

1 A bill to be entitled
2 An act relating to education; amending s. 20.055, F.S.;
3 revising a definition; amending s. 20.15, F.S.; deleting
4 the Division of Colleges and Universities in the
5 Department of Education; requiring the State Board of
6 Education and the Commissioner of Education to consult
7 with certain educational entities; requiring the
8 department to provide certain support services to the
9 Board of Governors of the State University System;
10 creating s. 20.155, F.S., relating to the Board of
11 Governors; providing for certain rights and privileges,
12 the head of the board, personnel, certain powers and
13 duties, and an Office of Inspector General; amending s.
14 23.21, F.S., relating to definitions for purposes of
15 paperwork reduction; updating terminology; amending s.
16 110.131, F.S., relating to other-personal-services
17 temporary employment; updating terminology; amending s.
18 110.181, F.S., relating to the Florida State Employees'
19 Charitable Campaign; conforming a cross-reference;
20 amending s. 112.0455, F.S., relating to the Drug-Free
21 Workplace Act; deleting obsolete provisions; amending s.
22 112.19, F.S., relating to death benefits for certain
23 officers; updating terminology; providing for rule
24 adoption by the Board of Governors; amending s. 112.191,
25 F.S., relating to death benefits for firefighters;
26 updating terminology; providing for rule adoption by the
27 Board of Governors; amending s. 112.313, F.S., relating to
28 standards of conduct; revising definition of "employee" to
29 include provosts; updating terminology; amending s.

30 | 112.3135, F.S., relating to restriction on employment of
 31 | relatives; updating terminology; amending s. 112.3145,
 32 | F.S., relating to disclosure of financial interests and
 33 | clients represented before agencies; updating terminology;
 34 | amending s. 120.52, F.S., relating to definitions for
 35 | purposes of the Administrative Procedure Act; revising
 36 | definition of "agency" to include the Board of Governors
 37 | and state university boards of trustees under certain
 38 | circumstances; revising definition of "educational unit";
 39 | amending s. 120.65, F.S.; including the Board of Governors
 40 | in the list of entities that must reimburse the Division
 41 | of Administrative Hearings for certain services and travel
 42 | expenses; amending s. 121.021, F.S., relating to
 43 | definitions for purposes of the Florida Retirement System;
 44 | updating terminology; amending s. 121.35, F.S., relating
 45 | to the optional retirement program for the State
 46 | University System; transferring authority from the State
 47 | Board of Education to the Board of Governors; updating
 48 | terminology and provisions; amending s. 159.703, F.S.,
 49 | relating to creation of research and development
 50 | authorities; updating terminology and an effective date;
 51 | amending s. 159.704, F.S., relating to research and
 52 | development authorities; updating terminology; amending s.
 53 | 159.706, F.S.; including research and development
 54 | authorities designated by the Board of Regents in a
 55 | grandfather clause; amending s. 211.3103, F.S., relating
 56 | to distribution of the tax levy on severance of phosphate
 57 | rock; updating terminology; amending s. 215.16, F.S.,
 58 | relating to appropriations from the General Revenue Fund;

59 deleting unnecessary language; amending s. 215.32, F.S.,
 60 relating to segregation of trust funds; including trust
 61 funds under the management of the Board of Governors;
 62 amending s. 215.559, F.S., relating to the Hurricane Loss
 63 Mitigation Program; updating terminology; conforming
 64 cross-references; amending s. 215.82, F.S., relating to
 65 validation of bonds; conforming a cross-reference;
 66 amending s. 216.0152, F.S., relating to inventory of
 67 facilities; updating terminology; amending s. 216.251,
 68 F.S., relating to salary appropriations; deleting
 69 reference to the State Board of Education with respect to
 70 State University System positions; adding the Board of
 71 Governors' designee; amending s. 220.15, F.S., relating to
 72 apportionment of adjusted federal income; updating
 73 terminology; amending s. 250.10, F.S.; providing duties of
 74 the Board of Governors in cooperation with the Adjutant
 75 General and the State Board of Education; amending s.
 76 253.381, F.S., relating to the sale of unsurveyed
 77 marshlands; deleting reference to the State Board of
 78 Education; amending s. 255.02, F.S., relating to boards
 79 authorized to replace buildings destroyed by fire;
 80 deleting obsolete terminology; amending s. 255.043, F.S.,
 81 relating to art in state buildings; deleting obsolete
 82 terminology; amending s. 255.102, F.S.; requiring the
 83 Board of Governors to collaborate in the adoption of rules
 84 for contractor compliance with minority business
 85 participation; amending s. 280.02, F.S.; revising
 86 definition of "public deposit" to include moneys of a
 87 state university; amending s. 286.001, F.S., relating to

88 | statutorily required reports; updating terminology;
 89 | amending s. 287.064, F.S., relating to consolidated
 90 | financing of deferred-payment purchases; conforming a
 91 | cross-reference; amending s. 287.155, F.S., relating to
 92 | purchase of motor vehicles; updating terminology; amending
 93 | s. 288.15, F.S.; adding the Board of Governors to the list
 94 | of entities authorized to cooperate with the Division of
 95 | Bond Finance; amending s. 288.17, F.S., relating to
 96 | revenue certificates; updating terminology; amending s.
 97 | 288.705, F.S.; updating terminology; amending s. 288.7091,
 98 | F.S.; requiring the Florida Black Business Investment
 99 | Board to develop memoranda of understanding with the Board
 100 | of Governors; amending s. 288.8175, F.S.; requiring a
 101 | linkage institute to be governed by an agreement between
 102 | the Board of Governors and the State Board of Education;
 103 | amending s. 295.07, F.S., relating to preference in
 104 | appointment and retention for veterans; including certain
 105 | equivalent positions; amending s. 320.08058, F.S.,
 106 | relating to specialty license plates; updating
 107 | terminology; amending s. 334.065, F.S.; updating
 108 | terminology; amending s. 377.705, F.S.; updating
 109 | terminology; amending s. 381.79, F.S., relating to the
 110 | Brain and Spinal Cord Injury Program Trust Fund; updating
 111 | terminology; amending s. 388.43, F.S.; updating
 112 | terminology; amending s. 403.073, F.S., relating to
 113 | pollution prevention; updating terminology; amending s.
 114 | 403.074, F.S., relating to technical assistance by the
 115 | Department of Environmental Protection; updating
 116 | terminology; amending s. 409.908, F.S., relating to

117 reimbursement of Medicaid providers; updating terminology;
 118 amending s. 413.051, F.S., relating to blind persons
 119 eligible to operate vending stands; updating terminology;
 120 amending s. 447.203, F.S.; designating the Board of
 121 Governors, or the board's designee, as the public employer
 122 and legislative body with respect to public employees of
 123 state universities; revising definition of "legislative
 124 body" to conform; amending s. 455.2125, F.S., relating to
 125 adoption of changes to training requirements; updating
 126 terminology; amending s. 456.028, F.S., relating to
 127 adoption of changes to training requirements; updating
 128 terminology; amending s. 464.0196, F.S., relating to nurse
 129 educator appointments; prescribing appointing authorities
 130 for the Florida Center for Nursing board; amending s.
 131 489.103, F.S., relating to exemptions for purposes of
 132 construction contracting; updating terminology; amending
 133 s. 489.503, F.S., relating to exemptions for purposes of
 134 electrical and alarm system contracting; updating
 135 terminology; amending s. 553.71, F.S., relating to
 136 definitions for purposes of the Florida Building Code;
 137 conforming terminology relating to education boards;
 138 amending s. 627.06281, F.S., relating to hurricane loss
 139 data; updating terminology; amending s. 627.06292, F.S.,
 140 relating to hurricane loss data; updating terminology;
 141 amending s. 633.01, F.S., relating to the State Fire
 142 Marshal; conforming cross-references; amending s. 650.03,
 143 F.S., relating to federal-state agreement; updating
 144 terminology; amending s. 943.1755, F.S., relating to the
 145 Florida Criminal Justice Executive Institute; updating

PCB SLC 07-16

ORIGINAL

2007

146 terminology; amending s. 1000.01, F.S.; providing for
147 certain transfers; amending s. 1000.03, F.S., relating to
148 the function, mission, and goals of the Florida K-20
149 education system; deleting duplicative provisions;
150 limiting oversight authority over state university matters
151 to the Board of Governors; amending s. 1000.05, F.S.;
152 assigning responsibilities for implementation of equal
153 opportunity policies to the Commissioner of Education and
154 State Board of Education and to the Board of Governors;
155 limiting the functions of the Office of Equal Educational
156 Opportunity to those relating to school districts and
157 community colleges; amending s. 1000.21, F.S.; defining
158 "Board of Governors" as used in the education code;
159 amending s. 1001.02, F.S.; revising powers and duties of
160 the State Board of Education to include working in
161 consultation with the Board of Governors on certain
162 matters; providing for exceptions; prohibiting amendment
163 of certain budget requests; prohibiting amendment of
164 certain fixed capital outlay lists; deleting certain
165 responsibilities relating to state universities; revising
166 reporting requirements relating to financial aid;
167 conforming provisions; amending s. 1001.03, F.S.;
168 providing exceptions regarding State Board of Education
169 enforcement authority; requiring working in conjunction
170 with the Board of Governors on certain matters; deleting
171 State Board of Education review of state university
172 academic programs; amending s. 1001.10, F.S.; providing
173 duties of the Commissioner of Education relating to
174 expenditures of the Board of Governors in the K-20 budget;

175 | revising reporting requirements; amending s. 1001.11,
 176 | F.S.; requiring annual reporting by the Commissioner of
 177 | Education; revising powers and duties of the Commissioner
 178 | of Education to include working in cooperation with the
 179 | Board of Governors on certain matters; amending s.
 180 | 1001.20, F.S.; transferring responsibilities regarding
 181 | determination of need for investigations of state
 182 | universities by the Office of Inspector General; amending
 183 | s. 1001.28, F.S.; providing that Department of Education
 184 | distance learning duties do not alter duties of the Board
 185 | of Governors; amending s. 1001.64, F.S., relating to
 186 | powers and duties of community college boards of trustees;
 187 | conforming a cross-reference; amending s. 1001.70, F.S.;
 188 | providing authority of the Board of Governors; authorizing
 189 | travel and per diem; creating s. 1001.706, F.S., relating
 190 | to powers and duties of the Board of Governors; providing
 191 | for rulemaking; providing powers and duties relating to
 192 | organization and operation of state universities, finance,
 193 | accountability, personnel, property, compliance with laws
 194 | and rules, and cooperation with other education boards;
 195 | prohibiting assessment of a fee on universities; amending
 196 | s. 1001.71, F.S.; providing that the university boards of
 197 | trustees are part of the executive branch of state
 198 | government; deleting certain board member requirements;
 199 | amending s. 1001.72, F.S., relating to university boards
 200 | of trustees acting as corporations; amending s. 1001.73,
 201 | F.S., relating to university boards acting as trustees;
 202 | transferring responsibilities of the State Board of
 203 | Education to the Board of Governors; subjecting agreements

PCB SLC 07-16

ORIGINAL

2007

204 to requirements for the issuance of bonds and debt;
205 amending s. 1001.74, F.S.; revising powers and duties of
206 university boards of trustees relating to general
207 provisions for responsibility, organization and operation
208 of state universities, finance, accountability, personnel,
209 property, and compliance with laws and rules; amending s.
210 1002.35, F.S.; requiring the State Board of Education to
211 work in conjunction with the Board of Governors regarding
212 assignment of a university partner to the New World School
213 of the Arts; updating terminology; amending s. 1002.41,
214 F.S., relating to home education programs; conforming
215 provisions; amending s. 1004.03, F.S.; transferring
216 responsibilities for approval of new programs at state
217 universities from the State Board of Education to the
218 Board of Governors; amending s. 1004.04, F.S., relating to
219 accountability and approval for teacher preparation
220 programs; including the Board of Governors as a report
221 recipient; amending s. 1004.07, F.S., relating to student
222 withdrawal from courses due to military service; providing
223 for rules by the State Board of Education and Board of
224 Governors; amending s. 1004.21, F.S.; removing legislative
225 intent regarding state universities; providing that state
226 universities are part of the executive branch of state
227 government and administered by a board of trustees;
228 amending s. 1004.22, F.S., relating to divisions of
229 sponsored research at state universities; providing for
230 guidelines of the Board of Governors; transferring
231 responsibilities from the State Board of Education to the
232 Board of Governors; amending s. 1004.24, F.S; transferring

PCB SLC 07-16

ORIGINAL

2007

233 | responsibilities relating to securing liability insurance
234 | from the State Board of Education to the Board of
235 | Governors or the board's designee; amending s. 1004.28,
236 | F.S.; transferring responsibilities relating to duties of
237 | direct-support organizations from the State Board of
238 | Education to the Board of Governors; defining "property";
239 | providing for rules; subjecting certain agreements to
240 | requirements for issuance of bonds and debt; amending s.
241 | 1004.29, F.S.; transferring responsibilities relating to
242 | university health services support organizations from the
243 | State Board of Education to the Board of Governors;
244 | providing for rules; amending s. 1004.35, F.S.; including
245 | the Board of Governors in consultations regarding
246 | coordination of course offerings; amending s. 1004.36,
247 | F.S.; transferring responsibilities relating to
248 | comprehensive master plans from the State Board of
249 | Education to the Board of Governors; amending s. 1004.39,
250 | F.S.; transferring responsibilities relating to the
251 | college of law at Florida International University from
252 | the State Board of Education to the Board of Governors;
253 | deleting obsolete provisions; amending s. 1004.40, F.S.;
254 | transferring responsibilities relating to the college of
255 | law at Florida Agricultural and Mechanical University from
256 | the State Board of Education to the Board of Governors;
257 | deleting obsolete provisions; amending s. 1004.41, F.S.,
258 | relating to the J. Hillis Miller Health Center at the
259 | University of Florida; authorizing the University of
260 | Florida Board of Trustees to utilize certain revenues;
261 | amending s. 1004.43, F.S.; transferring responsibilities

262 relating to the H. Lee Moffitt Cancer Center and Research
263 Institute from the State Board of Education to the Board
264 of Governors; amending s. 1004.435, F.S.; transferring
265 responsibilities relating to cancer control from the State
266 Board of Education to the Board of Governors; revising
267 membership of the Florida Cancer Control and Research
268 Council; amending s. 1004.445, F.S.; transferring
269 responsibilities relating to the Johnnie B. Byrd, Sr.,
270 Alzheimer's Center and Research Institute from the State
271 Board of Education to the Board of Governors; amending s.
272 1004.447, F.S.; requiring annual reporting to the Board of
273 Governors; amending s. 1004.47, F.S.; updating terminology
274 relating to solid and hazardous waste management research;
275 amending s. 1004.58, F.S.; including the Board of
276 Governors as a report recipient; providing for the
277 Chancellor of the State University System to serve as a
278 member of the board and to staff the board; amending s.
279 1005.03, F.S., relating to the designation "college" or
280 "university"; deleting obsolete terminology; amending s.
281 1005.06, F.S., relating to institutions not under the
282 jurisdiction of the Commission for Independent Education;
283 deleting obsolete terminology; amending s. 1005.22, F.S.;
284 removing an obsolete reference; amending s. 1006.53, F.S.;
285 removing references to State Board of Education rules for
286 religious observances; amending s. 1006.60, F.S.;
287 including rules of the Board of Governors relating to
288 codes of conduct; amending s. 1006.61, F.S.; including
289 policies of the Board of Governors relating to disruptive
290 student activities; amending s. 1006.62, F.S.; including

