 proceed pursuant to s. 1001.42(13)(b). If any Florida College
 9265 System institution ~~community college~~ or university does not
 9266 submit the required educational facilities fiscal data by the
 9267 prescribed date, the same policy prescribed in this subsection
 9268 for school districts shall be implemented.

9269 (5) Administer, under the supervision of the Commissioner
 9270 of Education, the Public Education Capital Outlay and Debt
 9271 Service Trust Fund and the School District and Community College
 9272 District Capital Outlay and Debt Service Trust Fund.

9273 (6) Develop, review, update, revise, and recommend a
 9274 mandatory portion of the Florida Building Code for educational
 9275 facilities construction and capital improvement by Florida
 9276 College System institution ~~community college~~ boards and district
 9277 school boards.

9278 (7) Provide training, technical assistance, and building
 9279 code interpretation for requirements of the mandatory Florida
 9280 Building Code for the educational facilities construction and
 9281 capital improvement programs of the Florida College System
 9282 institution ~~community college~~ boards and district school boards
 9283 and, upon request, approve phase III construction documents for
 9284 remodeling, renovation, or new construction of educational
 9285 plants or ancillary facilities, except that university boards of
 9286 trustees shall approve specifications and construction documents
 9287 for their respective institutions pursuant to guidelines of the
 9288 Board of Governors. The Department of Management Services may,
 9289 upon request, provide similar services for the Florida School
 9290 for the Deaf and the Blind and shall use the Florida Building
 9291 Code and the Florida Fire Prevention Code.

9292 (8) Provide minimum criteria, procedures, and training to
 9293 boards to conduct educational plant surveys and document the
 9294 determination of future needs.

9295 (9) Make available to boards technical assistance,
 9296 awareness training, and research and technical publications

9297 relating to lifesafety, casualty, sanitation, environmental,
 9298 maintenance, and custodial issues; and, as needed, technical
 9299 assistance for survey, planning, design, construction,
 9300 operation, and evaluation of educational and ancillary
 9301 facilities and plants, facilities administrative procedures
 9302 review, and training for new administrators.

9303 (10) (a) Review and validate surveys proposed or amended by
 9304 the boards and recommend to the Commissioner of Education, or
 9305 the Chancellor of the State University System, as appropriate,
 9306 for approval, surveys that meet the requirements of this
 9307 chapter.

9308 1. The term "validate" as applied to surveys by school
 9309 districts means to review inventory data as submitted to the
 9310 department by district school boards; provide for review and
 9311 inspection, where required, of student stations and aggregate
 9312 square feet of inventory changed from satisfactory to
 9313 unsatisfactory or changed from unsatisfactory to satisfactory;
 9314 compare new school inventory to allocation limits provided by
 9315 this chapter; review cost projections for conformity with cost
 9316 limits set by s. 1013.64(6); compare total capital outlay full-
 9317 time equivalent enrollment projections in the survey with the
 9318 department's projections; review facilities lists to verify that
 9319 student station and auxiliary facility space allocations do not
 9320 exceed the limits provided by this chapter and related rules;
 9321 review and confirm the application of uniform facility
 9322 utilization factors, where provided by this chapter or related
 9323 rules; utilize the documentation of programs offered per site,
 9324 as submitted by the board, to analyze facility needs; confirm

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9325 that need projections for career and adult educational programs
 9326 comply with needs documented by the Department of Education; and
 9327 confirm the assignment of full-time student stations to all
 9328 space except auxiliary facilities, which, for purposes of
 9329 exemption from student station assignment, include the
 9330 following:

- 9331 a. Cafeterias.
- 9332 b. Multipurpose dining areas.
- 9333 c. Media centers.
- 9334 d. Auditoriums.
- 9335 e. Administration.
- 9336 f. Elementary, middle, and high school resource rooms, up
 9337 to the number of such rooms recommended for the applicable
 9338 occupant and space design capacity of the educational plant in
 9339 the State Requirements for Educational Facilities, beyond which
 9340 student stations must be assigned.
- 9341 g. Elementary school skills labs, up to the number of such
 9342 rooms recommended for the applicable occupant and space design
 9343 capacity of the educational plant in the State Requirements for
 9344 Educational Facilities, beyond which student stations must be
 9345 assigned.
- 9346 h. Elementary school art and music rooms.

9347 2. The term "validate" as applied to surveys by Florida
 9348 College System institutions ~~community colleges~~ and universities
 9349 means to review and document the approval of each new site and
 9350 official designation, where applicable; review the inventory
 9351 database as submitted by each board to the department, including
 9352 noncareer, and total capital outlay full-time equivalent

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9353 enrollment projections per site and per college; provide for the
 9354 review and inspection, where required, of student stations and
 9355 aggregate square feet of space changed from satisfactory to
 9356 unsatisfactory; utilize and review the documentation of programs
 9357 offered per site submitted by the boards as accurate for
 9358 analysis of space requirements and needs; confirm that needs
 9359 projected for career and adult educational programs comply with
 9360 needs documented by the Department of Education; compare new
 9361 facility inventory to allocations limits as provided in this
 9362 chapter; review cost projections for conformity with state
 9363 averages or limits designated by this chapter; compare student
 9364 enrollment projections in the survey to the department's
 9365 projections; review facilities lists to verify that area
 9366 allocations and space factors for generating space needs do not
 9367 exceed the limits as provided by this chapter and related rules;
 9368 confirm the application of facility utilization factors as
 9369 provided by this chapter and related rules; and review, as
 9370 submitted, documentation of how survey recommendations will
 9371 implement the detail of current campus master plans and
 9372 integrate with local comprehensive plans and development
 9373 regulations.

9374 (b) Recommend priority of projects to be funded.

9375 (11) Prepare the commissioner's comprehensive fixed
 9376 capital outlay legislative budget request and provide annually
 9377 an estimate of the funds available for developing required 3-
 9378 year priority lists. This amount shall be based upon the average
 9379 percentage for the 5 prior years of funds appropriated by the
 9380 Legislature for fixed capital outlay to each level of public

9381 education: public schools, Florida College System institutions
 9382 ~~community colleges~~, and universities.

9383 (12) Perform any other functions that may be involved in
 9384 educational facilities construction and capital improvement
 9385 which shall ensure that the intent of the Legislature is
 9386 implemented.

9387 Section 202. Paragraph (a) of subsection (5) of section
 9388 1013.12, Florida Statutes, is amended to read:

9389 1013.12 Casualty, safety, sanitation, and firesafety
 9390 standards and inspection of property.—

9391 (5) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION
 9392 FACILITIES.—

9393 (a) Firesafety inspections of Florida College System
 9394 institution ~~community college~~ facilities shall comply with State
 9395 Board of Education rules.