291 rules of the Board of Governors relating to expulsion and
 292 discipline of students; amending s. 1006.65, F.S.;
 293 requiring the Board of Governors to adopt rules for state
 294 universities relating to safety issues; amending s.
 295 1006.71, F.S., relating to gender equity in
 296 intercollegiate athletics; transferring responsibilities
 297 relating to state universities from the Commissioner of
 298 Education and State Board of Education to the Chancellor
 299 of the State University System and Board of Governors;
 300 adding the Legislature to the list of recipients of annual
 301 assessments; amending s. 1007.01, F.S.; requiring
 302 recommendations to the Legislature relating to
 303 articulation; amending s. 1007.22, F.S.; encouraging
 304 boards to establish programs to maximize articulation;
 305 amending s. 1007.23, F.S.; requiring the State Board of
 306 Education in consultation with the Board of Governors to
 307 establish in rule a statewide articulation agreement;
 308 revising provisions relating to admissions; amending s.
 309 1007.24, F.S., relating to the statewide course numbering
 310 system; requiring the Commissioner of Education in
 311 conjunction with the chancellor, to perform certain
 312 duties; requiring the Department of Education in
 313 conjunction with the Board of Governors to perform certain
 314 duties; requiring the State Board of Education to approve
 315 course level with input from the Board of Governors;
 316 amending s. 1007.25, F.S., relating to general education
 317 courses, common prerequisites, and other degree
 318 requirements; transferring responsibilities relating to
 319 state universities from the State Board of Education to

320 the Board of Governors; amending s. 1007.2615, F.S.,
 321 relating to acceptance of American Sign Language credits
 322 as foreign language credits; conforming provisions;
 323 amending s. 1007.262, F.S., relating to foreign language
 324 competence and equivalence determinations; conforming
 325 provisions; providing an exemption; amending s. 1007.264,
 326 F.S., relating to admission of impaired and learning
 327 disabled persons to postsecondary educational
 328 institutions; transferring responsibilities relating to
 329 state universities from the State Board of Education to
 330 the Board of Governors; providing for consultation between
 331 Board of Governors and State Board of Education; amending
 332 s. 1007.265, F.S., relating to graduation, study program
 333 admission, and upper-division entry for impaired and
 334 learning disabled persons; transferring responsibilities
 335 relating to state universities from the State Board of
 336 Education to the Board of Governors; providing for
 337 consultation between Board of Governors and State Board of
 338 Education; amending s. 1007.27, F.S., relating to
 339 articulated acceleration mechanisms and the statewide
 340 articulation agreement; conforming provisions; deleting
 341 obsolete provisions; amending s. 1007.28, F.S.;
 342 transferring requirement for establishment and maintenance
 343 of a computer-assisted student advising system from the
 344 State Board of Education to the Department of Education in
 345 conjunction with the Board of Governors; requiring the
 346 State Board of Education and the Board of Governors to
 347 specify roles and responsibilities relating to the system;
 348 amending s. 1007.33, F.S., relating to site-determined

PCB SLC 07-16

ORIGINAL

2007

349 | baccalaureate degree access; conforming provisions;
350 | amending s. 1008.29, F.S., relating to the college-level
351 | communication and mathematics skills examination (CLAST);
352 | requiring the State Board of Education in conjunction with
353 | the Board of Governors to establish minimum passing scores
354 | and identify coursework to satisfy testing requirements;
355 | authorizing the Board of Governors to set certain
356 | examination fees; amending s. 1008.30, F.S., relating to
357 | common placement testing; requiring public postsecondary
358 | educational institutions to provide certain modifications
359 | for students with disabilities; requiring the State Board
360 | of Education in conjunction with the Board of Governors to
361 | implement the common placement test and specify certain
362 | college-preparatory requirements; amending s. 1008.32,
363 | F.S.; limiting State Board of Education oversight
364 | enforcement authority to school districts and community
365 | colleges and their respective boards; amending s.
366 | 1008.345, F.S.; conforming provisions relating to
367 | implementation of the state system of school improvement
368 | and education accountability; requiring State Board of
369 | Education and Board of Governors approval of CLAST skills
370 | and certain assessments; including the Board of Governors
371 | as a recipient of certain information; amending s.
372 | 1008.37, F.S., relating to postsecondary feedback of
373 | information to high schools; removing State Board of
374 | Education rulemaking; requiring the Commissioner of
375 | Education to report to the Board of Governors; amending s.
376 | 1008.38, F.S., relating to the articulation accountability
377 | process; requiring the State Board of Education in

378 | conjunction with the Board of Governors to establish an
 379 | articulation accountability process; amending s. 1008.45,
 380 | F.S., relating to the community college accountability
 381 | process; conforming provisions; amending s. 1008.46, F.S.;
 382 | transferring responsibilities relating to the state
 383 | university accountability process from the State Board of
 384 | Education to the Board of Governors; amending s. 1009.01,
 385 | F.S.; revising definition of "out-of-state fee"; amending
 386 | s. 1009.21, F.S., relating to determination of resident
 387 | status for tuition purposes; modifying State Board of
 388 | Education rulemaking; authorizing rulemaking by the Board
 389 | of Governors; amending s. 1009.24, F.S.; revising
 390 | provisions relating to state university tuition and fees;
 391 | providing guidelines and requirements for the
 392 | establishment of fees; updating terminology; providing
 393 | that a state university may not charge any fee except as
 394 | specifically authorized by law; amending s. 1009.26, F.S.;
 395 | transferring responsibilities relating to state university
 396 | fee waivers from the State Board of Education to the Board
 397 | of Governors; authorizing university boards of trustees to
 398 | waive tuition and out-of-state fees under certain
 399 | conditions; amending s. 1009.27, F.S., relating to
 400 | deferral of fees; removing State Board of Education
 401 | rulemaking; amending s. 1009.285, F.S., relating to fees
 402 | for repeated enrollment in college-credit courses;
 403 | deleting reference to definitions and fee levels
 404 | established by the State Board of Education; amending s.
 405 | 1009.29, F.S., relating to increased fees for funding
 406 | financial aid programs; correcting a reference; amending

PCB SLC 07-16

ORIGINAL

2007

407 s. 1009.40, F.S., relating to general requirements for
408 student eligibility for state financial aid; conforming
409 provisions relating to tuition assistance grants; amending
410 s. 1009.90, F.S.; including the Board of Governors with
411 respect to Department of Education duties relating to
412 student financial aid; amending s. 1009.91, F.S.;
413 requiring state university student loan information to be
414 reported annually to the Board of Governors; amending s.
415 1009.971, F.S., relating to the Florida Prepaid College
416 Board; updating terminology; amending s. 1010.01, F.S.,
417 relating to uniform records and accounts; transferring
418 responsibilities relating to state universities from the
419 State Board of Education to the Board of Governors;
420 requiring a uniform classification of accounts; requiring
421 state universities to file financial statements; amending
422 s. 1010.011, F.S.; revising a definition for purposes of
423 financial matters; amending s. 1010.02, F.S., relating to
424 financial accounting and expenditure; transferring
425 responsibilities relating to state universities from the
426 State Board of Education to the Board of Governors;
427 amending s. 1010.04, F.S., relating to purchasing;
428 transferring responsibilities relating to state
429 universities from the State Board of Education to the
430 Board of Governors; amending s. 1010.07, F.S., relating to
431 bonds and insurance; transferring responsibilities
432 relating to state universities from the State Board of
433 Education to the Board of Governors; amending s. 1010.09,
434 F.S., relating to direct-support organizations;
435 transferring responsibilities relating to state

PCB SLC 07-16

ORIGINAL

2007

436 | universities from the State Board of Education to the
437 | Board of Governors; amending s. 1010.30, F.S., relating to
438 | audits; transferring supervision of state universities
439 | from the State Board of Education to the Board of
440 | Governors; amending s. 1011.01, F.S.; transferring budget
441 | responsibilities relating to state universities from the
442 | State Board of Education to the Board of Governors;
443 | requiring coordination; amending s. 1011.011, F.S.;
444 | requiring the State Board of Education in conjunction with
445 | the Board of Governors to submit legislative capital
446 | outlay budget requests for state universities; amending s.
447 | 1011.40, F.S.; transferring state university budget
448 | responsibilities from the State Board of Education to the
449 | Board of Governors; amending s. 1011.41, F.S.; requiring
450 | compliance with certain tuition and fee policies for
451 | receipt of state university appropriations; amending s.
452 | 1011.4106, F.S.; providing requirements for the
453 | expenditure of tuition and fee revenues from local
454 | accounts; providing for deposit into the State Treasury
455 | under certain conditions; amending s. 1011.411, F.S.,
456 | relating to budgets for sponsored research at
457 | universities; conforming a cross-reference; amending s.
458 | 1011.48, F.S.; transferring responsibilities for
459 | educational research centers for child development from
460 | the State Board of Education to the Board of Governors;
461 | amending s. 1011.82, F.S., relating to requirements for
462 | participation in the Community College Program Fund;
463 | conforming a cross-reference; amending s. 1011.90, F.S.;
464 | transferring state university funding responsibilities

465 from the State Board of Education to the Board of
466 Governors; amending s. 1011.91, F.S.; transferring certain
467 responsibilities relating to additional appropriations;
468 amending s. 1012.01, F.S.; limiting definitions for
469 purposes of personnel; amending s. 1012.80, F.S.;
470 transferring responsibilities relating to employee
471 disruptive activities at state universities from the State
472 Board of Education to the Board of Governors; amending s.
473 1012.801, F.S., relating to State University System
474 employees; updating terminology; amending s. 1012.93,
475 F.S.; authorizing evaluation of faculty proficiency in
476 English through a test approved by the Board of Governors;
477 amending s. 1012.98, F.S.; deleting obsolete provisions
478 relating to professional development programs; amending s.
479 1013.01, F.S.; excluding the Board of Governors from the
480 definition of "board" for purposes of educational
481 facilities; amending s. 1013.02, F.S.; transferring
482 rulemaking authority relating to state university
483 educational facilities from the State Board of Education
484 to the Board of Governors; amending s. 1013.03, F.S.;
485 providing functions of the Board of Governors relating to
486 state university educational facilities; revising
487 provisions relating to submission of data; deleting
488 obsolete provisions; amending s. 1013.11, F.S.; providing
489 for the Chancellor of the State University System to
490 receive reports; amending s. 1013.12, F.S.; requiring
491 state university firesafety inspections to comply with
492 rules of the Board of Governors; revising recipients of an
493 annual report; amending s. 1013.15, F.S.; subjecting lease

PCB SLC 07-16

ORIGINAL

2007

494 or lease-purchase agreements to requirements for issuance
495 of bonds and debt; amending s. 1013.16, F.S.; subjecting
496 leases executed by a university board of trustees to
497 requirements for issuance of bonds and debt; amending s.
498 1013.17, F.S.; transferring responsibilities relating to
499 university leasing in affiliated research and development
500 parks from the State Board of Education to the Board of
501 Governors; subjecting leases to requirements for issuance
502 of bonds and debt; amending s. 1013.171, F.S.; authorizing
503 each university board of trustees to enter into certain
504 lease agreements; transferring systemwide strategic plan
505 adoption responsibilities from the State Board of
506 Education to the Board of Governors; subjecting agreements
507 to requirements for issuance of bonds and debt; amending
508 s. 1013.19, F.S.; subjecting certain contracts executed by
509 a university board of trustees to requirements for the
510 issuance of bonds and debt; amending s. 1013.25, F.S.;
511 requiring approval of the Administration Commission to
512 exercise the power of eminent domain; amending s. 1013.28,
513 F.S.; requiring state university disposal of property
514 according to rules of the Board of Governors or the Board
515 of Trustees for the Florida School for the Deaf and the
516 Blind; amending s. 1013.31, F.S.; providing Department of
517 Education duties relating to educational plant surveys and
518 PECO funding; removing State Board of Education
519 rulemaking; updating terminology and making technical
520 changes; providing duties of the Chancellor of the State
521 University System; requiring approval of state university
522 educational plant surveys by the Board of Governors;

PCB SLC 07-16

ORIGINAL

2007

523 | amending s. 1013.46, F.S.; deleting State Board of
 524 | Education rulemaking for prequalification of bidders;
 525 | amending s. 1013.47, F.S.; including rules of the Board of
 526 | Governors with respect to contracts for construction of
 527 | educational facilities; amending s. 1013.52, F.S.;
 528 | requiring the Board of Governors' or the Chancellor of the
 529 | State University System's review and approval for state
 530 | university joint-use facilities proposals; amending s.
 531 | 1013.60, F.S.; requiring that state university capital
 532 | outlay budget request information approved by the Board of
 533 | Governors be submitted to the Commissioner of Education;
 534 | amending s. 1013.64, F.S.; requiring the Board of
 535 | Governors to submit a 3-year priority list for
 536 | universities; transferring responsibilities for state
 537 | university funds for comprehensive educational plant needs
 538 | from the State Board of Education to the Board of
 539 | Governors; amending s. 1013.65, F.S.; requiring copies of
 540 | capital outlay allocations to be provided to the Board of
 541 | Governors; amending s. 1013.74, F.S.; deleting a cross-
 542 | reference; transferring responsibilities relating to state
 543 | university fixed capital outlay projects from the State
 544 | Board of Education to the Board of Governors; subjecting
 545 | projects to requirements for issuance of bonds and debt;
 546 | amending s. 1013.78, F.S.; providing an exception relating
 547 | to legislative approval for university-related facility
 548 | acquisitions; repealing s. 186.805, F.S., relating to the
 549 | Data Bank on Older Floridians; repealing s. 1004.54, F.S.,
 550 | relating to the Learning Development and Evaluation
 551 | Center; repealing s. 741.03055, F.S., relating to review

552 of premarital preparation courses, pilot programs, and
 553 questionnaire and curriculum; repealing s. 741.03056,
 554 F.S., relating to an informational questionnaire;
 555 repealing s. 1001.75, F.S., relating to powers and duties
 556 of state university presidents; repealing s. 1007.261,
 557 F.S., relating to state university admission of students;
 558 repealing s. 1007.31, F.S., relating to limited access
 559 programs; repealing s. 1007.32, F.S., relating to transfer
 560 students; repealing s. 1008.51, F.S., relating to the
 561 Council for Education Policy Research and Improvement;
 562 repealing s. 1011.4105, F.S., relating to transition from
 563 the state accounting system (FLAIR) to the university
 564 accounting system; repealing s. 1012.92, F.S., relating to
 565 personnel codes of conduct, disciplinary measures, and
 566 rulemaking authority; repealing s. 1012.94, F.S., relating
 567 to evaluations of faculty members; repealing s. 1012.95,
 568 F.S., relating to university employment equity
 569 accountability programs; providing an effective date.
 570

571 Be It Enacted by the Legislature of the State of Florida:
 572

573 Section 1. Paragraph (a) of subsection (1) of section
 574 20.055, Florida Statutes, is amended to read:

575 20.055 Agency inspectors general.--

576 (1) For the purposes of this section:

577 (a) "State agency" means each department created pursuant
 578 to this chapter, and also includes the Executive Office of the
 579 Governor, the Department of Military Affairs, the Fish and
 580 Wildlife Conservation Commission, the Office of Insurance

PCB SLC 07-16

ORIGINAL

2007

581 Regulation of the Financial Services Commission, the Office of
 582 Financial Regulation of the Financial Services Commission, the
 583 Public Service Commission, the Board of Governors of the State
 584 University System, and the state courts system.

585 Section 2. Paragraphs (d) and (e) of subsection (3) of
 586 section 20.15, Florida Statutes, are redesignated as paragraphs
 587 (c) and (d), respectively, present paragraph (c) of that
 588 subsection and subsections (5) and (7) are amended, and
 589 subsection (8) is added to that section, to read:

590 20.15 Department of Education.--There is created a
 591 Department of Education.

592 (3) DIVISIONS.--The following divisions of the Department
 593 of Education are established:

594 ~~(c) Division of Colleges and Universities.~~

595 (5) POWERS AND DUTIES.--The State Board of Education and
 596 the Commissioner of Education, in consultation with the Board of
 597 Governors of the State University System, the Commission for
 598 Independent Education, and other education entities, shall assign
 599 to the divisions such powers, duties, responsibilities, and
 600 functions as are necessary to ensure the greatest possible
 601 coordination, efficiency, and effectiveness of education for
 602 students in K-20 education.

603 (7) BOARDS.--Notwithstanding anything contained in law to
 604 the contrary, all members of the ~~university and~~ community college
 605 boards of trustees must be appointed according to chapter 1001.

606 (8) SUPPORT SERVICES.--The Department of Education shall
 607 continue to provide support to the Board of Governors of the
 608 State University System. At a minimum, support services provided
 609 to the Board of Governors shall include accounting, printing,

PCB SLC 07-16

ORIGINAL

2007

610 computer and Internet support, personnel and human resources
611 support, support for accountability initiatives, and
612 administrative support as needed for trust funds under the
613 jurisdiction of the Board of Governors.

614 Section 3. Section 20.155, Florida Statutes, is created to
615 read:

616 20.155 Board of Governors of the State University System.--

617 (1) GENERAL PROVISIONS.--The Board of Governors of the
618 State University System is established by the State Constitution
619 under s. 7, Art. IX and, accordingly, is granted rights and
620 privileges equal to those of departments established under this
621 chapter while preserving the Board of Governors' constitutional
622 designation and title.

623 (2) HEAD OF THE BOARD.--The head of the Board of Governors
624 is the board with members appointed by the Governor as provided
625 for in s. 7, Art. IX of the State Constitution.

626 (3) PERSONNEL.--The Board of Governors may appoint a
627 Chancellor to aid the board in the implementation of its
628 responsibilities.

629 (4) POWERS AND DUTIES.--

630 (a) The Board of Governors shall operate, regulate,
631 control, and be responsible for the management of the whole State
632 University System in accordance with s. 7, Art. IX of the State
633 Constitution and law.

634 (b) The Board of Governors, in exercising its authority
635 under the State Constitution and statutes, shall do so in a
636 manner that supports, promotes, and enhances all of the
637 following:

638 1. Affordable access to postsecondary educational

PCB SLC 07-16

ORIGINAL

2007

639 opportunities for Florida residents.

640 2. Articulation among state universities and with public
 641 schools and other postsecondary educational institutions.

642 3. Fiscal responsibility.

643 4. Accountability.

644 (5) OFFICE OF INSPECTOR GENERAL.--An Office of Inspector
 645 General shall be organized using existing resources and funds to
 646 promote accountability, efficiency, and effectiveness and to
 647 detect fraud and abuse within state universities. If the Board of
 648 Governors determines that a state university board of trustees is
 649 unwilling or unable to address substantiated allegations made by
 650 any person relating to waste, fraud, or financial mismanagement,
 651 the office shall conduct, coordinate, or request investigations
 652 into substantiated allegations made by any person relating to
 653 waste, fraud, or financial mismanagement within a state
 654 university. The office shall have access to all information and
 655 personnel necessary to perform its duties and shall have all of
 656 its current powers, duties, and responsibilities authorized in s.
 657 20.055.

658 Section 4. Subsection (1) of section 23.21, Florida
 659 Statutes, is amended to read:

660 23.21 Definitions.--For purposes of this part:

661 (1) "Department" means a principal administrative unit
 662 within the executive branch of state government, as defined in
 663 chapter 20, and includes the State Board of Administration, the
 664 Executive Office of the Governor, the Fish and Wildlife
 665 Conservation Commission, the Parole Commission, the Agency for
 666 Health Care Administration, ~~the Board of Regents,~~ the State Board
 667 of Education ~~Community Colleges,~~ the Board of Governors of the

668 State University System, the Justice Administrative Commission,
 669 the capital collateral regional counsel, and separate budget
 670 entities placed for administrative purposes within a department.

671 Section 5. Paragraph (a) of subsection (6) of section
 672 110.131, Florida Statutes, is amended to read:

673 110.131 Other-personal-services temporary employment.--

674 (6) (a) The provisions of subsections (2), (3), and (4) do
 675 not apply to any employee for whom the Board of Governors of the
 676 State University System, or the board's designee, ~~Regents~~ or the
 677 Board of Trustees of the Florida School for the Deaf and the
 678 Blind is the employer as defined in s. 447.203(2); except that,
 679 for purposes of subsection (5), the Board of Trustees of the
 680 Florida School for the Deaf and the Blind shall comply with the
 681 recordkeeping and reporting requirements adopted by the
 682 department pursuant to subsection (3) with respect to those
 683 other-personal-services employees exempted by this subsection.

684 Section 6. Subsection (5) of section 110.181, Florida
 685 Statutes, is amended to read:

686 110.181 Florida State Employees' Charitable Campaign.--

687 (5) PARTICIPATION OF STATE UNIVERSITIES.--Each university
 688 may elect to participate in the Florida State Employees'
 689 Charitable Campaign, upon timely notice to the department. Each
 690 university may also conduct annual charitable fundraising drives
 691 for employees under the authority granted in ss. 1001.706 and ~~s.~~
 692 ~~1001.74(19)~~.

693 Section 7. Paragraphs (e), (f), and (g) of subsection (13)
 694 of section 112.0455, Florida Statutes, are redesignated as
 695 paragraphs (d), (e), and (f), respectively, and paragraph (d) of
 696 that subsection is amended to read:

PCB SLC 07-16

ORIGINAL

2007

697 112.0455 Drug-Free Workplace Act.--

698 (13) RULES.--

699 ~~(d) The Board of Regents may adopt rules for the State~~
 700 ~~University System implementing this section.~~

701
 702 This section shall not be construed to eliminate the bargainable
 703 rights as provided in the collective bargaining process where
 704 applicable.

705 Section 8. Subsection (5) of section 112.19, Florida
 706 Statutes, is amended to read:

707 112.19 Law enforcement, correctional, and correctional
 708 probation officers; death benefits.--

709 (5) The State Board Department of Education and the Board
 710 of Governors of the State University System, as appropriate,
 711 shall adopt rules and procedures as are necessary to implement
 712 the educational benefits provisions of this section.

713 Section 9. Subsection (5) of section 112.191, Florida
 714 Statutes, is amended to read:

715 112.191 Firefighters; death benefits.--

716 (5) The State Board Department of Education and the Board
 717 of Governors of the State University System, as appropriate,
 718 shall adopt rules and procedures as are necessary to implement
 719 the educational benefits provisions of this section.

720 Section 10. Paragraph (a) of subsection (9) of section
 721 112.313, Florida Statutes, is amended to read:

722 112.313 Standards of conduct for public officers, employees
 723 of agencies, and local government attorneys.--

724 (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR
 725 LEGISLATORS AND LEGISLATIVE EMPLOYEES.--

726 (a)1. It is the intent of the Legislature to implement by
 727 statute the provisions of s. 8(e), Art. II of the State
 728 Constitution relating to legislators, statewide elected officers,
 729 appointed state officers, and designated public employees.

730 2. As used in this paragraph:

731 a. "Employee" means:

732 (I) Any person employed in the executive or legislative
 733 branch of government holding a position in the Senior Management
 734 Service as defined in s. 110.402 or any person holding a position
 735 in the Selected Exempt Service as defined in s. 110.602 or any
 736 person having authority over policy or procurement employed by
 737 the Department of the Lottery.

738 (II) The Auditor General, the director of the Office of
 739 Program Policy Analysis and Government Accountability, the
 740 Sergeant at Arms and Secretary of the Senate, and the Sergeant at
 741 Arms and Clerk of the House of Representatives.

742 (III) The executive director of the Legislative Committee
 743 on Intergovernmental Relations and the executive director and
 744 deputy executive director of the Commission on Ethics.

745 (IV) An executive director, staff director, or deputy staff
 746 director of each joint committee, standing committee, or select
 747 committee of the Legislature; an executive director, staff
 748 director, executive assistant, analyst, or attorney of the Office
 749 of the President of the Senate, the Office of the Speaker of the
 750 House of Representatives, the Senate Majority Party Office,
 751 Senate Minority Party Office, House Majority Party Office, or
 752 House Minority Party Office; or any person, hired on a
 753 contractual basis, having the power normally conferred upon such
 754 persons, by whatever title.

PCB SLC 07-16

ORIGINAL

2007

755 (V) The Chancellor and Vice Chancellors of the State
756 University System; the general counsel to the Board of Governors
757 of the State University System Regents; and the president,
758 provost, vice presidents, and deans of each state university.

759 (VI) Any person, including an other-personal-services
760 employee, having the power normally conferred upon the positions
761 referenced in this sub-subparagraph.

762 b. "Appointed state officer" means any member of an
763 appointive board, commission, committee, council, or authority of
764 the executive or legislative branch of state government whose
765 powers, jurisdiction, and authority are not solely advisory and
766 include the final determination or adjudication of any personal
767 or property rights, duties, or obligations, other than those
768 relative to its internal operations.

769 c. "State agency" means an entity of the legislative,
770 executive, or judicial branch of state government over which the
771 Legislature exercises plenary budgetary and statutory control.

772 3. No member of the Legislature, appointed state officer,
773 or statewide elected officer shall personally represent another
774 person or entity for compensation before the government body or
775 agency of which the individual was an officer or member for a
776 period of 2 years following vacation of office. No member of the
777 Legislature shall personally represent another person or entity
778 for compensation during his or her term of office before any
779 state agency other than judicial tribunals or in settlement
780 negotiations after the filing of a lawsuit.

781 4. An agency employee, including an agency employee who was
782 employed on July 1, 2001, in a Career Service System position
783 that was transferred to the Selected Exempt Service System under

PCB SLC 07-16

ORIGINAL

2007

784 chapter 2001-43, Laws of Florida, may not personally represent
 785 another person or entity for compensation before the agency with
 786 which he or she was employed for a period of 2 years following
 787 vacation of position, unless employed by another agency of state
 788 government.

789 5. Any person violating this paragraph shall be subject to
 790 the penalties provided in s. 112.317 and a civil penalty of an
 791 amount equal to the compensation which the person receives for
 792 the prohibited conduct.

793 6. This paragraph is not applicable to:

794 a. A person employed by the Legislature or other agency
 795 prior to July 1, 1989;

796 b. A person who was employed by the Legislature or other
 797 agency on July 1, 1989, whether or not the person was a defined
 798 employee on July 1, 1989;

799 c. A person who was a defined employee of the State
 800 University System or the Public Service Commission who held such
 801 employment on December 31, 1994;

802 d. A person who has reached normal retirement age as
 803 defined in s. 121.021(29), and who has retired under the
 804 provisions of chapter 121 by July 1, 1991; or

805 e. Any appointed state officer whose term of office began
 806 before January 1, 1995, unless reappointed to that office on or
 807 after January 1, 1995.

808 Section 11. Paragraph (a) of subsection (1) of section
 809 112.3135, Florida Statutes, is amended to read:

810 112.3135 Restriction on employment of relatives.--

811 (1) In this section, unless the context otherwise requires:

812 (a) "Agency" means:

PCB SLC 07-16

ORIGINAL

2007

813 1. A state agency, except an institution under the
 814 jurisdiction of the Board of Governors of the State University
 815 System ~~Division of Universities of the Department of Education;~~

816 2. An office, agency, or other establishment in the
 817 legislative branch;

818 3. An office, agency, or other establishment in the
 819 judicial branch;

820 4. A county;

821 5. A city; and

822 6. Any other political subdivision of the state, except a
 823 district school board or community college district.

824 Section 12. Paragraph (c) of subsection (1) of section
 825 112.3145, Florida Statutes, is amended to read:

826 112.3145 Disclosure of financial interests and clients
 827 represented before agencies.--

828 (1) For purposes of this section, unless the context
 829 otherwise requires, the term:

830 (c) "State officer" means:

831 1. Any elected public officer, excluding those elected to
 832 the United States Senate and House of Representatives, not
 833 covered elsewhere in this part and any person who is appointed to
 834 fill a vacancy for an unexpired term in such an elective office.

835 2. An appointed member of each board, commission,
 836 authority, or council having statewide jurisdiction, excluding a
 837 member of an advisory body.

838 3. A member of the Board of Governors of the State
 839 University System or a state university board of trustees
 840 ~~Regents~~, the Chancellor and Vice Chancellors of the State
 841 University System, and the president of a state university.

842 4. A member of the judicial nominating commission for any
843 district court of appeal or any judicial circuit.

844 Section 13. Paragraph (b) of subsection (1) and subsection
845 (6) of section 120.52, Florida Statutes, are amended to read:

846 120.52 Definitions.--As used in this act:

847 (1) "Agency" means:

848 (b) Each:

849 1. State officer and state department, and each
850 departmental unit described in s. 20.04.

851 2. Authority, including a regional water supply authority.

852 3. Board, including the Board of Governors of the State
853 University System and a state university board of trustees when
854 acting pursuant to statutory authority derived from the
855 Legislature.

856 4. Commission, including the Commission on Ethics and the
857 Fish and Wildlife Conservation Commission when acting pursuant to
858 statutory authority derived from the Legislature.

859 5. Regional planning agency.

860 6. Multicounty special district with a majority of its
861 governing board comprised of nonelected persons.

862 7. Educational units.

863 8. Entity described in chapters 163, 373, 380, and 582 and
864 s. 186.504.

865
866 This definition does not include any legal entity or agency
867 created in whole or in part pursuant to chapter 361, part II, any
868 metropolitan planning organization created pursuant to s.
869 339.175, any separate legal or administrative entity created
870 pursuant to s. 339.175 of which a metropolitan planning

PCB SLC 07-16

ORIGINAL

2007

871 organization is a member, an expressway authority pursuant to
 872 chapter 348, any legal or administrative entity created by an
 873 interlocal agreement pursuant to s. 163.01(7), unless any party
 874 to such agreement is otherwise an agency as defined in this
 875 subsection, or any multicounty special district with a majority
 876 of its governing board comprised of elected persons; however,
 877 this definition shall include a regional water supply authority.

878 (6) "Educational unit" means a local school district, a
 879 community college district, the Florida School for the Deaf and
 880 the Blind, or a state university when the university is acting
 881 pursuant to statutory authority derived from the Legislature.

882 Section 14. Subsection (11) of section 120.65, Florida
 883 Statutes, is amended to read:

884 120.65 Administrative law judges.--

885 (11) The division shall be reimbursed for administrative
 886 law judge services and travel expenses by the following entities:
 887 water management districts, regional planning councils, school
 888 districts, community colleges, the Division of Community
 889 Colleges, state universities, the Board of Governors of the State
 890 University System, the State Board of Education, the Florida
 891 School for the Deaf and the Blind, and the Commission for
 892 Independent Education. These entities shall contract with the
 893 division to establish a contract rate for services and provisions
 894 for reimbursement of administrative law judge travel expenses and
 895 video teleconferencing expenses attributable to hearings
 896 conducted on behalf of these entities. The contract rate must be
 897 based on a total-cost-recovery methodology.