9396 Section 203. Subsection (2) of section 1013.13, Florida
 9397 Statutes, is amended to read:

9398 1013.13 Coordination of school safety information;
 9399 construction design documents.—

9400 (2) Each Florida College System institution ~~community~~
 9401 ~~college~~ president must provide to the law enforcement agency and
 9402 fire department that has jurisdiction over the Florida College
 9403 System institution ~~community college~~ a copy of the floor plans
 9404 and other relevant documents for each educational facility as
 9405 defined in s. 1013.01. After the initial submission of the floor
 9406 plans and other relevant documents, the Florida College System
 9407 institution ~~community college~~ president shall submit, by October
 9408 1 of each year, revised floor plans and other relevant documents

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9409 | for each educational facility that was modified during the
 9410 | preceding year.

9411 | Section 204. Section 1013.19, Florida Statutes, is amended
 9412 | to read:

9413 | 1013.19 Purchase, conveyance, or encumbrance of property
 9414 | interests above surface of land; joint-occupancy structures.—For
 9415 | the purpose of implementing jointly financed construction
 9416 | project agreements, or for the construction of combined
 9417 | occupancy structures, any board may purchase, own, convey, sell,
 9418 | lease, or encumber airspace or any other interests in property
 9419 | above the surface of the land, provided the lease of airspace
 9420 | for nonpublic use is for such reasonable rent, length of term,
 9421 | and conditions as the board in its discretion may determine. All
 9422 | proceeds from such sale or lease shall be used by the board or
 9423 | boards receiving the proceeds solely for fixed capital outlay
 9424 | purposes. These purposes may include the renovation or
 9425 | remodeling of existing facilities owned by the board or the
 9426 | construction of new facilities; however, for a Florida College
 9427 | System institution ~~community college~~ board or university board,
 9428 | such new facility must be authorized by the Legislature. It is
 9429 | declared that the use of such rental by the board for public
 9430 | purposes in accordance with its statutory authority is a public
 9431 | use. Airspace or any other interest in property held by the
 9432 | Board of Trustees of the Internal Improvement Trust Fund or the
 9433 | State Board of Education may not be divested or conveyed without
 9434 | approval of the respective board. Any building, including any
 9435 | building or facility component that is common to both nonpublic
 9436 | and educational portions thereof, constructed in airspace that

9437 is sold or leased for nonpublic use pursuant to this section is
 9438 subject to all applicable state, county, and municipal
 9439 regulations pertaining to land use, zoning, construction of
 9440 buildings, fire protection, health, and safety to the same
 9441 extent and in the same manner as such regulations would be
 9442 applicable to the construction of a building for nonpublic use
 9443 on the appurtenant land beneath the subject airspace. Any
 9444 educational facility constructed or leased as a part of a joint-
 9445 occupancy facility is subject to all rules and requirements of
 9446 the respective boards or departments having jurisdiction over
 9447 educational facilities. Any contract executed by a university
 9448 board of trustees pursuant to this section is subject to the
 9449 provisions of s. 1010.62.

9450 Section 205. Subsection (1), paragraph (c) of subsection
 9451 (2), subsection (3), and paragraphs (b), (c), and (d) of
 9452 subsection (4) of section 1013.23, Florida Statutes, are amended
 9453 to read:

9454 1013.23 Energy efficiency contracting.—

9455 (1) LEGISLATIVE INTENT.—The Legislature finds that
 9456 investment in energy conservation measures in educational
 9457 facilities can reduce the amount of energy consumed and produce
 9458 immediate and long-term savings. It is the policy of this state
 9459 to encourage school districts, Florida College System
 9460 institutions ~~community colleges~~, and state universities to
 9461 invest in energy conservation measures that reduce energy
 9462 consumption, produce a cost savings, and improve the quality of
 9463 indoor air in facilities, and, when economically feasible, to
 9464 build, operate, maintain, or renovate educational facilities in

9465 such a manner so as to minimize energy consumption and maximize
 9466 energy savings. It is further the policy of this state to
 9467 encourage school districts, Florida College System institutions
 9468 ~~community colleges~~, and state universities to reinvest any
 9469 energy savings resulting from energy conservation measures into
 9470 additional energy conservation efforts.

9471 (2) DEFINITIONS.—For purposes of this section, the term:

9472 (c) "Energy performance-based contract" means a contract
 9473 for the evaluation, recommendation, and implementation of energy
 9474 conservation measures which includes, at a minimum:

9475 1. The design and installation of equipment to implement
 9476 one or more of such measures, and, if applicable, operation and
 9477 maintenance of such measures.

9478 2. The amount of any actual annual savings. This amount
 9479 must meet or exceed total annual contract payments made by the
 9480 district school board, Florida College System institution
 9481 ~~community college~~ board of trustees, or state university board
 9482 of trustees for such contract.

9483 3. Financing charges to be incurred by the district school
 9484 board, Florida College System institution ~~community college~~
 9485 board of trustees, or state university board of trustees over
 9486 the life of the contract.

9487 (3) ENERGY PERFORMANCE-BASED CONTRACT PROCEDURES.—

9488 (a) A district school board, Florida College System
 9489 institution ~~community college~~ board of trustees, or state
 9490 university board of trustees may enter into an energy
 9491 performance-based contract with an energy performance contractor
 9492 to significantly reduce energy or operating costs of an

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9493 | educational facility through one or more energy conservation
9494 | measures.

9495 | (b) The energy performance contractor shall be selected in
9496 | compliance with s. 287.055; except that in a case where a
9497 | district school board, Florida College System institution
9498 | ~~community college~~ board of trustees, or state university board
9499 | of trustees determines that fewer than three firms are qualified
9500 | to perform the required services, the requirement for agency
9501 | selection of three firms, as provided in s. 287.055(4)(b), shall
9502 | not apply and the bid requirements of s. 287.057 shall not
9503 | apply.

9504 | (c) Before entering into a contract pursuant to this
9505 | section, the district school board, Florida College System
9506 | institution ~~community college~~ board of trustees, or state
9507 | university board of trustees shall provide published notice of
9508 | the meeting in which it proposes to award the contract, the
9509 | names of the parties to the proposed contract, and the
9510 | contract's purpose.

9511 | (d) Prior to the design and installation of the energy
9512 | conservation measure, the district school board, Florida College
9513 | System institution ~~community college~~ board of trustees, or state
9514 | university board of trustees must obtain from the energy
9515 | performance contractor a report that discloses all costs
9516 | associated with the energy conservation measure and provides an
9517 | estimate of the amount of the energy cost savings. The report
9518 | must be reviewed by either the Department of Education or the
9519 | Department of Management Services or signed and sealed by a
9520 | registered professional engineer.