898 Section 15. Paragraph (b) of subsection (22) of section
 899 121.021, Florida Statutes, is amended to read:

PCB SLC 07-16

ORIGINAL

2007

900 121.021 Definitions.--The following words and phrases as
 901 used in this chapter have the respective meanings set forth
 902 unless a different meaning is plainly required by the context:

903 (22) "Compensation" means the monthly salary paid a member
 904 by his or her employer for work performed arising from that
 905 employment.

906 (b) Under no circumstances shall compensation include:

907 1. Fees paid professional persons for special or particular
 908 services or include salary payments made from a faculty practice
 909 plan authorized by the Board of Governors of the State University
 910 System ~~operated by rule of the Board of Regents~~ for eligible
 911 clinical faculty at a state university with a faculty practice
 912 plan ~~the University of Florida and the University of South~~
 913 ~~Florida~~; or

914 2. Any bonuses or other payments prohibited from inclusion
 915 in the member's average final compensation and defined in
 916 subsection (47).

917 Section 16. Paragraphs (b) and (d) of subsection (2) and
 918 paragraphs (a) and (b) of subsection (6) of section 121.35,
 919 Florida Statutes, are amended to read:

920 121.35 Optional retirement program for the State University
 921 System.--

922 (2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL PROGRAM.--

923 (b) For purposes of this section, both the appointees and
 924 employees are referred to as "employees," and the "employer" of
 925 an appointee or employee is the individual institution within the
 926 State University System or the Board of Governors of the State
 927 University System ~~State Board of Education~~, whichever is
 928 appropriate with respect to the particular employee or appointee.

PCB SLC 07-16

ORIGINAL

2007

929 (d) For purposes of this section, the authority granted to
930 the Board of Governors of the State University System ~~State Board~~
931 ~~of Education~~ may be exercised by the Board of Governors or by the
932 Chancellor of the State University System ~~Division of Colleges~~
933 ~~and Universities~~.

934 (6) ADMINISTRATION OF PROGRAM.--

935 (a) The optional retirement program authorized by this
936 section shall be administered by the department. The department
937 shall adopt rules establishing the responsibilities of the ~~State~~
938 ~~Board of Education~~ and institutions in the State University
939 System in administering the optional retirement program. The
940 Board of Regents ~~State Board of Education~~ shall, no more than 90
941 days after July 1, 1983, submit to the department its
942 recommendations for the contracts to be offered by the companies
943 chosen by the department. Effective July 1, 2001, the State Board
944 of Education shall submit to the department its recommendations
945 for the contracts to be offered by the companies chosen by the
946 department. Effective July 1, 2007, the Board of Governors of the
947 State University System shall submit recommendations on contracts
948 within 90 days after request by the department. The
949 recommendations of the board shall include the following:

950 1. The nature and extent of the rights and benefits in
951 relation to the required contributions; and

952 2. The suitability of the rights and benefits to the needs
953 of the participants and the interests of the institutions in the
954 recruitment and retention of eligible employees.

955 (b) After receiving and considering the recommendations of
956 the Board of Governors of the State University System ~~State Board~~
957 ~~of Education~~, the department shall designate no more than five

PCB SLC 07-16

ORIGINAL

2007

958 | companies from which contracts may be purchased under the program
 959 | and shall approve the form and content of the optional retirement
 960 | program contracts. Any domestic company that has been designated
 961 | as of July 1, 2005, shall be included in the five companies until
 962 | expiration of its existing contract with the department. The
 963 | domestic company may assign its contract with the department to
 964 | an affiliated qualified company that is wholly owned by the
 965 | domestic company's parent company and has assumed 100 percent of
 966 | the responsibility for the contracts purchased from the domestic
 967 | company.

968 | Section 17. Subsection (1) of section 159.703, Florida
 969 | Statutes, is amended to read:

970 | 159.703 Creation of research and development authorities.--

971 | (1) Subject to the provisions of this part, each county or
 972 | group of counties may create by ordinance a local governmental
 973 | body as a public body corporate and politic to be known as "
 974 | Research and Development Authority," hereafter referred to as
 975 | "authority" or "authorities." Each of the authorities is
 976 | constituted as a public instrumentality for the purposes of
 977 | development, operation, management, and financing of a research
 978 | and development park, and the exercise by an authority of the
 979 | powers conferred by ss. 159.701-159.7095 shall be deemed and held
 980 | to be the performance of an essential public purpose and
 981 | function. However, no authority created on or after July 1, 2007
 982 | ~~July 7, 1988~~, shall transact any business or exercise any power
 983 | hereunder until and unless the Board of Governors of the State
 984 | University System ~~Board of Regents~~ has designated the authority
 985 | pursuant to the requirements of s. 159.704.

986 | Section 18. Subsections (1) and (3) of section 159.704,

PCB SLC 07-16

ORIGINAL

2007

987 Florida Statutes, are amended to read:

988 159.704 Designation by Board of Governors of the State
 989 University System Board of Regents; procedure.--

990 (1) The authority shall prepare and submit to the Board of
 991 Governors of the State University System Board of Regents a
 992 petition requesting that the authority be designated a research
 993 and development authority.

994 (3) Upon approval of the petition and designation as a
 995 research and development authority by the Board of Governors of
 996 the State University System Board of Regents, the authority shall
 997 be empowered to transact any business and exercise any power
 998 authorized by ss. 159.701-159.7095 for the purposes set out in
 999 such sections.

1000 Section 19. Section 159.706, Florida Statutes, is amended
 1001 to read:

1002 159.706 Grandfather clause.--Each county designated as a
 1003 research and development authority on June 30, 1979, or
 1004 designated by the Board of Regents as a research and development
 1005 authority prior to July 1, 2001, shall be entitled to continue to
 1006 be designated and shall be accorded all powers conferred to
 1007 designated authorities by ss. 159.701-159.7095, except that any
 1008 authority not constituted and designated under the provisions of
 1009 ss. 159.701-159.7095 shall be prohibited from exercising any
 1010 power to issue revenue bonds or other debt obligations pursuant
 1011 to s. 159.705(6) and (7).

1012 Section 20. Paragraph (b) of subsection (2) of section
 1013 211.3103, Florida Statutes, is amended to read:

1014 211.3103 Levy of tax on severance of phosphate rock; rate,
 1015 basis, and distribution of tax.--

PCB SLC 07-16

ORIGINAL

2007

1016 (2) Beginning July 1, 2003, the proceeds of all taxes,
 1017 interest, and penalties imposed under this section shall be paid
 1018 into the State Treasury as follows:

1019 (b) The remaining revenues collected from the tax during
 1020 that fiscal year, after the required payment under paragraph (a),
 1021 shall be paid into the State Treasury as follows:

1022 1. For payment to counties in proportion to the number of
 1023 tons of phosphate rock produced from a phosphate rock matrix
 1024 located within such political boundary, 18.75 percent. The
 1025 department shall distribute this portion of the proceeds annually
 1026 based on production information reported by the producers on the
 1027 annual returns for the taxable year. Any such proceeds received
 1028 by a county shall be used only for phosphate-related expenses.

1029 2. For payment to counties that have been designated a
 1030 rural area of critical economic concern pursuant to s. 288.0656
 1031 in proportion to the number of tons of phosphate rock produced
 1032 from a phosphate rock matrix located within such political
 1033 boundary, 15 percent. The department shall distribute this
 1034 portion of the proceeds annually based on production information
 1035 reported by the producers on the annual returns for the taxable
 1036 year.

1037 3. To the credit of the Phosphate Research Trust Fund in
 1038 the Department of Education, ~~Division of Universities~~, 11.25
 1039 percent.

1040 4. To the credit of the Minerals Trust Fund, 11.25 percent.

1041 5. To the credit of the Nonmandatory Land Reclamation Trust
 1042 Fund, 43.75 percent.

1043 Section 21. Subsection (2) of section 215.16, Florida
 1044 Statutes, is amended to read:

PCB SLC 07-16

ORIGINAL

2007

1045 215.16 Appropriations from General Revenue Fund for public
1046 schools, state institutions of higher learning, and community
1047 colleges; reduction.--

1048 (2) If the state appropriations from the General Revenue
1049 Fund for the benefit of the uniform system of public free
1050 schools, state institutions of higher learning, and community
1051 colleges cannot be paid in full during any given year, they shall
1052 be diminished only in the same proportion that appropriations for
1053 all other purposes from the General Revenue Fund are diminished
1054 during such year. Additionally, any funding reductions to public
1055 free schools, state institutions of higher learning, and
1056 community colleges shall be diminished in proportions identical
1057 to one another. For the purpose of implementing this section,
1058 general revenue funds exclude the administrative budgets of the
1059 Board of Governors and the Department of Education. ~~provided for~~
1060 ~~public free schools, state institutions of higher learning, and~~
1061 ~~community colleges shall be restricted to general revenue funds~~
1062 ~~appropriated for the Division of Public Schools and Community~~
1063 ~~Education, the Division of Workforce Development, the Division of~~
1064 ~~Universities, excluding the general office of the Board of~~
1065 ~~Regents, and the Division of Community Colleges, excluding the~~
1066 ~~division office.~~

1067 Section 22. Paragraph (b) of subsection (2) of section
1068 215.32, Florida Statutes, is amended to read:

1069 215.32 State funds; segregation.--

1070 (2) The source and use of each of these funds shall be as
1071 follows:

1072 (b)1. The trust funds shall consist of moneys received by
1073 the state which under law or under trust agreement are segregated

PCB SLC 07-16

ORIGINAL

2007

1074 for a purpose authorized by law. The state agency or branch of
 1075 state government receiving or collecting such moneys shall be
 1076 responsible for their proper expenditure as provided by law. Upon
 1077 the request of the state agency or branch of state government
 1078 responsible for the administration of the trust fund, the Chief
 1079 Financial Officer may establish accounts within the trust fund at
 1080 a level considered necessary for proper accountability. Once an
 1081 account is established within a trust fund, the Chief Financial
 1082 Officer may authorize payment from that account only upon
 1083 determining that there is sufficient cash and releases at the
 1084 level of the account.

1085 2. In addition to other trust funds created by law, to the
 1086 extent possible, each agency shall use the following trust funds
 1087 as described in this subparagraph for day-to-day operations:

1088 a. Operations or operating trust fund, for use as a
 1089 depository for funds to be used for program operations funded by
 1090 program revenues, with the exception of administrative activities
 1091 when the operations or operating trust fund is a proprietary
 1092 fund.

1093 b. Operations and maintenance trust fund, for use as a
 1094 depository for client services funded by third-party payors.

1095 c. Administrative trust fund, for use as a depository for
 1096 funds to be used for management activities that are departmental
 1097 in nature and funded by indirect cost earnings and assessments
 1098 against trust funds. Proprietary funds are excluded from the
 1099 requirement of using an administrative trust fund.

1100 d. Grants and donations trust fund, for use as a depository
 1101 for funds to be used for allowable grant or donor agreement
 1102 activities funded by restricted contractual revenue from private

1103 and public nonfederal sources.

1104 e. Agency working capital trust fund, for use as a
1105 depository for funds to be used pursuant to s. 216.272.

1106 f. Clearing funds trust fund, for use as a depository for
1107 funds to account for collections pending distribution to lawful
1108 recipients.

1109 g. Federal grant trust fund, for use as a depository for
1110 funds to be used for allowable grant activities funded by
1111 restricted program revenues from federal sources.

1112

1113 To the extent possible, each agency must adjust its internal
1114 accounting to use existing trust funds consistent with the
1115 requirements of this subparagraph. If an agency does not have
1116 trust funds listed in this subparagraph and cannot make such
1117 adjustment, the agency must recommend the creation of the
1118 necessary trust funds to the Legislature no later than the next
1119 scheduled review of the agency's trust funds pursuant to s.
1120 215.3206.

1121 3. All such moneys are hereby appropriated to be expended
1122 in accordance with the law or trust agreement under which they
1123 were received, subject always to the provisions of chapter 216
1124 relating to the appropriation of funds and to the applicable laws
1125 relating to the deposit or expenditure of moneys in the State
1126 Treasury.

1127 4.a. Notwithstanding any provision of law restricting the
1128 use of trust funds to specific purposes, unappropriated cash
1129 balances from selected trust funds may be authorized by the
1130 Legislature for transfer to the Budget Stabilization Fund and
1131 General Revenue Fund in the General Appropriations Act.

PCB SLC 07-16

ORIGINAL

2007

1132 b. This subparagraph does not apply to trust funds required
 1133 by federal programs or mandates; trust funds established for bond
 1134 covenants, indentures, or resolutions whose revenues are legally
 1135 pledged by the state or public body to meet debt service or other
 1136 financial requirements of any debt obligations of the state or
 1137 any public body; the State Transportation Trust Fund; the trust
 1138 fund containing the net annual proceeds from the Florida
 1139 Education Lotteries; the Florida Retirement System Trust Fund;
 1140 trust funds under the management of the State Board of Education
 1141 or the Board of Governors of the State University System, where
 1142 such trust funds are for auxiliary enterprises, self-insurance,
 1143 and contracts, grants, and donations, as those terms are defined
 1144 by general law; trust funds that serve as clearing funds or
 1145 accounts for the Chief Financial Officer or state agencies; trust
 1146 funds that account for assets held by the state in a trustee
 1147 capacity as an agent or fiduciary for individuals, private
 1148 organizations, or other governmental units; and other trust funds
 1149 authorized by the State Constitution.

1150 Section 23. Subsection (4) of section 215.559, Florida
 1151 Statutes, is amended to read:

1152 215.559 Hurricane Loss Mitigation Program.--

1153 (4) Of moneys provided to the Department of Community
 1154 Affairs in paragraph (2)(a), 10 percent shall be allocated to the
 1155 Florida International University ~~a Type I center within the State~~
 1156 ~~University System~~ dedicated to hurricane research. The ~~Type I~~
 1157 center shall develop a preliminary work plan approved by the
 1158 advisory council set forth in subsection (5) ~~(6)~~ to eliminate the
 1159 state and local barriers to upgrading existing mobile homes and
 1160 communities, research and develop a program for the recycling of

PCB SLC 07-16

ORIGINAL

2007

1161 existing older mobile homes, and support programs of research and
 1162 development relating to hurricane loss reduction devices and
 1163 techniques for site-built residences. The State University System
 1164 also shall consult with the Department of Community Affairs and
 1165 assist the department with the report required under subsection
 1166 (7) ~~(8)~~.

1167 Section 24. Subsection (2) of section 215.82, Florida
 1168 Statutes, is amended to read:

1169 215.82 Validation; when required.--

1170 (2) Any bonds issued pursuant to this act which are
 1171 validated shall be validated in the manner provided by chapter
 1172 75. In actions to validate bonds to be issued in the name of the
 1173 State Board of Education under s. 9(a) and (d), Art. XII of the
 1174 State Constitution and bonds to be issued pursuant to chapter
 1175 259, the Land Conservation Act of 1972, the complaint shall be
 1176 filed in the circuit court of the county where the seat of state
 1177 government is situated, the notice required to be published by s.
 1178 75.06 shall be published only in the county where the complaint
 1179 is filed, and the complaint and order of the circuit court shall
 1180 be served only on the state attorney of the circuit in which the
 1181 action is pending. In any action to validate bonds issued
 1182 pursuant to s. 1010.62 ~~ss. 1010.61-1010.619~~ or issued pursuant to
 1183 s. 9(a)(1), Art. XII of the State Constitution or issued pursuant
 1184 to s. 215.605 or s. 338.227, the complaint shall be filed in the
 1185 circuit court of the county where the seat of state government is
 1186 situated, the notice required to be published by s. 75.06 shall
 1187 be published in a newspaper of general circulation in the county
 1188 where the complaint is filed and in two other newspapers of
 1189 general circulation in the state, and the complaint and order of

PCB SLC 07-16

ORIGINAL

2007

1190 the circuit court shall be served only on the state attorney of
 1191 the circuit in which the action is pending; provided, however,
 1192 that if publication of notice pursuant to this section would
 1193 require publication in more newspapers than would publication
 1194 pursuant to s. 75.06, such publication shall be made pursuant to
 1195 s. 75.06.