9521 (e) A district school board, Florida College System
 9522 institution ~~community college~~ board of trustees, or state
 9523 university board of trustees may enter into an energy
 9524 performance-based contract with an energy performance contractor
 9525 if, after review of the report required by paragraph (d), it
 9526 finds that the amount it would spend on the energy conservation
 9527 measures recommended in the report will not exceed the amount to
 9528 be saved in energy and operation costs over 20 years from the
 9529 date of installation, based on life-cycle costing calculations,
 9530 if the recommendations in the report were followed and if the
 9531 energy performance contractor provides a written guarantee that
 9532 the energy or operating cost savings will meet or exceed the
 9533 costs of the system. The contract may provide for payments over
 9534 a period of time not to exceed 20 years.

9535 (f) A district school board, Florida College System
 9536 institution ~~community college~~ board of trustees, or state
 9537 university board of trustees may enter into an installment
 9538 payment contract for the purchase and installation of energy
 9539 conservation measures. The contract shall provide for payments
 9540 of not less than one-twentieth of the price to be paid within 2
 9541 years from the date of the complete installation and acceptance
 9542 by the district school board, Florida College System institution
 9543 ~~community college~~ board of trustees, or state university board
 9544 of trustees, and the remaining costs to be paid at least
 9545 quarterly, not to exceed a 20-year term based on life-cycle
 9546 costing calculations.

9547 (g) Energy performance-based contracts may extend beyond
 9548 the fiscal year in which they become effective; however, the

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9549 term of any contract shall expire at the end of each fiscal year
 9550 and may be automatically renewed annually up to 20 years,
 9551 subject to a district school board, Florida College System
 9552 institution ~~community college~~ board of trustees, or state
 9553 university board of trustees making sufficient annual
 9554 appropriations based upon continued realized energy cost
 9555 savings. Such contracts shall stipulate that the agreement does
 9556 not constitute a debt, liability, or obligation of the state or
 9557 a district school board, Florida College System institution
 9558 ~~community college~~ board of trustees, or state university board
 9559 of trustees, or a pledge of the faith and credit of the state or
 9560 a district school board, Florida College System institution
 9561 ~~community college~~ board of trustees, or state university board
 9562 of trustees.

9563 (4) CONTRACT PROVISIONS.—

9564 (b) The contract shall provide that all payments, except
 9565 obligations on termination of the contract before its
 9566 expiration, are to be made over time, but not to exceed 20 years
 9567 from the date of complete installation and acceptance by the
 9568 district school board, Florida College System institution
 9569 ~~community college~~ board of trustees, or state university board
 9570 of trustees, and that the annual savings are guaranteed to the
 9571 extent necessary to make annual payments to satisfy the
 9572 contract.

9573 (c) The contract must require that the energy performance
 9574 contractor to whom the contract is awarded provide a 100-percent
 9575 public construction bond to the district school board, Florida
 9576 College System institution ~~community college~~ board of trustees,

9577 or state university board of trustees for its faithful
 9578 performance, as required by s. 255.05.

9579 (d) The contract shall require the energy performance
 9580 contractor to provide to the district school board, Florida
 9581 College System institution ~~community college~~ board of trustees,
 9582 or state university board of trustees an annual reconciliation
 9583 of the guaranteed energy cost savings. The energy performance
 9584 contractor shall be liable for any annual savings shortfall
 9585 which may occur. In the event that such reconciliation reveals
 9586 an excess in annual energy cost savings, such excess savings
 9587 shall not be used to cover potential energy cost savings
 9588 shortages in subsequent contract years.

9589 Section 206. Section 1013.231, Florida Statutes, is
 9590 amended to read:

9591 1013.231 Florida College System institution ~~Florida~~
 9592 ~~college~~ and university energy consumption; 10-percent reduction
 9593 goal.—

9594 (1) Each Florida College System institution ~~Florida~~
 9595 ~~college~~ and state university shall strive to reduce its
 9596 campuswide energy consumption by 10 percent. While savings may
 9597 be accrued by any means, the goal shall be to implement energy
 9598 use policies or procedures or both and any equipment retrofits
 9599 that are necessary to carry out this reduction. The reduction
 9600 may be obtained by either reducing the cost of the energy
 9601 consumed or by reducing total energy usage, or a combination of
 9602 both.

9603 (2) Energy consumption expenditures incurred during the
 9604 2007-2008 fiscal year shall be used to establish the benchmark

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9605 | for the 10-percent goal. If a Florida College System institution
 9606 | ~~Florida college~~ or state university can document that it has
 9607 | implemented energy use policies or procedures in the 2008-2009
 9608 | fiscal year or the 2009-2010 fiscal year that resulted in
 9609 | reduction in energy usage or costs, those reductions may be
 9610 | counted towards the 10-percent goal.

9611 | (3) Each Florida College System institution ~~Florida~~
 9612 | ~~college~~ and state university shall submit a report to the
 9613 | Governor, the Speaker of the House of Representatives, and the
 9614 | President of the Senate by January 1, 2011, describing how they
 9615 | have met or plan to meet the 10-percent energy consumption
 9616 | reduction goal.

9617 | Section 207. Section 1013.25, Florida Statutes, is amended
 9618 | to read:

9619 | 1013.25 When university or Florida College System
 9620 | institution ~~community college~~ board of trustees may exercise
 9621 | power of eminent domain.—Whenever it becomes necessary for the
 9622 | welfare and convenience of any of its institutions or divisions
 9623 | to acquire private property for the use of such institutions,
 9624 | and this cannot be acquired by agreement satisfactory to a
 9625 | university or Florida College System institution ~~community~~
 9626 | ~~college~~ board of trustees and the parties interested in, or the
 9627 | owners of, the private property, the board of trustees may
 9628 | exercise the power of eminent domain after receiving approval
 9629 | therefor from the Administration Commission and may then proceed
 9630 | to condemn the property in the manner provided by chapter 73 or
 9631 | chapter 74.

9632 | Section 208. Section 1013.27, Florida Statutes, is amended

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9633 to read:

9634 1013.27 Purchase of land by municipality.—Any municipality
 9635 wherein a Florida College System institution ~~community college~~
 9636 as defined by s. 1004.65 is situated may purchase land with
 9637 municipal funds and to donate and convey the land or any other
 9638 land to the Florida College System institution ~~community college~~
 9639 board of trustees.

9640 Section 209. Paragraph (a) of subsection (1) and paragraph
 9641 (a) of subsection (2) of section 1013.28, Florida Statutes, are
 9642 amended to read:

9643 1013.28 Disposal of property.—

9644 (1) REAL PROPERTY.—

9645 (a) Subject to rules of the State Board of Education, a
 9646 district school board, the Board of Trustees for the Florida
 9647 School for the Deaf and the Blind, or a Florida College System
 9648 institution ~~community college~~ board of trustees may dispose of
 9649 any land or real property to which the board holds title which
 9650 is, by resolution of the board, determined to be unnecessary for
 9651 educational purposes as recommended in an educational plant
 9652 survey. A district school board, the Board of Trustees for the
 9653 Florida School for the Deaf and the Blind, or a Florida College
 9654 System institution ~~community college~~ board of trustees shall
 9655 take diligent measures to dispose of educational property only
 9656 in the best interests of the public. However, appraisals may be
 9657 obtained by the district school board, the Board of Trustees for
 9658 the Florida School for the Deaf and the Blind, or the Florida
 9659 College System institution ~~community college~~ board of trustees
 9660 prior to or simultaneously with the receipt of bids.