1196 Section 25. Subsection (1) of section 216.0152, Florida
 1197 Statutes, is amended to read:

1198 216.0152 Inventory of state-owned facilities or state-
 1199 occupied facilities.--

1200 (1) The Department of Management Services shall develop and
 1201 maintain an automated inventory of all facilities owned, leased,
 1202 rented, or otherwise occupied or maintained by any agency of the
 1203 state or by the judicial branch, except those with less than
 1204 3,000 square feet. The inventory shall include the location,
 1205 occupying agency, ownership, size, condition assessment,
 1206 maintenance record, age, parking and employee facilities, and
 1207 other information as required by the department for determining
 1208 maintenance needs and life-cycle cost evaluations of the
 1209 facility. The inventory need not include a condition assessment
 1210 or maintenance record of facilities not owned by a state agency
 1211 or by the judicial branch. The term "facility," as used in this
 1212 section, means buildings, structures, and building systems, but
 1213 does not include transportation facilities of the state
 1214 transportation system. The Department of Transportation shall
 1215 develop and maintain an inventory of transportation facilities of
 1216 the state transportation system. The Board of Governors of the
 1217 State University System and Regents and the Division of Community
 1218 Colleges of the Department of Education, respectively, shall

PCB SLC 07-16

ORIGINAL

2007

1219 develop and maintain an inventory, in the manner prescribed by
 1220 the Department of Management Services, of all state university
 1221 and community college ~~higher education~~ facilities and shall make
 1222 the data available in a format acceptable to the Department of
 1223 Management Services.

1224 Section 26. Paragraph (a) of subsection (2) of section
 1225 216.251, Florida Statutes, is amended to read:

1226 216.251 Salary appropriations; limitations.--

1227 (2) (a) The salary for each position not specifically
 1228 indicated in the appropriations acts shall be as provided in one
 1229 of the following subparagraphs:

1230 1. Within the classification and pay plans provided for in
 1231 chapter 110.

1232 2. Within the classification and pay plans established by
 1233 the Board of Trustees for the Florida School for the Deaf and the
 1234 Blind of the Department of Education and approved by the State
 1235 Board of Education for academic and academic administrative
 1236 personnel.

1237 3. Within the classification and pay plan approved and
 1238 administered by the ~~State Board of Education and the~~ Board of
 1239 Governors, or the board's designee, for those positions in the
 1240 State University System.

1241 4. Within the classification and pay plan approved by the
 1242 President of the Senate and the Speaker of the House of
 1243 Representatives, as the case may be, for employees of the
 1244 Legislature.

1245 5. Within the approved classification and pay plan for the
 1246 judicial branch.

1247 Section 27. Paragraph (c) of subsection (2) and paragraph

PCB SLC 07-16

ORIGINAL

2007

1248 (c) of subsection (4) of section 220.15, Florida Statutes, are
1249 amended to read:

1250 220.15 Apportionment of adjusted federal income.--

1251 (2) The property factor is a fraction the numerator of
1252 which is the average value of the taxpayer's real and tangible
1253 personal property owned or rented and used in this state during
1254 the taxable year or period and the denominator of which is the
1255 average value of such property owned or rented and used
1256 everywhere.

1257 (c) The property factor fraction shall not include any real
1258 or tangible personal property located in this state with respect
1259 to which it is certified to the Department of Revenue that such
1260 property is dedicated exclusively to research and development
1261 activities performed pursuant to sponsored research contracts
1262 conducted in conjunction with and through a university that is a
1263 member of the State University System or a nonpublic university
1264 that is chartered in Florida and conducts graduate programs at
1265 the professional or doctoral level. The Board of Governors of the
1266 State University System ~~Board of Regents~~ must certify the
1267 contracts for members of the State University System, and the
1268 president of the university must certify the contracts for a
1269 nonpublic university. As used in this paragraph, "sponsored
1270 research contract" means an agreement executed by parties that
1271 include at least the university and the taxpayer. Funding for
1272 sponsored research contracts may be provided from public or
1273 private sources.

1274 (4) The payroll factor is a fraction the numerator of which
1275 is the total amount paid in this state during the taxable year or
1276 period by the taxpayer for compensation and the denominator of

PCB SLC 07-16

ORIGINAL

2007

1277 | which is the total compensation paid everywhere during the
 1278 | taxable year or period.

1279 | (c) The payroll factor fraction shall not include any
 1280 | compensation paid to any employee located in this state when it
 1281 | is certified to the Department of Revenue that such compensation
 1282 | was paid to employees dedicated exclusively to research and
 1283 | development activities performed pursuant to sponsored research
 1284 | contracts conducted in conjunction with and through a university
 1285 | that is a member of the State University System or a nonpublic
 1286 | university that is chartered in Florida and conducts graduate
 1287 | programs at the professional or doctoral level. The Board of
 1288 | Governors of the State University System ~~Board of Regents~~ must
 1289 | certify the contracts for members of the State University System,
 1290 | and the president of the university must certify the contracts
 1291 | for a nonpublic university. As used in this paragraph, "sponsored
 1292 | research contract" means an agreement executed by parties that
 1293 | include at least the university and the taxpayer. Funding for
 1294 | sponsored research contracts may be provided from public or
 1295 | private sources.

1296 | Section 28. Subsection (7) of section 250.10, Florida
 1297 | Statutes, is amended to read:

1298 | 250.10 Appointment and duties of the Adjutant General.--

1299 | (7) The Adjutant General, the Board of Governors of the
 1300 | State University System, and the State Board of Education shall
 1301 | develop education assistance programs for members in good
 1302 | standing of the active Florida National Guard who enroll in a
 1303 | public institution of higher learning in the state.

1304 | (a) The programs shall set forth application requirements,
 1305 | including, but not limited to, requirements that the applicant:

PCB SLC 07-16

ORIGINAL

2007

- 1306 | 1. Be 17 years of age or older.
- 1307 | 2. Be presently domiciled in the state.
- 1308 | 3. Be a member in good standing in the active Florida
- 1309 | National Guard at the beginning of and throughout the entire
- 1310 | academic term for which benefits are received.
- 1311 | 4. Maintain continuous satisfactory participation in the
- 1312 | active Florida National Guard for any school term for which
- 1313 | exemption benefits are received.
- 1314 | 5. Upon enrollment in a program specified in subsection (8)
- 1315 | or subsection (9), complete a memorandum of agreement to comply
- 1316 | with the rules of the program and serve in the active Florida
- 1317 | National Guard for 3 years after completion of the studies for
- 1318 | which an exemption is granted or tuition and fees are paid.
- 1319 | (b) The programs shall define those members of the active
- 1320 | Florida National Guard who are ineligible to participate in the
- 1321 | program and those courses of study which are not authorized for
- 1322 | the program.
- 1323 | 1. Such members include, but are not limited to:
- 1324 | a. Any member, commissioned officer, warrant officer, or
- 1325 | enlisted person who has a baccalaureate degree.
- 1326 | b. Any member who has 15 years or more of total military
- 1327 | service creditable toward retirement.
- 1328 | c. Any member who has not completed basic military
- 1329 | training.
- 1330 | 2. Courses not authorized include noncredit courses,
- 1331 | courses that do not meet degree requirements, or courses that do
- 1332 | not meet requirements for completion of career training.
- 1333 | (c) The Adjutant General, together with the Board of
- 1334 | Governors of the State University System and the State Board of

PCB SLC 07-16

ORIGINAL

2007

1335 Education, shall adopt rules for the overall policy, guidance,
 1336 administration, implementation, and proper utilization of the
 1337 program. Such rules must include, but not be limited to,
 1338 guidelines for certification by the Adjutant General of a guard
 1339 member's eligibility, procedures for notification to an
 1340 institution of a guard member's termination of eligibility, and
 1341 procedures for restitution when a guard member fails to comply
 1342 with the penalties described in this section.

1343 Section 29. Section 253.381, Florida Statutes, is amended
 1344 to read:

1345 253.381 Unsurveyed marshlands; sale to upland owners.--The
 1346 Board of Trustees of the Internal Improvement Trust Fund of the
 1347 state is ~~and the State Board of Education~~ are hereby authorized
 1348 to make sales of unsurveyed marshlands to record owners of
 1349 uplands which have been surveyed by the United States, and to
 1350 make equitable divisions of unsurveyed marsh areas and
 1351 allocations of the same for sales with due respect to upland
 1352 ownership, sales heretofore made, natural divisions of the
 1353 unsurveyed marshes which are indicated by the general courses of
 1354 water channels within or across the unsurveyed marshes and to
 1355 other topographical features of the affected areas.

1356 Section 30. Section 255.02, Florida Statutes, is amended to
 1357 read:

1358 255.02 Boards authorized to replace buildings destroyed by
 1359 fire.--The Department of Management Services, ~~the Board of~~
 1360 ~~Regents of the Department of Education,~~ or any other board or
 1361 person having the direct supervision and control of any state
 1362 building or state property, may have rebuilt or replaced, out of
 1363 the proceeds from the fire insurance on such buildings or

PCB SLC 07-16

ORIGINAL

2007

1364 property, any buildings or property owned by the state, which may
 1365 be destroyed in whole or in part by fire.

1366 Section 31. Subsection (2) of section 255.043, Florida
 1367 Statutes, is amended to read:

1368 255.043 Art in state buildings.--

1369 (2) The Department of Management Services,~~the Board of~~
 1370 ~~Regents,~~ or other state agencies receiving appropriations for
 1371 original constructions shall notify the Florida Arts Council and
 1372 the user agency of any construction project which is eligible
 1373 under the provisions of this section. The Department of
 1374 Management Services,~~the Board of Regents,~~ or other state agency
 1375 shall determine the amount to be made available for purchase or
 1376 commission of works of art for each project and shall report
 1377 these amounts to the Florida Arts Council and the user agency.
 1378 Payments therefor shall be made from funds appropriated for fixed
 1379 capital outlay according to law.

1380 Section 32. Subsection (2) of section 255.102, Florida
 1381 Statutes, is amended to read:

1382 255.102 Contractor utilization of minority business
 1383 enterprises.--

1384 (2) The Office of Supplier Diversity, in collaboration with
 1385 the Board of Governors of the State University System, shall
 1386 adopt rules to determine what is a "good faith effort" for
 1387 purposes of contractor compliance with minority participation
 1388 goals established for competitively awarded building and
 1389 construction projects. Pro forma efforts shall not be considered
 1390 good faith. Factors which shall be considered by the state agency
 1391 in determining whether a contractor has made good faith efforts
 1392 shall include, but not be limited to:

PCB SLC 07-16

ORIGINAL

2007

1393 (a) Whether the contractor attended any presolicitation or
1394 prebid meetings that were scheduled by the agency to inform
1395 minority business enterprises of contracting and subcontracting
1396 opportunities.

1397 (b) Whether the contractor advertised in general
1398 circulation, trade association, or minority-focus media
1399 concerning the subcontracting opportunities.

1400 (c) Whether the contractor provided written notice to all
1401 relevant subcontractors listed on the minority vendor list for
1402 that locality and statewide as provided by the agency as of the
1403 date of issuance of the invitation to bid, that their interest in
1404 the contract was being solicited in sufficient time to allow the
1405 minority business enterprises to participate effectively.

1406 (d) Whether the contractor followed up initial
1407 solicitations of interest by contacting minority business
1408 enterprises, the Office of Supplier Diversity, or minority
1409 persons who responded and provided detailed information about
1410 prebid meetings, access to plans, specifications, contractor's
1411 project manager, subcontractor bonding, if any, payment schedule,
1412 bid addenda, and other assistance provided by the contractor to
1413 enhance minority business enterprise participation.

1414 (e) Whether the contractor selected portions of the work to
1415 be performed by minority business enterprises in order to
1416 increase the likelihood of meeting the minority business
1417 enterprise procurement goals, including, where appropriate,
1418 breaking down contracts into economically feasible units to
1419 facilitate minority business enterprise participation under
1420 reasonable and economical conditions of performance.

1421 (f) Whether the contractor provided the Office of Supplier

1422 Diversity as well as interested minority business enterprises or
 1423 minority persons with adequate information about the plans,
 1424 specifications, and requirements of the contract or the
 1425 availability of jobs at a time no later than when such
 1426 information was provided to other subcontractors.

1427 (g) Whether the contractor negotiated in good faith with
 1428 interested minority business enterprises or minority persons, not
 1429 rejecting minority business enterprises or minority persons as
 1430 unqualified without sound reasons based on a thorough
 1431 investigation of their capabilities or imposing implausible
 1432 conditions of performance on the contract.

1433 (h) Whether the contractor diligently seeks to replace a
 1434 minority business enterprise subcontractor that is unable to
 1435 perform successfully with another minority business enterprise.

1436 (i) Whether the contractor effectively used the services of
 1437 available minority community organizations; minority contractors'
 1438 groups; local, state, and federal minority business assistance
 1439 offices; and other organizations that provide assistance in the
 1440 recruitment and placement of minority business enterprises or
 1441 minority persons.

1442 Section 33. Subsection (23) of section 280.02, Florida
 1443 Statutes, is amended to read:

1444 280.02 Definitions.--As used in this chapter, the term:

1445 (23) "Public deposit" means the moneys of the state or of
 1446 any state university, county, school district, community college
 1447 district, special district, metropolitan government, or
 1448 municipality, including agencies, boards, bureaus, commissions,
 1449 and institutions of any of the foregoing, or of any court, and
 1450 includes the moneys of all county officers, including

PCB SLC 07-16

ORIGINAL

2007

1451 constitutional officers, that are placed on deposit in a bank,
 1452 savings bank, or savings association and for which the bank,
 1453 savings bank, or savings association is required to maintain
 1454 reserves. This includes, but is not limited to, time deposit
 1455 accounts, demand deposit accounts, and nonnegotiable certificates
 1456 of deposit. Moneys in deposit notes and in other nondeposit
 1457 accounts such as repurchase or reverse repurchase operations are
 1458 not public deposits. Securities, mutual funds, and similar types
 1459 of investments are not considered public deposits and shall not
 1460 be subject to the provisions of this chapter.

1461 Section 34. Section 286.001, Florida Statutes, is amended
 1462 to read:

1463 286.001 Reports statutorily required; filing, maintenance,
 1464 retrieval, and provision of copies.--

1465 (1) Unless otherwise specifically provided by law, any
 1466 agency or officer of the executive, legislative, or judicial
 1467 branches of state government, the State Board of Education, the
 1468 Board of Governors of the State University System ~~Community~~
 1469 ~~Colleges, the Board of Regents,~~ or the Public Service Commission
 1470 required or authorized by law to make reports regularly or
 1471 periodically shall fulfill such requirement by filing an abstract
 1472 of the report with the statutorily or administratively designated
 1473 recipients of the report and an abstract and one copy of the
 1474 report with the Division of Library and Information Services of
 1475 the Department of State, unless the head of the reporting entity
 1476 makes a determination that the additional cost of providing the
 1477 entire report to the statutorily or administratively designated
 1478 recipients is justified. A one-page summary justifying the
 1479 determination shall be submitted to the chairs of the

PCB SLC 07-16

ORIGINAL

2007

1480 governmental operations committees of both houses of the
 1481 Legislature. The abstract of the contents of such report shall be
 1482 no more than one-half page in length. The actual report shall be
 1483 retained by the reporting agency or officer, and copies of the
 1484 report shall be provided to interested parties and the
 1485 statutorily or administratively designated recipients of the
 1486 report upon request.

1487 (2) With respect to reports statutorily required of
 1488 agencies or officers within the executive, legislative, or
 1489 judicial branches of state government, the State Board of
 1490 Education, the Board of Governors of the State University System
 1491 ~~Community Colleges, the Board of Regents,~~ or the Public Service
 1492 Commission, it is the duty of the division, in addition to its
 1493 duties under s. 257.05, to:

1494 (a) Regularly compile and update bibliographic information
 1495 on such reports for distribution as provided in paragraph (b).
 1496 Such bibliographic information may be included in the
 1497 bibliographies prepared by the division pursuant to s.
 1498 257.05(3)(c).

1499 (b) Provide for at least quarterly distribution of
 1500 bibliographic information on reports to:

1501 1. Agencies and officers within the executive, legislative,
 1502 and judicial branches of state government, the State Board of
 1503 Education, the Board of Governors of the State University System
 1504 ~~Community Colleges, the Board of Regents,~~ and the Public Service
 1505 Commission, free of charge; and

1506 2. Other interested parties upon request properly made and
 1507 upon payment of the actual cost of duplication pursuant to s.
 1508 119.07(1).

PCB SLC 07-16

ORIGINAL

2007

1509 (3) As soon as practicable, the administrative head of each
 1510 executive, legislative, or judicial agency and each agency of the
 1511 State Board of Education, the Board of Governors of the State
 1512 University System ~~Community Colleges, the Board of Regents,~~ and
 1513 the Public Service Commission required by law to make reports
 1514 periodically shall ensure that those reports are created, stored,
 1515 managed, updated, retrieved, and disseminated through electronic
 1516 means.

1517 (4) Nothing in this section shall be construed to waive or
 1518 modify the requirement in s. 257.05(2) pertaining to the
 1519 provision of copies of public documents to the division.

1520 Section 35. Subsection (1) of section 287.064, Florida
 1521 Statutes, is amended to read:

1522 287.064 Consolidated financing of deferred-payment
 1523 purchases.--

1524 (1) The Division of Bond Finance of the State Board of
 1525 Administration and the Chief Financial Officer shall plan and
 1526 coordinate deferred-payment purchases made by or on behalf of the
 1527 state or its agencies or by or on behalf of state universities or
 1528 state community colleges participating under this section
 1529 pursuant to s. 1001.74(6) ~~s. 1001.74(5)~~ or s. 1001.64(26),
 1530 respectively. The Division of Bond Finance shall negotiate and
 1531 the Chief Financial Officer shall execute agreements and
 1532 contracts to establish master equipment financing agreements for
 1533 consolidated financing of deferred-payment, installment sale, or
 1534 lease purchases with a financial institution or a consortium of
 1535 financial institutions. As used in this act, the term "deferred-
 1536 payment" includes installment sale and lease-purchase.

1537 (a) The period during which equipment may be acquired under

PCB SLC 07-16

ORIGINAL

2007

1538 any one master equipment financing agreement shall be limited to
 1539 not more than 3 years.

1540 (b) Repayment of the whole or a part of the funds drawn
 1541 pursuant to the master equipment financing agreement may continue
 1542 beyond the period established pursuant to paragraph (a).

1543 (c) The interest rate component of any master equipment
 1544 financing agreement shall be deemed to comply with the interest
 1545 rate limitation imposed in s. 287.063 so long as the interest
 1546 rate component of every interagency, state university, or
 1547 community college agreement entered into under such master
 1548 equipment financing agreement complies with the interest rate
 1549 limitation imposed in s. 287.063. Such interest rate limitation
 1550 does not apply when the payment obligation under the master
 1551 equipment financing agreement is rated by a nationally recognized
 1552 rating service in any one of the three highest classifications,
 1553 which rating services and classifications are determined pursuant
 1554 to rules adopted by the Chief Financial Officer.

1555 Section 36. Subsection (1) of section 287.155, Florida
 1556 Statutes, is amended to read:

1557 287.155 Motor vehicles; purchase by ~~Division of~~
 1558 ~~Universities,~~ Department of Children and Family Services, Agency
 1559 for Persons with Disabilities, Department of Health, Department
 1560 of Juvenile Justice, and Department of Corrections.--

1561 (1) The ~~Division of Universities of the Department of~~
 1562 ~~Education,~~ the Department of Children and Family Services, the
 1563 Agency for Persons with Disabilities, the Department of Health,
 1564 the Department of Juvenile Justice, and the Department of
 1565 Corrections may, subject to the approval of the Department of
 1566 Management Services, purchase automobiles, trucks, tractors, and

PCB SLC 07-16

ORIGINAL

2007

1567 other automotive equipment for the use of institutions under the
 1568 management of the ~~Division of Universities,~~ the Department of
 1569 Children and Family Services, the Agency for Persons with
 1570 Disabilities, the Department of Health, and the Department of
 1571 Corrections, and for the use of residential facilities managed or
 1572 contracted by the Department of Juvenile Justice.

1573 Section 37. Paragraph (d) of subsection (5) of section
 1574 288.15, Florida Statutes, is amended to read:

1575 288.15 Powers of Division of Bond Finance.--There is hereby
 1576 granted to and vested in the Division of Bond Finance of the
 1577 State Board of Administration the power, right, franchise, and
 1578 authority:

1579 (5) In order to carry out the objectives and purposes of
 1580 this chapter, the division is authorized to acquire, own,
 1581 construct, operate, maintain, improve, and extend public
 1582 buildings, facilities, or works within the state which are of the
 1583 character hereinafter specifically mentioned. All public
 1584 buildings, facilities, and works which the division is authorized
 1585 to own, construct, operate, and maintain must be such as can
 1586 ultimately be owned and operated by an agency, department, board,
 1587 bureau, or commission of the state. All or any such buildings,
 1588 facilities, or works may be of a revenue-producing character in
 1589 order that the cost of the same or some part of improvements or
 1590 extensions thereto may be paid from receipts therefrom, including
 1591 in Tallahassee only rentals, leases, and sales to both public and
 1592 nonpublic agencies through the issue and sales or disposition of
 1593 revenue bonds, notes, or certificates of the division. The
 1594 buildings, facilities, and works which the division is hereby
 1595 authorized to acquire, construct, operate, maintain, improve, and

PCB SLC 07-16

ORIGINAL

2007

1596 extend are:

1597 (d) Public buildings, facilities, and additions or
 1598 improvements to existing buildings and facilities for ultimate
 1599 use in connection with any of the several state institutions,
 1600 departments, bureaus, boards, or commissions; and, in furtherance
 1601 of this paragraph, the Department of Management Services, the
 1602 Board of Governors of the State University System, and the State
 1603 Board of Education are authorized to cooperate with the Division
 1604 of Bond Finance and to do and perform all acts and things
 1605 necessary thereto. Any property acquired by the Division of Bond
 1606 Finance under the provisions of this chapter may ultimately be
 1607 conveyed to the state free and clear of all debt or other
 1608 encumbrance.

1609 Section 38. Section 288.17, Florida Statutes, is amended to
 1610 read:

1611 288.17 Revenue certificates.--The Division of Bond Finance
 1612 of the State Board of Administration is authorized to issue
 1613 interest-bearing revenue certificates for construction of all
 1614 state buildings approved by the Legislature in its appropriation
 1615 acts and requested by the Department of Management Services or by
 1616 the Board of Governors of the State University System ~~Board of~~
 1617 ~~Regents~~.

1618 Section 39. Section 288.705, Florida Statutes, is amended
 1619 to read:

1620 288.705 Statewide contracts register.--All state agencies
 1621 shall in a timely manner provide the Florida Small Business
 1622 Development Center Procurement System, ~~a Type I center of the~~
 1623 ~~State University System funded as provided in Pub. L. No. 96-302,~~
 1624 ~~as amended,~~ with all formal solicitations for contractual

PCB SLC 07-16

ORIGINAL

2007

1625 services, supplies, and commodities. The Small Business
 1626 Development Center shall coordinate with Minority Business
 1627 Development Centers to compile and distribute such information to
 1628 Florida small and minority businesses requesting such service for
 1629 the period of time necessary to familiarize the business with the
 1630 market represented by state agencies. On or before February 1 of
 1631 each year, the Small Business Development Center shall report to
 1632 the Department of Labor and Employment Security on utilization of
 1633 the statewide contracts register. Such report shall include, but
 1634 not be limited to, information relating to:

1635 (1) The total number of solicitations received from state
 1636 agencies during the calendar year.

1637 (2) The number of solicitations received from each state
 1638 agency during the calendar year.

1639 (3) The method of distributing solicitation information to
 1640 those businesses requesting such service.

1641 (4) The total number of businesses using the service.

1642 (5) The percentage of businesses using the service which
 1643 are owned and controlled by minorities.

1644 Section 40. Subsection (7) of section 288.7091, Florida
 1645 Statutes, is amended to read:

1646 288.7091 Duties of the Florida Black Business Investment
 1647 Board, Inc.--The Florida Black Business Investment Board, Inc.,
 1648 shall:

1649 (7) Develop memoranda of understanding with the Departments
 1650 of Education, Transportation, Community Affairs, and Management
 1651 Services, as well as with Workforce Florida, Inc., the Board of
 1652 Governors of the State University System, and the State Board of
 1653 Education, detailing efforts of common interest and

PCB SLC 07-16

ORIGINAL

2007

1654 collaborations to expand black business development;
 1655 Section 41. Subsection (3) of section 288.8175, Florida
 1656 Statutes, is amended to read:
 1657 288.8175 Linkage institutes between postsecondary
 1658 institutions in this state and foreign countries.--
 1659 (3) Each institute must be governed by an agreement,
 1660 ~~approved by the department,~~ between the Board of Governors of the
 1661 State University System for a state university and the State
 1662 Board of Education for a community college ~~Florida Community~~
 1663 ~~College System~~ with the counterpart organization in a foreign
 1664 country. Each institute must report to the department regarding
 1665 its program activities, expenditures, and policies.
 1666 Section 42. Paragraph (a) of subsection (4) of section
 1667 295.07, Florida Statutes, is amended to read:
 1668 295.07 Preference in appointment and retention.--
 1669 (4) The following positions are exempt from this section:
 1670 (a) Those positions that are exempt from the state Career
 1671 Service System under s. 110.205(2); however, all positions under
 1672 the University Support Personnel System of the State University
 1673 System as well as all Career Service System positions under the
 1674 Florida Community College System and the School for the Deaf and
 1675 the Blind, or the equivalent of such positions at state
 1676 universities, community colleges, or the School for the Deaf and
 1677 the Blind, are included.
 1678 Section 43. Paragraph (b) of subsection (3) of section
 1679 320.08058, Florida Statutes, is amended to read:
 1680 320.08058 Specialty license plates.--
 1681 (3) COLLEGIATE LICENSE PLATES.--
 1682 (b) A collegiate plate annual use fee is to be distributed

PCB SLC 07-16

ORIGINAL

2007

1683 to the state or independent university foundation designated by
 1684 the purchaser for deposit in an unrestricted account. The Board
 1685 of Governors of the State University System ~~Board of Regents~~
 1686 shall require each state university to submit a plan for approval
 1687 of the expenditure of all funds so designated. These funds may be
 1688 used only for academic enhancement, including scholarships and
 1689 private fundraising activities.

1690 Section 44. Subsections (1), (3), and (4) of section
 1691 334.065, Florida Statutes, are amended to read:

1692 334.065 Center for Urban Transportation Research.--

1693 (1) There is established at the University of South Florida
 1694 the Florida Center for Urban Transportation Research, to be
 1695 administered by the Board of Governors ~~Regents of~~ and the State
 1696 University System. The responsibilities of the center include,
 1697 but are not limited to, conducting and facilitating research on
 1698 issues related to urban transportation problems in this state and
 1699 serving as an information exchange and depository for the most
 1700 current information pertaining to urban transportation and
 1701 related issues.

1702 (3) An advisory board shall be created to periodically and
 1703 objectively review and advise the center concerning its research
 1704 program. Except for projects mandated by law, state-funded base
 1705 projects shall not be undertaken without approval of the advisory
 1706 board. The membership of the board shall consist of nine experts
 1707 in transportation-related areas, including the secretaries of the
 1708 Florida Departments of Transportation, Community Affairs, and
 1709 Environmental Protection, or their designees, and a member of the
 1710 Florida Transportation Commission. The nomination of the
 1711 remaining members of the board shall be made to the President of

PCB SLC 07-16

ORIGINAL

2007

1712 the University of South Florida by the College of Engineering at
 1713 the University of South Florida, and the appointment of these
 1714 members must be reviewed and approved by the Florida
 1715 Transportation Commission and confirmed by the Board of Governors
 1716 ~~Regents~~.

1717 (4) The center shall develop a budget pursuant to chapter
 1718 216. This budget shall be submitted to the Governor along with
 1719 the budget of the Board of Governors ~~Regents~~.

1720 Section 45. Subsection (3) of section 377.705, Florida
 1721 Statutes, is amended to read:

1722 377.705 Solar Energy Center; development of solar energy
 1723 standards.--

1724 (3) DEFINITIONS.--

1725 (a) "Center" is defined as the Florida Solar Energy Center
 1726 of the Board of Governors ~~Regents~~.

1727 (b) "Solar energy systems" is defined as equipment which
 1728 provides for the collection and use of incident solar energy for
 1729 water heating, space heating or cooling, or other applications
 1730 which normally require or would require a conventional source of
 1731 energy such as petroleum products, natural gas, or electricity
 1732 and which performs primarily with solar energy. In such other
 1733 systems in which solar energy is used in a supplemental way, only
 1734 those components which collect and transfer solar energy shall be
 1735 included in this definition.

1736 Section 46. Subsection (4) of section 381.79, Florida
 1737 Statutes, is amended to read:

1738 381.79 Brain and Spinal Cord Injury Program Trust Fund.--

1739 (4) The Board of Governors of the State University System
 1740 ~~Board of Regents~~ shall establish a program administration process

PCB SLC 07-16

ORIGINAL

2007

1741 | which shall include: an annual prospective program plan with
 1742 | goals, research design, proposed outcomes, a proposed budget, an
 1743 | annual report of research activities and findings, and an annual
 1744 | end-of-year financial statement. Prospective program plans shall
 1745 | be submitted to the Board of Governors ~~Board of Regents~~, and
 1746 | funds shall be released upon acceptance of the proposed program
 1747 | plans. The annual report of research activities and findings
 1748 | shall be submitted to the Board of Governors ~~Board of Regents~~,
 1749 | with the executive summaries submitted to the President of the
 1750 | Senate, the Speaker of the House of Representatives, and the
 1751 | Secretary of Health.

1752 | Section 47. Subsection (1) of section 388.43, Florida
 1753 | Statutes, is amended to read:

1754 | 388.43 Florida Medical Entomology Laboratory.--

1755 | (1) The Florida Medical Entomology Laboratory, located in
 1756 | Vero Beach, shall be a research and training center for the state
 1757 | under the supervision of the Board of Governors ~~Regents~~. The
 1758 | laboratory shall be an operational unit of the University of
 1759 | Florida and an integral part of the Institute of Food and
 1760 | Agricultural Sciences.