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9661 (2) TANGIBLE PERSONAL PROPERTY.—

9662 (a) Tangible personal property that has been properly
 9663 classified as surplus by a district school board or Florida
 9664 College System institution ~~community college~~ board of trustees
 9665 shall be disposed of in accordance with the procedure
 9666 established by chapter 274. However, the provisions of chapter
 9667 274 shall not be applicable to a motor vehicle used in driver
 9668 education to which title is obtained for a token amount from an
 9669 automobile dealer or manufacturer. In such cases, the disposal
 9670 of the vehicle shall be as prescribed in the contractual
 9671 agreement between the automotive agency or manufacturer and the
 9672 board.

9673 Section 210. Section 1013.31, Florida Statutes, is amended
 9674 to read:

9675 1013.31 Educational plant survey; localized need
 9676 assessment; PECO project funding.—

9677 (1) At least every 5 years, each board shall arrange for
 9678 an educational plant survey, to aid in formulating plans for
 9679 housing the educational program and student population, faculty,
 9680 administrators, staff, and auxiliary and ancillary services of
 9681 the district or campus, including consideration of the local
 9682 comprehensive plan. The Department of Education shall document
 9683 the need for additional career and adult education programs and
 9684 the continuation of existing programs before facility
 9685 construction or renovation related to career or adult education
 9686 may be included in the educational plant survey of a school
 9687 district or Florida College System institution ~~community college~~
 9688 that delivers career or adult education programs. Information

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9689 used by the Department of Education to establish facility needs
9690 must include, but need not be limited to, labor market data,
9691 needs analysis, and information submitted by the school district
9692 or Florida College System institution ~~community college~~.

9693 (a) *Survey preparation and required data.*—Each survey
9694 shall be conducted by the board or an agency employed by the
9695 board. Surveys shall be reviewed and approved by the board, and
9696 a file copy shall be submitted to the Department of Education or
9697 the Chancellor of the State University System, as appropriate.
9698 The survey report shall include at least an inventory of
9699 existing educational and ancillary plants, including safe access
9700 facilities; recommendations for existing educational and
9701 ancillary plants; recommendations for new educational or
9702 ancillary plants, including the general location of each in
9703 coordination with the land use plan and safe access facilities;
9704 campus master plan update and detail for Florida College System
9705 institutions ~~community colleges~~; the utilization of school
9706 plants based on an extended school day or year-round operation;
9707 and such other information as may be required by the Department
9708 of Education. This report may be amended, if conditions warrant,
9709 at the request of the department or commissioner.

9710 (b) *Required need assessment criteria for district,*
9711 Florida College System institution ~~community college~~, *state*
9712 *university, and Florida School for the Deaf and the Blind plant*
9713 *surveys.*—Educational plant surveys must use uniform data sources
9714 and criteria specified in this paragraph. Each revised
9715 educational plant survey and each new educational plant survey
9716 supersedes previous surveys.

9717 | 1. The school district's survey must be submitted as a
 9718 | part of the district educational facilities plan defined in s.
 9719 | 1013.35. To ensure that the data reported to the Department of
 9720 | Education as required by this section is correct, the department
 9721 | shall annually conduct an onsite review of 5 percent of the
 9722 | facilities reported for each school district completing a new
 9723 | survey that year. If the department's review finds the data
 9724 | reported by a district is less than 95 percent accurate, within
 9725 | 1 year from the time of notification by the department the
 9726 | district must submit revised reports correcting its data. If a
 9727 | district fails to correct its reports, the commissioner may
 9728 | direct that future fixed capital outlay funds be withheld until
 9729 | such time as the district has corrected its reports so that they
 9730 | are not less than 95 percent accurate.

9731 | 2. Each survey of a special facility, joint-use facility,
 9732 | or cooperative career education facility must be based on
 9733 | capital outlay full-time equivalent student enrollment data
 9734 | prepared by the department for school districts and Florida
 9735 | College System institutions ~~community colleges~~ and by the
 9736 | Chancellor of the State University System for universities. A
 9737 | survey of space needs of a joint-use facility shall be based
 9738 | upon the respective space needs of the school districts, Florida
 9739 | College System institutions ~~community colleges~~, and
 9740 | universities, as appropriate. Projections of a school district's
 9741 | facility space needs may not exceed the norm space and occupant
 9742 | design criteria established by the State Requirements for
 9743 | Educational Facilities.

9744 | 3. Each Florida College System institution's ~~community~~

9745 ~~college's~~ survey must reflect the capacity of existing
 9746 facilities as specified in the inventory maintained by the
 9747 Department of Education. Projections of facility space needs
 9748 must comply with standards for determining space needs as
 9749 specified by rule of the State Board of Education. The 5-year
 9750 projection of capital outlay student enrollment must be
 9751 consistent with the annual report of capital outlay full-time
 9752 student enrollment prepared by the Department of Education.

9753 4. Each state university's survey must reflect the
 9754 capacity of existing facilities as specified in the inventory
 9755 maintained and validated by the Chancellor of the State
 9756 University System. Projections of facility space needs must be
 9757 consistent with standards for determining space needs as
 9758 specified by regulation of the Board of Governors. The projected
 9759 capital outlay full-time equivalent student enrollment must be
 9760 consistent with the 5-year planned enrollment cycle for the
 9761 State University System approved by the Board of Governors.

9762 5. The district educational facilities plan of a school
 9763 district and the educational plant survey of a Florida College
 9764 System institution ~~community college~~, state university, or the
 9765 Florida School for the Deaf and the Blind may include space
 9766 needs that deviate from approved standards for determining space
 9767 needs if the deviation is justified by the district or
 9768 institution and approved by the department or the Board of
 9769 Governors, as appropriate, as necessary for the delivery of an
 9770 approved educational program.

9771 (c) *Review and validation.*—The Department of Education
 9772 shall review and validate the surveys of school districts and

9773 | Florida College System institutions ~~community colleges~~, and the
 9774 | Chancellor of the State University System shall review and
 9775 | validate the surveys of universities, and any amendments thereto
 9776 | for compliance with the requirements of this chapter and shall
 9777 | recommend those in compliance for approval by the State Board of
 9778 | Education or the Board of Governors, as appropriate. Annually,
 9779 | the department shall perform an in-depth analysis of a
 9780 | representative sample of each survey of recommended needs for
 9781 | five districts selected by the commissioner from among districts
 9782 | with the largest need-to-revenue ratio. For the purpose of this
 9783 | subsection, the need-to-revenue ratio is determined by dividing
 9784 | the total 5-year cost of projects listed on the district survey
 9785 | by the total 5-year fixed capital outlay revenue projections
 9786 | from state and local sources as determined by the department.
 9787 | The commissioner may direct fixed capital outlay funds to be
 9788 | withheld from districts until such time as the survey accurately
 9789 | projects facilities needs.

9790 | (d) *Periodic update of Florida Inventory of School*
 9791 | *Houses.*—School districts shall periodically update their
 9792 | inventory of educational facilities as new capacity becomes
 9793 | available and as unsatisfactory space is eliminated. The State
 9794 | Board of Education shall adopt rules to determine the time frame
 9795 | in which districts must provide a periodic update.

9796 | (2) Only the district school superintendent, Florida
 9797 | College System institution ~~community college~~ president, or the
 9798 | university president shall certify to the Department of
 9799 | Education a project's compliance with the requirements for
 9800 | expenditure of PECO funds prior to release of funds.

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9801 (a) Upon request for release of PECO funds for planning
 9802 purposes, certification must be made to the Department of
 9803 Education that the need for and location of the facility are in
 9804 compliance with the board-approved survey recommendations, that
 9805 the project meets the definition of a PECO project and the
 9806 limiting criteria for expenditures of PECO funding, and that the
 9807 plan is consistent with the local government comprehensive plan.

9808 (b) Upon request for release of construction funds,
 9809 certification must be made to the Department of Education that
 9810 the need and location of the facility are in compliance with the
 9811 board-approved survey recommendations, that the project meets
 9812 the definition of a PECO project and the limiting criteria for
 9813 expenditures of PECO funding, and that the construction
 9814 documents meet the requirements of the Florida Building Code for
 9815 educational facilities construction or other applicable codes as
 9816 authorized in this chapter.

9817 Section 211. Subsection (1) of section 1013.36, Florida
 9818 Statutes, is amended to read:

9819 1013.36 Site planning and selection.—

9820 (1) Before acquiring property for sites, each district
 9821 school board and Florida College System institution ~~community~~
 9822 ~~college~~ board of trustees shall determine the location of
 9823 proposed educational centers or campuses. In making this
 9824 determination, the board shall consider existing and anticipated
 9825 site needs and the most economical and practicable locations of
 9826 sites. The board shall coordinate with the long-range or
 9827 comprehensive plans of local, regional, and state governmental
 9828 agencies to assure the consistency of such plans. Boards are

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9829 encouraged to locate district educational facilities proximate
 9830 to urban residential areas to the extent possible, and shall
 9831 seek to collocate district educational facilities with other
 9832 public facilities, such as parks, libraries, and community
 9833 centers, to the extent possible and to encourage using
 9834 elementary schools as focal points for neighborhoods.

9835 Section 212. Subsections (1) and (2) of section 1013.37,
 9836 Florida Statutes, are amended to read:

9837 1013.37 State uniform building code for public educational
 9838 facilities construction.—

9839 (1) UNIFORM BUILDING CODE.—A uniform statewide building
 9840 code for the planning and construction of public educational and
 9841 ancillary plants by district school boards and Florida College
 9842 System institution ~~community college~~ district boards of trustees
 9843 shall be adopted by the Florida Building Commission within the
 9844 Florida Building Code, pursuant to s. 553.73. Included in this
 9845 code must be flood plain management criteria in compliance with
 9846 the rules and regulations in 44 C.F.R. parts 59 and 60, and
 9847 subsequent revisions thereto which are adopted by the Federal
 9848 Emergency Management Agency. It is also the responsibility of
 9849 the department to develop, as a part of the uniform building
 9850 code, standards relating to:

9851 (a) Prefabricated facilities or factory-built facilities
 9852 that are designed to be portable, relocatable, demountable, or
 9853 reconstructible; are used primarily as classrooms; and do not
 9854 fall under the provisions of ss. 320.822-320.862. Such standards
 9855 must permit boards to contract with the Department of Community
 9856 Affairs for factory inspections by certified building code

9857 inspectors to certify conformance with applicable law and rules.
 9858 The standards must comply with the requirements of s. 1013.20
 9859 for relocatable facilities intended for long-term use as
 9860 classroom space, and the relocatable facilities shall be
 9861 designed subject to missile impact criteria of s. 423(24)(d)(1)
 9862 of the Florida Building Code when located in the windborne
 9863 debris region.

9864 (b) The sanitation of educational and ancillary plants and
 9865 the health of occupants of educational and ancillary plants.

9866 (c) The safety of occupants of educational and ancillary
 9867 plants as provided in s. 1013.12, except that the firesafety
 9868 criteria shall be established by the State Fire Marshal in
 9869 cooperation with the Florida Building Commission and the
 9870 department and such firesafety requirements must be incorporated
 9871 into the Florida Fire Prevention Code.

9872 (d) Accessibility for children, notwithstanding the
 9873 provisions of s. 553.512.

9874 (e) The performance of life-cycle cost analyses on
 9875 alternative architectural and engineering designs to evaluate
 9876 their energy efficiencies.

9877 1. The life-cycle cost analysis must consist of the sum
 9878 of:

9879 a. The reasonably expected fuel costs over the life of the
 9880 building which are required to maintain illumination, water
 9881 heating, temperature, humidity, ventilation, and all other
 9882 energy-consuming equipment in a facility; and

9883 b. The reasonable costs of probable maintenance, including
 9884 labor and materials, and operation of the building.

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9885 | 2. For computation of the life-cycle costs, the department
 9886 | shall develop standards that must include, but need not be
 9887 | limited to:

9888 | a. The orientation and integration of the facility with
 9889 | respect to its physical site.

9890 | b. The amount and type of glass employed in the facility
 9891 | and the directions of exposure.

9892 | c. The effect of insulation incorporated into the facility
 9893 | design and the effect on solar utilization of the properties of
 9894 | external surfaces.

9895 | d. The variable occupancy and operating conditions of the
 9896 | facility and subportions of the facility.

9897 | e. An energy-consumption analysis of the major equipment
 9898 | of the facility's heating, ventilating, and cooling system;
 9899 | lighting system; and hot water system and all other major
 9900 | energy-consuming equipment and systems as appropriate.

9901 | 3. Life-cycle cost criteria published by the Department of
 9902 | Education for use in evaluating projects.

9903 | 4. Standards for construction materials and systems based
 9904 | on life-cycle costs that consider initial costs, maintenance
 9905 | costs, custodial costs, operating costs, and life expectancy.
 9906 | The standards may include multiple acceptable materials. It is
 9907 | the intent of the Legislature to require district school boards
 9908 | to comply with these standards when expending funds from the
 9909 | Public Education Capital Outlay and Debt Service Trust Fund or
 9910 | the School District and Community College District Capital
 9911 | Outlay and Debt Service Trust Fund and to prohibit district
 9912 | school boards from expending local capital outlay revenues for

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9913 | any project that includes materials or systems that do not
 9914 | comply with these standards, unless the district school board
 9915 | submits evidence that alternative materials or systems meet or
 9916 | exceed standards developed by the department.