1761 | Section 48. Subsection (1) of section 403.073, Florida
 1762 | Statutes, is amended to read:

1763 | 403.073 Pollution prevention; state goal; agency programs;
 1764 | public education.--

1765 | (1) It is a goal of the state that all its agencies, the
 1766 | State University System, community colleges ~~the State Board of~~
 1767 | ~~Community Colleges~~, and all municipalities, counties, regional
 1768 | agencies, and special districts develop and implement strategies
 1769 | to prevent pollution, including public information programs and

PCB SLC 07-16

ORIGINAL

2007

1770 education programs.

1771 Section 49. Subsection (2) of section 403.074, Florida
 1772 Statutes, is amended to read:

1773 403.074 Technical assistance by the department.--

1774 (2) The program shall include onsite, nonregulatory
 1775 technical assistance and shall promote and sponsor conferences on
 1776 pollution prevention techniques. The program may be conducted in
 1777 cooperation with trade associations, trade schools, the State
 1778 University System, community colleges ~~the State Board of~~
 1779 ~~Community Colleges~~, or other appropriate entities.

1780 Section 50. Paragraph (b) of subsection (1) of section
 1781 409.908, Florida Statutes, is amended to read:

1782 409.908 Reimbursement of Medicaid providers.--Subject to
 1783 specific appropriations, the agency shall reimburse Medicaid
 1784 providers, in accordance with state and federal law, according to
 1785 methodologies set forth in the rules of the agency and in policy
 1786 manuals and handbooks incorporated by reference therein. These
 1787 methodologies may include fee schedules, reimbursement methods
 1788 based on cost reporting, negotiated fees, competitive bidding
 1789 pursuant to s. 287.057, and other mechanisms the agency considers
 1790 efficient and effective for purchasing services or goods on
 1791 behalf of recipients. If a provider is reimbursed based on cost
 1792 reporting and submits a cost report late and that cost report
 1793 would have been used to set a lower reimbursement rate for a rate
 1794 semester, then the provider's rate for that semester shall be
 1795 retroactively calculated using the new cost report, and full
 1796 payment at the recalculated rate shall be effected retroactively.
 1797 Medicare-granted extensions for filing cost reports, if
 1798 applicable, shall also apply to Medicaid cost reports. Payment

PCB SLC 07-16

ORIGINAL

2007

1799 for Medicaid compensable services made on behalf of Medicaid
 1800 eligible persons is subject to the availability of moneys and any
 1801 limitations or directions provided for in the General
 1802 Appropriations Act or chapter 216. Further, nothing in this
 1803 section shall be construed to prevent or limit the agency from
 1804 adjusting fees, reimbursement rates, lengths of stay, number of
 1805 visits, or number of services, or making any other adjustments
 1806 necessary to comply with the availability of moneys and any
 1807 limitations or directions provided for in the General
 1808 Appropriations Act, provided the adjustment is consistent with
 1809 legislative intent.

1810 (1) Reimbursement to hospitals licensed under part I of
 1811 chapter 395 must be made prospectively or on the basis of
 1812 negotiation.

1813 (b) Reimbursement for hospital outpatient care is limited
 1814 to \$1,500 per state fiscal year per recipient, except for:

- 1815 1. Such care provided to a Medicaid recipient under age 21,
 1816 in which case the only limitation is medical necessity.
- 1817 2. Renal dialysis services.
- 1818 3. Other exceptions made by the agency.

1819
 1820 The agency is authorized to receive funds from state entities,
 1821 including, but not limited to, the Department of Health, the
 1822 Board of Governors of the State University System ~~Board of~~
 1823 ~~Regents~~, local governments, and other local political
 1824 subdivisions, for the purpose of making payments, including
 1825 federal matching funds, through the Medicaid outpatient
 1826 reimbursement methodologies. Funds received from state entities
 1827 and local governments for this purpose shall be separately

PCB SLC 07-16

ORIGINAL

2007

1828 | accounted for and shall not be commingled with other state or
 1829 | local funds in any manner.

1830 | Section 51. Paragraph (d) of subsection (2) of section
 1831 | 413.051, Florida Statutes, is amended to read:

1832 | 413.051 Eligible blind persons; operation of vending
 1833 | stands.--

1834 | (2) As used in this section, the term:

1835 | (d) "State property" means any building or land owned,
 1836 | leased, or otherwise controlled by the state, but does not
 1837 | include any building or land under the control of a state
 1838 | university board of trustees ~~the Board of Regents~~, a community
 1839 | college district board of trustees, or any state correctional
 1840 | institution as defined in s. 944.02.

1841 | Section 52. Subsection (2) and (10) of section 447.203,
 1842 | Florida Statutes, are amended to read:

1843 | 447.203 Definitions.--As used in this part:

1844 | (2) "Public employer" or "employer" means the state or any
 1845 | county, municipality, or special district or any subdivision or
 1846 | agency thereof which the commission determines has sufficient
 1847 | legal distinctiveness properly to carry out the functions of a
 1848 | public employer. With respect to all public employees determined
 1849 | by the commission as properly belonging to a statewide bargaining
 1850 | unit composed of State Career Service System employees or
 1851 | Selected Professional Service employees, the Governor shall be
 1852 | deemed to be the public employer; and the Board of Governors of
 1853 | the State University System, or the board's designee, university
 1854 | ~~board of trustees~~ shall be deemed to be the public employer with
 1855 | respect to all public employees of each constituent ~~the~~
 1856 | ~~respective~~ state university. The board of trustees of a community

PCB SLC 07-16

ORIGINAL

2007

1857 college shall be deemed to be the public employer with respect to
 1858 all employees of the community college. The district school board
 1859 shall be deemed to be the public employer with respect to all
 1860 employees of the school district. The Board of Trustees of the
 1861 Florida School for the Deaf and the Blind shall be deemed to be
 1862 the public employer with respect to the academic and academic
 1863 administrative personnel of the Florida School for the Deaf and
 1864 the Blind. The Governor shall be deemed to be the public employer
 1865 with respect to all employees in the Correctional Education
 1866 Program of the Department of Corrections established pursuant to
 1867 s. 944.801.

1868 (10) "Legislative body" means the State Legislature, the
 1869 board of county commissioners, the district school board, the
 1870 governing body of a municipality, or the governing body of an
 1871 instrumentality or unit of government having authority to
 1872 appropriate funds and establish policy governing the terms and
 1873 conditions of employment and which, as the case may be, is the
 1874 appropriate legislative body for the bargaining unit. For
 1875 purposes of s. 447.403, the Board of Governors of the State
 1876 University System, or the board's designee, ~~state university~~
 1877 ~~board of trustees~~ shall be deemed to be the legislative body with
 1878 respect to all employees of each constituent ~~the state~~
 1879 university. For purposes of s. 447.403 the board of trustees of a
 1880 community college shall be deemed to be the legislative body with
 1881 respect to all employees of the community college.

1882 Section 53. Section 455.2125, Florida Statutes, is amended
 1883 to read:

1884 455.2125 Consultation with postsecondary education boards
 1885 prior to adoption of changes to training requirements.--Any state

PCB SLC 07-16

ORIGINAL

2007

1886 agency or board that has jurisdiction over the regulation of a
 1887 profession or occupation shall consult with the Commission for
 1888 Independent Education, the Board of Governors of the State
 1889 University System ~~Board of Regents~~, and the State Board of
 1890 Education prior to adopting any changes to training requirements
 1891 relating to entry into the profession or occupation. This
 1892 consultation must allow the educational board to provide advice
 1893 regarding the impact of the proposed changes in terms of the
 1894 length of time necessary to complete the training program and the
 1895 fiscal impact of the changes. The educational board must be
 1896 consulted only when an institution offering the training program
 1897 falls under its jurisdiction.

1898 Section 54. Section 456.028, Florida Statutes, is amended
 1899 to read:

1900 456.028 Consultation with postsecondary education boards
 1901 prior to adoption of changes to training requirements.--Any state
 1902 agency or board that has jurisdiction over the regulation of a
 1903 profession or occupation shall consult with the Commission for
 1904 Independent Education, the Board of Governors of the State
 1905 University System ~~Board of Regents~~, and the State Board of
 1906 Education prior to adopting any changes to training requirements
 1907 relating to entry into the profession or occupation. This
 1908 consultation must allow the educational board to provide advice
 1909 regarding the impact of the proposed changes in terms of the
 1910 length of time necessary to complete the training program and the
 1911 fiscal impact of the changes. The educational board must be
 1912 consulted only when an institution offering the training program
 1913 falls under its jurisdiction.

1914 Section 55. Subsection (1) of section 464.0196, Florida

PCB SLC 07-16

ORIGINAL

2007

1915 Statutes, is amended to read:
 1916 464.0196 Florida Center for Nursing; board of directors.--
 1917 (1) The Florida Center for Nursing shall be governed by a
 1918 policy-setting board of directors. The board shall consist of 16
 1919 members, with a simple majority of the board being nurses
 1920 representative of various practice areas. Other members shall
 1921 include representatives of other health care professions,
 1922 business and industry, health care providers, and consumers. The
 1923 members of the board shall be appointed by the Governor as
 1924 follows:
 1925 (a) Four members recommended by the President of the
 1926 Senate, at least one of whom shall be a registered nurse
 1927 recommended by the Florida Organization of Nurse Executives and
 1928 at least one other representative of the hospital industry
 1929 recommended by the Florida Hospital Association;
 1930 (b) Four members recommended by the Speaker of the House of
 1931 Representatives, at least one of whom shall be a registered nurse
 1932 recommended by the Florida Nurses Association and at least one
 1933 other representative of the long-term care industry;
 1934 (c) Four members recommended by the Governor, two of whom
 1935 shall be registered nurses; ~~and~~
 1936 (d) One ~~Four~~ nurse educator ~~educators~~ recommended by the
 1937 Board of Governors who is State Board of Education, one of whom
 1938 ~~shall be a dean of a College of Nursing at a state university;~~
 1939 ~~and, one other shall be a director of a nursing program in a~~
 1940 ~~state community college.~~
 1941 (e) Three nurse educators recommended by the State Board of
 1942 Education, one of whom must be a director of a nursing program at
 1943 a state community college.

PCB SLC 07-16

ORIGINAL

2007

1944 Section 56. Subsection (3) of section 489.103, Florida
 1945 Statutes, is amended to read:

1946 489.103 Exemptions.--This part does not apply to:

1947 (3) An authorized employee of the United States, this
 1948 state, or any municipality, county, irrigation district,
 1949 reclamation district, or any other municipal or political
 1950 subdivision, except school boards, state university boards of
 1951 trustees, and community college boards of trustees ~~the Board of~~
 1952 ~~Regents, and community colleges~~, unless for the purpose of
 1953 performing routine maintenance or repair or construction not
 1954 exceeding \$200,000 to existing installations, if the employee
 1955 does not hold himself or herself out for hire or otherwise engage
 1956 in contracting except in accordance with his or her employment.
 1957 If the construction, remodeling, or improvement exceeds \$200,000,
 1958 school boards, state university boards of trustees, and community
 1959 college boards of trustees ~~the Board of Regents, and community~~
 1960 ~~colleges~~, shall not divide the project into separate components
 1961 for the purpose of evading this section.

1962 Section 57. Subsection (2) of section 489.503, Florida
 1963 Statutes, is amended to read:

1964 489.503 Exemptions.--This part does not apply to:

1965 (2) An authorized employee of the United States, this
 1966 state, or any municipality, county, irrigation district,
 1967 reclamation district, or any other municipal or political
 1968 subdivision of this state, except school boards, state university
 1969 boards of trustees, and community college boards of trustees ~~the~~
 1970 ~~Board of Regents, and community colleges~~, unless for the purpose
 1971 of performing routine maintenance or repair or construction not
 1972 exceeding \$200,000 to existing installations, as long as the

PCB SLC 07-16

ORIGINAL

2007

1973 employee does not hold himself or herself out for hire or
 1974 otherwise engage in contracting except in accordance with his or
 1975 her employment. If the construction, remodeling, or improvement
 1976 exceeds \$200,000, school boards, state university boards of
 1977 trustees, and community college boards of trustees ~~the Board of~~
 1978 ~~Regents, and community colleges,~~ shall not divide the project
 1979 into separate components for the purpose of evading this section.

1980 Section 58. Subsection (5) of section 553.71, Florida
 1981 Statutes, is amended to read:

1982 553.71 Definitions.--As used in this part, the term:

1983 (5) "Local enforcement agency" means an agency of local
 1984 government, a local school board, a community college board of
 1985 trustees, or a university board of trustees in the State
 1986 University System with jurisdiction to make inspections of
 1987 buildings and to enforce the codes which establish standards for
 1988 design, construction, erection, alteration, repair, modification,
 1989 or demolition of public or private buildings, structures, or
 1990 facilities.

1991 Section 59. Subsection (1) of section 627.06281, Florida
 1992 Statutes, is amended to read:

1993 627.06281 Public hurricane loss projection model; reporting
 1994 of data by insurers.--

1995 (1) Within 30 days after a written request for loss data
 1996 and associated exposure data by the office or the Florida
 1997 International University ~~a type I center within the State~~
 1998 ~~University System~~ established to study mitigation, residential
 1999 property insurers and licensed rating and advisory organizations
 2000 that compile residential property insurance loss data shall
 2001 provide loss data and associated exposure data for residential

PCB SLC 07-16

ORIGINAL

2007

2002 | property insurance policies to the office or to the Florida
 2003 | International University a ~~type I~~ center ~~within the State~~
 2004 | ~~University System~~ established to study mitigation, as directed by
 2005 | the office, for the purposes of developing, maintaining, and
 2006 | updating a public model for hurricane loss projections. The loss
 2007 | data and associated exposure data provided shall be in writing.

2008 | Section 60. Subsection (1) of section 627.06292, Florida
 2009 | Statutes, is amended to read:

2010 | 627.06292 Reports of hurricane loss data and associated
 2011 | exposure data; public records exemption.--

2012 | (1) Reports of hurricane loss data and associated exposure
 2013 | data that are specific to a particular insurance company, as
 2014 | reported by an insurer or a licensed rating organization to the
 2015 | office or to a ~~type I~~ center at a state university pursuant to s.
 2016 | 627.06281, are exempt from s. 119.07(1) and s. 24(a), Art. I of
 2017 | the State Constitution.

2018 | Section 61. Subsection (7) of section 633.01, Florida
 2019 | Statutes, is amended to read:

2020 | 633.01 State Fire Marshal; powers and duties; rules.--

2021 | (7) The State Fire Marshal shall adopt and administer rules
 2022 | prescribing standards for the safety and health of occupants of
 2023 | educational and ancillary facilities pursuant to ss. 633.022,
 2024 | 1013.12, 1013.37, and 1013.371. In addition, in any county that
 2025 | does not employ or appoint a local fire official, the State Fire
 2026 | Marshal shall assume the duties of the local fire official with
 2027 | respect to firesafety inspections of educational property
 2028 | required under s. 1013.12 (3) ~~(2)~~ (b), and the State Fire Marshal
 2029 | may take necessary corrective action as authorized under s.
 2030 | 1013.12 (6) ~~(5)~~.

PCB SLC 07-16

ORIGINAL

2007

2031 Section 62. Subsection (5) of section 650.03, Florida
 2032 Statutes, is amended to read:

2033 650.03 Federal-state agreement; interstate
 2034 instrumentalities.--

2035 (5) For purposes of this chapter, employees of the
 2036 institutions of higher learning under the Board of Governors of
 2037 the State University System ~~Board of Regents~~ who are covered by
 2038 the Teachers' Retirement System shall be deemed to be covered by
 2039 a separate retirement system for each institution.