9917 |
 9918 | It is not a purpose of the Florida Building Code to inhibit the
 9919 | use of new materials or innovative techniques; nor may it
 9920 | specify or prohibit materials by brand names. The code must be
 9921 | flexible enough to cover all phases of construction so as to
 9922 | afford reasonable protection for the public safety, health, and
 9923 | general welfare. The department may secure the service of other
 9924 | state agencies or such other assistance as it finds desirable in
 9925 | recommending to the Florida Building Commission revisions to the
 9926 | code.

9927 | (2) APPROVAL.—

9928 | (a) Before a contract has been let for the construction,
 9929 | the department, the district school board, the Florida College
 9930 | System institution ~~community college~~ board, or its authorized
 9931 | review agent must approve the phase III construction documents.
 9932 | A district school board or a Florida College System institution
 9933 | ~~community college~~ board may reuse prototype plans on another
 9934 | site, provided the facilities list and phase III construction
 9935 | documents have been updated for the new site and for compliance
 9936 | with the Florida Building Code and the Florida Fire Prevention
 9937 | Code and any laws relating to firesafety, health and sanitation,
 9938 | casualty safety, and requirements for the physically handicapped
 9939 | which are in effect at the time a construction contract is to be
 9940 | awarded.

9941 (b) In reviewing plans for approval, the department, the
 9942 district school board, the Florida College System institution
 9943 ~~community college~~ board, or its review agent as authorized in s.
 9944 1013.38, shall take into consideration:

- 9945 1. The need for the new facility.
- 9946 2. The educational and ancillary plant planning.
- 9947 3. The architectural and engineering planning.
- 9948 4. The location on the site.
- 9949 5. Plans for future expansion.
- 9950 6. The type of construction.
- 9951 7. Sanitary provisions.
- 9952 8. Conformity to Florida Building Code standards.
- 9953 9. The structural design and strength of materials
 9954 proposed to be used.
- 9955 10. The mechanical design of any heating, air-
 9956 conditioning, plumbing, or ventilating system. Typical heating,
 9957 ventilating, and air-conditioning systems preapproved by the
 9958 department for specific applications may be used in the design
 9959 of educational facilities.
- 9960 11. The electrical design of educational plants.
- 9961 12. The energy efficiency and conservation of the design.
- 9962 13. Life-cycle cost considerations.
- 9963 14. The design to accommodate physically handicapped
 9964 persons.
- 9965 15. The ratio of net to gross square footage.
- 9966 16. The proposed construction cost per gross square foot.
- 9967 17. Conformity with the Florida Fire Prevention Code.
- 9968 (c) The district school board or the Florida College

9969 | System institution ~~community college~~ board may not occupy a
 9970 | facility until the project has been inspected to verify
 9971 | compliance with statutes, rules, and codes affecting the health
 9972 | and safety of the occupants. Verification of compliance with
 9973 | rules, statutes, and codes for nonoccupancy projects such as
 9974 | roofing, paving, site improvements, or replacement of equipment
 9975 | may be certified by the architect or engineer of record, and
 9976 | verification of compliance for other projects may be made by an
 9977 | inspector certified by the department or certified pursuant to
 9978 | chapter 468 who is not the architect or engineer of record. The
 9979 | board shall maintain a record of the project's completion and
 9980 | permanent archive of phase III construction documents, including
 9981 | any addenda and change orders to the project. The boards shall
 9982 | provide project data to the department, as requested, for
 9983 | purposes and reports needed by the Legislature.

9984 | Section 213. Paragraph (c) of subsection (1) of section
 9985 | 1013.371, Florida Statutes, is amended to read:

9986 | 1013.371 Conformity to codes.—

9987 | (1) CONFORMITY TO FLORIDA BUILDING CODE AND FLORIDA FIRE
 9988 | PREVENTION CODE REQUIRED FOR APPROVAL.—

9989 | (c) A board may not approve any plans for the
 9990 | construction, renovation, remodeling, or demolition of any
 9991 | educational or ancillary plants unless these plans conform to
 9992 | the requirements of the Florida Building Code and the Florida
 9993 | Fire Prevention Code. Each board may adopt policies for
 9994 | delegating to the district school superintendent, Florida
 9995 | College System institution ~~community college~~ president, or
 9996 | university president authority for submitting documents to the

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9997 department and for awarding contracts subsequent to and
 9998 consistent with board approval of the scope, timeframes, funding
 9999 source, and budget of a survey-recommended project.

10000 Section 214. Section 1013.40, Florida Statutes, is amended
 10001 to read:

10002 1013.40 Planning and construction of Florida College
 10003 System institution ~~community college~~ facilities; property
 10004 acquisition.-

10005 (1) The need for Florida College System institution
 10006 ~~community college~~ facilities shall be established by a survey
 10007 conducted pursuant to this chapter. The facilities recommended
 10008 by such survey must be approved by the State Board of Education,
 10009 and the projects must be constructed according to the provisions
 10010 of this chapter and State Board of Education rules.

10011 (2) No Florida College System institution ~~community~~
 10012 ~~college~~ may expend public funds for the acquisition of
 10013 additional property without the specific approval of the
 10014 Legislature.

10015 (3) No facility may be acquired or constructed by a
 10016 Florida College System institution ~~community college~~ or its
 10017 direct-support organization if such facility requires general
 10018 revenue funds for operation or maintenance upon project
 10019 completion or in subsequent years of operation, unless prior
 10020 approval is received from the Legislature.

10021 (4) The campus of a Florida College System institution
 10022 ~~community college~~ within a municipality designated as an area of
 10023 critical state concern, as defined in s. 380.05, and having a
 10024 comprehensive plan and land development regulations containing a

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10025 building permit allocation system that limits annual growth, may
 10026 construct dormitories for up to 100 beds for Florida College
 10027 System institution ~~community college~~ students. Such dormitories
 10028 shall be exempt from the building permit allocation system and
 10029 may be constructed up to 45 feet in height provided that they
 10030 are otherwise consistent with the comprehensive plan, the
 10031 Florida College System institution ~~community college~~ has a
 10032 hurricane evacuation plan that requires all dormitory occupants
 10033 to be evacuated 48 hours in advance of tropical force winds, and
 10034 that transportation is provided for dormitory occupants during
 10035 an evacuation.

10036 Section 215. Paragraph (a) of subsection (1) of section
 10037 1013.44, Florida Statutes, is amended to read:

10038 1013.44 Low-energy use design; solar energy systems;
 10039 swimming pool heaters.—

10040 (1) (a) Passive design elements and low-energy usage
 10041 features shall be included in the design and construction of new
 10042 educational facilities. Operable glazing consisting of at least
 10043 5 percent of the floor area shall be placed in each classroom
 10044 located on the perimeter of the building. For a relocatable
 10045 classroom, the area of operable glazing and the area of exterior
 10046 doors, together, shall consist of at least 5 percent of the
 10047 floor area. Operable glazing is not required in Florida College
 10048 System institutions ~~community colleges~~, auxiliary facilities,
 10049 music rooms, gyms, locker and shower rooms, special laboratories
 10050 requiring special climate control, and large group instruction
 10051 areas having a capacity of more than 100 persons.

10052 Section 216. Paragraph (b) of subsection (1) and

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10053 subsection (2) of section 1013.51, Florida Statutes, are amended
 10054 to read:

10055 1013.51 Expenditures authorized for certain
 10056 infrastructure.—

10057 (1)

10058 (b) A board may pay its proportionate share of the cost of
 10059 onsite and offsite system improvements necessitated by the
 10060 educational facility development, but a board is not required to
 10061 pay for or install any improvements that exceed those required
 10062 to meet the onsite and offsite needs of a new public educational
 10063 facility or an expanded site. Development exactions assessed
 10064 against school boards or Florida College System institution
 10065 ~~community college~~ districts may not exceed the proportionate
 10066 share of the cost of system improvements necessitated by the
 10067 educational facility development and may not address existing
 10068 facility or service backlogs or deficits.

10069 (2) The provisions of any law, municipal ordinance, or
 10070 county ordinance to the contrary notwithstanding, the provisions
 10071 of this section regulate the levying of assessments for special
 10072 benefits on school or Florida College System institution
 10073 ~~community college~~ districts and the directing of the payment
 10074 thereof. Any municipal ordinance or county ordinance making
 10075 provision to the contrary is void.

10076 Section 217. Subsections (1) and (4) of section 1013.52,
 10077 Florida Statutes, are amended to read:

10078 1013.52 Cooperative development and joint use of
 10079 facilities by two or more boards.—

10080 (1) Two or more boards, including district school boards,

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10081 Florida College System institution ~~community college~~ boards of
 10082 trustees, the Board of Trustees for the Florida School for the
 10083 Deaf and the Blind, and university boards of trustees, desiring
 10084 to cooperatively establish a common educational facility to
 10085 accommodate students shall:

10086 (a) Jointly request a formal assessment by the
 10087 Commissioner of Education or the Chancellor of the State
 10088 University System, as appropriate, of the academic program need
 10089 and the need to build new joint-use facilities to house approved
 10090 programs. Completion of the assessment and approval of the
 10091 project by the State Board of Education, the Board of Governors,
 10092 the Chancellor of the State University System, or the
 10093 Commissioner of Education, as appropriate, should be done prior
 10094 to conducting an educational facilities survey.

10095 (b) Demonstrate the need for construction of new joint-use
 10096 facilities involving postsecondary institutions by those
 10097 institutions presenting evidence of the presence of sufficient
 10098 actual full-time equivalent enrollments in the locale in leased,
 10099 rented, or borrowed spaces to justify the requested facility for
 10100 the programs identified in the formal assessment rather than
 10101 using projected or anticipated future full-time equivalent
 10102 enrollments as justification. If the decision is made to
 10103 construct new facilities to meet this demonstrated need, then
 10104 building plans should consider full-time equivalent enrollment
 10105 growth facilitated by this new construction and subsequent new
 10106 program offerings made possible by the existence of the new
 10107 facilities.

10108 (c) Adopt and submit to the Commissioner of Education, and

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10109 | the Chancellor of the State University System if the joint
 10110 | request involves a state university, a joint resolution of the
 10111 | participating boards indicating their commitment to the
 10112 | utilization of the requested facility and designating the locale
 10113 | of the proposed facility. The joint resolution shall contain a
 10114 | statement of determination by the participating boards that
 10115 | alternate options, including the use of leased, rented, or
 10116 | borrowed space, were considered and found less appropriate than
 10117 | construction of the proposed facility. The joint resolution
 10118 | shall contain assurance that the development of the proposed
 10119 | facility has been examined in conjunction with the programs
 10120 | offered by neighboring public educational facilities offering
 10121 | instruction at the same level. The joint resolution also shall
 10122 | contain assurance that each participating board shall provide
 10123 | for continuity of educational progression. All joint resolutions
 10124 | shall be submitted by August 1 for consideration of funding by
 10125 | the subsequent Legislature.

10126 | (d) Submit requests for funding of joint-use facilities
 10127 | projects involving state universities and Florida College System
 10128 | institutions ~~community colleges~~ for approval by the Commissioner
 10129 | of Education and the Chancellor of the State University System.
 10130 | The Commissioner of Education and the Chancellor of the State
 10131 | University System shall jointly determine the priority for
 10132 | funding these projects in relation to the priority of all other
 10133 | capital outlay projects under their consideration. To be
 10134 | eligible for funding from the Public Education Capital Outlay
 10135 | and Debt Service Trust Fund under the provisions of this
 10136 | section, projects involving both state universities and Florida

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10137 | College System institutions ~~community colleges~~ shall appear on
 10138 | the 3-year capital outlay priority lists of Florida College
 10139 | System institutions ~~community colleges~~ and of universities
 10140 | required by s. 1013.64. Projects involving a state university,
 10141 | Florida College System institution ~~community college~~, and a
 10142 | public school, and in which the larger share of the proposed
 10143 | facility is for the use of the state university or the Florida
 10144 | College System institution ~~community college~~, shall appear on
 10145 | the 3-year capital outlay priority lists of the Florida College
 10146 | System institutions ~~community colleges~~ or of the universities,
 10147 | as applicable.

10148 | (e) Include in their joint resolution for the joint-use
 10149 | facilities, comprehensive plans for the operation and management
 10150 | of the facility upon completion. Institutional responsibilities
 10151 | for specific functions shall be identified, including
 10152 | designation of one participating board as sole owner of the
 10153 | facility. Operational funding arrangements shall be clearly
 10154 | defined.

10155 | (4) No district school board, Florida College System
 10156 | institution ~~community college~~, or state university shall receive
 10157 | funding for more than one approved joint-use facility per campus
 10158 | in any 3-year period.

10159 | Section 218. Subsections (1) and (2) of section 1013.60,
 10160 | Florida Statutes, are amended to read:

10161 | 1013.60 Legislative capital outlay budget request.—

10162 | (1) The Commissioner of Education shall develop a
 10163 | procedure deemed appropriate in arriving at the amounts required
 10164 | to fund projects as reflected in the integrated, comprehensive

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10165 budget request required by this section. The official estimates
 10166 for funds accruing to the Public Education Capital Outlay and
 10167 Debt Service Trust Fund made by the Revenue Estimating
 10168 Conference shall be used in determining the budget request
 10169 pursuant to this section. The commissioner, in consultation with
 10170 the appropriations committees of the Legislature, shall provide
 10171 annually an estimate of funds that shall be utilized by Florida
 10172 College System institutions ~~community colleges~~ and universities
 10173 in developing their required 3-year priority lists pursuant to
 10174 s. 1013.64.

10175 (2) The commissioner shall submit to the Governor and to
 10176 the Legislature an integrated, comprehensive budget request for
 10177 educational facilities construction and fixed capital outlay
 10178 needs for school districts, Florida College System institutions
 10179 ~~community colleges~~, and universities, pursuant to the provisions
 10180 of s. 1013.64 and applicable provisions of chapter 216. Each
 10181 Florida College System institution ~~community college~~ board of
 10182 trustees and each university board of trustees shall submit to
 10183 the commissioner a 3-year plan and data required in the
 10184 development of the annual capital outlay budget. The information
 10185 that is approved by the Board of Governors must be submitted to
 10186 the Commissioner of Education for inclusion in the comprehensive
 10187 budget request for educational facilities. No further
 10188 disbursements shall be made from the Public Education Capital
 10189 Outlay and Debt Service Trust Fund to a board of trustees that
 10190 fails to timely submit the required data until such board of
 10191 trustees submits the data.

10192 Section 219. Subsection (4) of section 1013.64, Florida

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10193 Statutes, is amended to read:

10194 1013.64 Funds for comprehensive educational plant needs;
 10195 construction cost maximums for school district capital
 10196 projects.—Allocations from the Public Education Capital Outlay
 10197 and Debt Service Trust Fund to the various boards for capital
 10198 outlay projects shall be determined as follows:

10199 (4) (a) Florida College System institution ~~Community~~
 10200 ~~college~~ boards of trustees and university boards of trustees
 10201 shall receive funds for projects based on a 3-year priority
 10202 list, to be updated annually, which is submitted to the
 10203 Legislature in the legislative budget request at least 90 days
 10204 prior to the legislative session. The State Board of Education
 10205 shall submit a 3-year priority list for Florida College System
 10206 institutions ~~community colleges~~, and the Board of Governors
 10207 shall submit a 3-year priority list for universities. The lists
 10208 shall reflect decisions by the State Board of Education for
 10209 Florida College System institutions ~~community colleges~~ and the
 10210 Board of Governors for state universities concerning program
 10211 priorities that implement the statewide plan for program growth
 10212 and quality improvement in education. No remodeling or
 10213 renovation project shall be included on the 3-year priority list
 10214 unless the project has been recommended pursuant to s. 1013.31
 10215 or is for the purpose of correcting health and safety
 10216 deficiencies. No new construction project shall be included on
 10217 the first year of the 3-year priority list unless the
 10218 educational specifications have been approved by the
 10219 commissioner for a Florida College System institution ~~community~~
 10220 ~~college~~ project or by the Board of Governors for a university

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10221 project, as applicable. The funds requested for a new
 10222 construction project in the first year of the 3-year priority
 10223 list shall be in conformance with the scope of the project as
 10224 defined in the educational specifications. Any new construction
 10225 project requested in the first year of the 3-year priority list
 10226 which is not funded by the Legislature shall be carried forward
 10227 to be listed first in developing the updated 3-year priority
 10228 list for the subsequent year's capital outlay budget. Should the
 10229 order of the priority of the projects change from year to year,
 10230 a justification for such change shall be included with the
 10231 updated priority list.

10232 (b) Florida College System institution ~~Community college~~
 10233 boards of trustees and university boards of trustees may lease
 10234 relocatable educational facilities for up to 3 years using
 10235 nonbonded PECO funds.

10236 (c) Florida College System institution ~~Community college~~
 10237 boards of trustees and university boards of trustees shall
 10238 receive funds for remodeling, renovation, maintenance and
 10239 repairs, and site improvement for existing satisfactory
 10240 facilities pursuant to subsection (1).

10241 Section 220. Subsection (7) of section 1013.65, Florida
 10242 Statutes, is amended to read:

10243 1013.65 Educational and ancillary plant construction
 10244 funds; Public Education Capital Outlay and Debt Service Trust
 10245 Fund; allocation of funds.—

10246 (7) Boards and entities authorized to participate in the
 10247 trust fund are district school boards, the Florida College
 10248 System institution ~~community college~~ boards of trustees, the

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10249 Trustees of the Florida School for the Deaf and the Blind, and
 10250 university boards of trustees and other units of the state
 10251 system of public education, and other educational entities for
 10252 which funds are authorized by the Legislature.

10253 Section 221. Subsections (1) and (2) of section 1013.81,
 10254 Florida Statutes, are amended to read:

10255 1013.81 Florida College System institution ~~Community~~
 10256 ~~college~~ indebtedness; bonds and tax anticipation certificates;
 10257 payment.—

10258 (1) The indebtedness incurred for the benefit of Florida
 10259 College System institutions ~~community colleges~~ and represented
 10260 by bonds or motor vehicle tax anticipation certificates issued
 10261 from time to time by the State Board of Education, hereinafter
 10262 called "state board," pursuant to s. 18, Art. XII of the State
 10263 Constitution of 1885 on behalf of the several former county
 10264 boards of public instruction shall not be considered by the
 10265 state board in determining the amount of bonds or motor vehicle
 10266 tax anticipation certificates which the state board may issue
 10267 from time to time on behalf of the several school districts
 10268 under the provisions of s. 9(d), Art. XII of the State
 10269 Constitution, as amended at the general election held on
 10270 November 7, 1972, hereinafter called "school capital outlay
 10271 amendment." Such indebtedness incurred on behalf of Florida
 10272 College System institutions ~~community colleges~~, as described
 10273 above, shall be considered by the state board in determining the
 10274 amount of bonds or motor vehicle tax anticipation certificates
 10275 which the state board may issue from time to time on behalf of
 10276 the several Florida College System institution ~~community college~~

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10277 | districts under the provisions of the school capital outlay
 10278 | amendment.

10279 | (2) The debt service requirements on the indebtedness
 10280 | incurred for the benefit of Florida College System institutions
 10281 | ~~community colleges~~ and represented by bonds or motor vehicle tax
 10282 | anticipation certificates issued from time to time by the state
 10283 | board on behalf of the several former county boards of public
 10284 | instruction, as described in subsection (1), shall be paid from
 10285 | funds distributable pursuant to the school capital outlay
 10286 | amendment to the credit of the several Florida College System
 10287 | institution ~~community college~~ districts, and not from funds
 10288 | distributable pursuant to the school capital outlay amendment to
 10289 | the credit of the several school districts.

10290 | Reviser's note.—Amended pursuant to the directive in
 10291 | s. 21, ch. 2010-70, Laws of Florida, to substitute the
 10292 | term "Florida College System institution" for the
 10293 | terms "Florida college," "community college," and
 10294 | "junior college" where those terms appear in the
 10295 | Florida K-20 Education Code.

10296 | Section 222. This act shall take effect on the 60th day
 10297 | after adjournment sine die of the session of the Legislature in
 10298 | which enacted.