2040 Section 63. Subsection (2) of section 943.1755, Florida
 2041 Statutes, is amended to read:

2042 943.1755 Florida Criminal Justice Executive Institute.--

2043 (2) The institute is established within the Department of
 2044 Law Enforcement and affiliated with the State University System.
 2045 The Board of Governors of the State University System ~~Board of~~
 2046 ~~Regents~~ shall, in cooperation with the Department of Law
 2047 Enforcement, determine the specific placement of the institute
 2048 within the system.

2049 Section 64. Subsection (5) of section 1000.01, Florida
 2050 Statutes, is amended to read:

2051 1000.01 The Florida K-20 education system; technical
 2052 provisions.--

2053 (5) EDUCATION GOVERNANCE TRANSFERS.--

2054 (a) Effective July 1, 2001:

2055 1. The Board of Regents is abolished.

2056 2. All of the powers, duties, functions, records,
 2057 personnel, and property; unexpended balances of appropriations,
 2058 allocations, and other funds; administrative authority;
 2059 administrative rules; pending issues; and existing contracts of

PCB SLC 07-16

ORIGINAL

2007

2060 the Board of Regents are transferred by a type two transfer,
 2061 pursuant to s. 20.06(2), to the State Board of Education.

2062 3. The State Board of Community Colleges is abolished.

2063 4. All of the powers, duties, functions, records,
 2064 personnel, and property; unexpended balances of appropriations,
 2065 allocations, and other funds; administrative authority;
 2066 administrative rules; pending issues; and existing contracts of
 2067 the State Board of Community Colleges are transferred by a type
 2068 two transfer, pursuant to s. 20.06(2), from the Department of
 2069 Education to the State Board of Education.

2070 5. The Postsecondary Education Planning Commission is
 2071 abolished.

2072 6. The Council for Education Policy Research and
 2073 Improvement is created as an independent office under the Office
 2074 of Legislative Services.

2075 7. All personnel, unexpended balances of appropriations,
 2076 and allocations of the Postsecondary Education Planning
 2077 Commission are transferred to the Council for Education Policy
 2078 Research and Improvement.

2079 8. The Articulation Coordinating Committee and the
 2080 Education Standards Commission are transferred by a type two
 2081 transfer, pursuant to s. 20.06(2), from the Department of
 2082 Education to the State Board of Education.

2083 (b) All rules of the State Board of Education, the
 2084 Commissioner of Education, and the Department of Education, and
 2085 all rules of the district school boards, the community college
 2086 boards of trustees, and the state university boards of trustees,
 2087 in effect on January 2, 2003, remain in effect until specifically
 2088 amended or repealed in the manner provided by law.

PCB SLC 07-16

ORIGINAL

2007

2089 (c) Effective January 7, 2003:

2090 1. The administrative rules of the Department of Education
 2091 and the Commissioner of Education shall become the rules of the
 2092 State Board of Education.

2093 2. The administrative rules of the State Board of Education
 2094 shall become the rules of the appointed State Board of Education.

2095 (d) All administrative rules of the State Board of
 2096 Education, the Commissioner of Education, and the Department of
 2097 Education are transferred by a type two transfer, as defined in
 2098 s. 20.06(2), to the appointed State Board of Education.

2099 (e) This act creating the Florida K-20 Education Code shall
 2100 not affect the validity of any judicial or administrative action
 2101 involving the Department of Education, pending on January 7,
 2102 2003. This act shall not affect the validity of any judicial or
 2103 administrative action involving the Commissioner of Education or
 2104 the State Board of Education, pending on January 7, 2003, and the
 2105 appointed State Board of Education shall be substituted as a
 2106 party of interest in any such action.

2107 (f) Effective July 1, 2007, any powers, duties, functions,
 2108 records, property, unexpended balances of appropriations,
 2109 allocations, and other funds; administrative authority;
 2110 administrative rules; pending issues; and existing contracts of
 2111 the Board of Regents that were previously transferred to the
 2112 State Board of Education after the Board of Regents was abolished
 2113 pursuant to paragraph (a) are transferred to the Board of
 2114 Governors in accordance with s. 7(d), Art. IX of the State
 2115 Constitution.

2116 Section 65. Subsection (1) and paragraphs (b) and (c) of
 2117 subsection (2) of section 1000.03, Florida Statutes, are amended

PCB SLC 07-16

ORIGINAL

2007

2118 to read:

2119 1000.03 Function, mission, and goals of the Florida K-20

2120 education system.--

2121 (1) Florida's K-20 education system shall be a

2122 decentralized system without excess layers of bureaucracy. ~~The~~

2123 ~~State Board of Education may appoint on an ad hoc basis a~~

2124 ~~committee or committees to assist it on any and all issues within~~

2125 ~~the K-20 education system.~~ Florida's K-20 education system shall

2126 maintain a systemwide technology plan based on a common set of

2127 data definitions.

2128 (2)

2129 (b) With the exception of matters relating to the State

2130 University System, the State Board of Education shall oversee the

2131 enforcement of all laws and rules, and the timely provision of

2132 direction, resources, assistance, intervention when needed, and

2133 strong incentives and disincentives to force accountability for

2134 results.

2135 (c) The Board of Governors shall oversee the enforcement of

2136 all state university laws and rules and regulations and the

2137 timely provision of direction, resources, assistance,

2138 intervention when needed, and strong incentives and disincentives

2139 to force accountability for results. ~~The Commissioner of~~

2140 ~~Education shall serve as chief executive officer of the K-20~~

2141 ~~education system. The commissioner shall be responsible for~~

2142 ~~enforcing compliance with the mission and goals of the K-20~~

2143 ~~education system. The commissioner's office shall operate all~~

2144 ~~statewide functions necessary to support the State Board of~~

2145 ~~Education and the K-20 education system.~~

2146 Section 66. Paragraphs (d) and (e) of subsection (3) and

PCB SLC 07-16

ORIGINAL

2007

2147 subsections (4), (5), and (6) of section 1000.05, Florida
 2148 Statutes, are amended to read:

2149 1000.05 Discrimination against students and employees in
 2150 the Florida K-20 public education system prohibited; equality of
 2151 access required.--

2152 (3)

2153 (d) A public K-20 educational institution which operates or
 2154 sponsors interscholastic, intercollegiate, club, or intramural
 2155 athletics shall provide equal athletic opportunity for members of
 2156 both genders.

2157 1. The Board of Governors shall determine whether equal
 2158 opportunities are available at state universities.

2159 2. The Commissioner of Education shall determine whether
 2160 equal opportunities are available in school districts and
 2161 community colleges. In determining whether equal opportunities
 2162 are available in school districts and community colleges, the
 2163 Commissioner of Education shall consider, among other factors:

2164 a.1- Whether the selection of sports and levels of
 2165 competition effectively accommodate the interests and abilities
 2166 of members of both genders.

2167 b.2- The provision of equipment and supplies.

2168 c.3- Scheduling of games and practice times.

2169 d.4- Travel and per diem allowances.

2170 e.5- Opportunities to receive coaching and academic
 2171 tutoring.

2172 f.6- Assignment and compensation of coaches and tutors.

2173 g.7- Provision of locker room, practice, and competitive
 2174 facilities.

2175 h.8- Provision of medical and training facilities and

PCB SLC 07-16

ORIGINAL

2007

2176 services.

2177 i.9. Provision of housing and dining facilities and

2178 services.

2179 j.10. Publicity.

2180

2181 Unequal aggregate expenditures for members of each gender or

2182 unequal expenditures for male and female teams if a public school

2183 or community college ~~K-20 educational institution~~ operates or

2184 sponsors separate teams do not constitute nonimplementation of

2185 this subsection, but the Commissioner of Education shall consider

2186 the failure to provide necessary funds for teams for one gender

2187 in assessing equality of opportunity for members of each gender.

2188 (e) A public school or community college ~~K-20 educational~~

2189 ~~institution~~ may provide separate toilet, locker room, and shower

2190 facilities on the basis of gender, but such facilities shall be

2191 comparable to such facilities provided for students of the other

2192 gender.

2193 (4) Public schools and community colleges ~~Educational~~

2194 ~~institutions within the state public K-20 education system~~ shall

2195 develop and implement methods and strategies to increase the

2196 participation of students of a particular race, ethnicity,

2197 national origin, gender, disability, or marital status in

2198 programs and courses in which students of that particular race,

2199 ethnicity, national origin, gender, disability, or marital status

2200 have been traditionally underrepresented, including, but not

2201 limited to, mathematics, science, computer technology,

2202 electronics, communications technology, engineering, and career

2203 education.

2204 (5) (a) The State Board of Education shall adopt rules to

2205 | implement this section as it relates to school districts and
 2206 | community colleges.

2207 | (b) The Board of Governors shall adopt rules to implement
 2208 | this section as it relates to state universities.

2209 | (6) The functions of the Office of Equal Educational
 2210 | Opportunity of the Department of Education shall include, but are
 2211 | not limited to:

2212 | (a) Requiring all district school boards and, community
 2213 | college boards of trustees, ~~and state university boards of~~
 2214 | ~~trustees~~ to develop and submit plans for the implementation of
 2215 | this section to the Department of Education.

2216 | (b) Conducting periodic reviews of school districts and
 2217 | community colleges ~~public K-20 educational agencies~~ to determine
 2218 | compliance with this section and, after a finding that a school
 2219 | district or a community college ~~an educational agency~~ is not in
 2220 | compliance with this section, notifying the entity ~~agency~~ of the
 2221 | steps that it must take to attain compliance and performing
 2222 | followup monitoring.

2223 | (c) Providing technical assistance, including assisting
 2224 | school districts or community colleges ~~public K-20 educational~~
 2225 | ~~agencies~~ in identifying unlawful discrimination and instructing
 2226 | them in remedies for correction and prevention of such
 2227 | discrimination and performing followup monitoring.

2228 | (d) Conducting studies of the effectiveness of methods and
 2229 | strategies designed to increase the participation of students in
 2230 | programs and courses in which students of a particular race,
 2231 | ethnicity, national origin, gender, disability, or marital status
 2232 | have been traditionally underrepresented and monitoring the
 2233 | success of students in such programs or courses, including

PCB SLC 07-16

ORIGINAL

2007

2234 performing followup monitoring.

2235 (e) Requiring all district school boards and, community
 2236 college boards of trustees, ~~and state university boards of~~
 2237 ~~trustees~~ to submit data and information necessary to determine
 2238 compliance with this section. The Commissioner of Education shall
 2239 prescribe the format and the date for submission of such data and
 2240 any other educational equity data. If any board does not submit
 2241 the required compliance data or other required educational equity
 2242 data by the prescribed date, the commissioner shall notify the
 2243 board of this fact and, if the board does not take appropriate
 2244 action to immediately submit the required report, the State Board
 2245 of Education shall impose monetary sanctions.

2246 (f) Based upon rules of the State Board of Education,
 2247 developing and implementing enforcement mechanisms with
 2248 appropriate penalties to ensure that public K-12 schools and,
 2249 community colleges, ~~and state universities~~ comply with Title IX
 2250 of the Education Amendments of 1972 and subsection (3) of this
 2251 section. However, the State Board of Education may not force a
 2252 public school or community college ~~an educational agency~~ to
 2253 conduct, nor penalize such entity ~~an educational agency~~ for not
 2254 conducting, a program of athletic activity or athletic
 2255 scholarship for female athletes unless it is an athletic activity
 2256 approved for women by a recognized association whose purpose is
 2257 to promote athletics and a conference or league exists to promote
 2258 interscholastic or intercollegiate competition for women in that
 2259 athletic activity.

2260 (g) Reporting to the Commissioner of Education any district
 2261 school board or, community college board of trustees, ~~or state~~
 2262 ~~university board of trustees~~ found to be out of compliance with

PCB SLC 07-16

ORIGINAL

2007

2263 rules of the State Board of Education adopted as required by
 2264 paragraph (f) or paragraph (3)(d). To penalize the board, the
 2265 State Board of Education shall:

2266 1. Declare the school district or community college
 2267 ~~educational agency~~ ineligible for competitive state grants.

2268 2. Notwithstanding the provisions of s. 216.192, direct the
 2269 Chief Financial Officer to withhold general revenue funds
 2270 sufficient to obtain compliance from the school district or
 2271 community college ~~educational agency~~.

2272
 2273 The school district or community college ~~educational agency~~ shall
 2274 remain ineligible and the funds shall not be paid until the
 2275 institution ~~agency~~ comes into compliance or the State Board of
 2276 Education approves a plan for compliance.

2277 Section 67. Subsection (8) is added to section 1000.21,
 2278 Florida Statutes, to read:

2279 1000.21 Systemwide definitions.--As used in the Florida K-
 2280 20 Education Code:

2281 (8) "Board of Governors" is the Board of Governors of the
 2282 State University System.

2283 Section 68. Section 1001.02, Florida Statutes, is amended
 2284 to read:

2285 1001.02 General powers of State Board of Education.--

2286 (1) The State Board of Education is the chief implementing
 2287 and coordinating body of public education in Florida except for
 2288 the State University System, and it shall focus on high-level
 2289 policy decisions. It has authority to adopt rules pursuant to ss.
 2290 120.536(1) and 120.54 to implement the provisions of law
 2291 conferring duties upon it for the improvement of the state system

PCB SLC 07-16

ORIGINAL

2007

2292 of K-20 public education except for the State University System.
 2293 Except as otherwise provided herein, it may, as it finds
 2294 appropriate, delegate its general powers to the Commissioner of
 2295 Education or the directors of the divisions of the department.
 2296 (2) The State Board of Education has the following duties:
 2297 (a) To adopt comprehensive educational objectives for
 2298 public education except for the State University System.
 2299 (b) To adopt comprehensive long-range plans and short-range
 2300 programs for the development of the state system of public
 2301 education except for the State University System.
 2302 (c) To exercise general supervision over the divisions of
 2303 the Department of Education as necessary to ensure coordination
 2304 of educational plans and programs and resolve controversies and
 2305 to minimize problems of articulation and student transfers, to
 2306 ensure that students moving from one level of education to the
 2307 next have acquired competencies necessary for satisfactory
 2308 performance at that level, and to ensure maximum utilization of
 2309 facilities.
 2310 (d) To adopt, in consultation with the Board of Governors
 2311 ~~for state universities and community colleges,~~ and from time to
 2312 time modify, minimum and uniform standards of college-level
 2313 communication and computation skills generally associated with
 2314 successful performance and progression through the baccalaureate
 2315 level and to identify college-preparatory high school coursework
 2316 and postsecondary-level coursework that prepares students with
 2317 the academic skills necessary to succeed in postsecondary
 2318 education.
 2319 (e) To adopt and submit to the Governor and Legislature, as
 2320 provided in s. 216.023 ~~on or before September 1 of each year, a~~

PCB SLC 07-16

ORIGINAL

2007

2321 coordinated K-20 education budget that estimates the expenditure
 2322 requirements for the Board of Governors, as provided in s.
 2323 1001.706, the State Board of Education, including the Department
 2324 of Education and, the Commissioner of Education, and all of the
 2325 boards, institutions, agencies, and services under the general
 2326 supervision of the Board of Governors, as provided in s.
 2327 1001.706, or the State Board of Education for the ensuing fiscal
 2328 year. The State Board of Education may not amend the budget
 2329 request submitted by the Board of Governors. Any program
 2330 recommended by the Board of Governors or the State Board of
 2331 Education which will require increases in state funding for more
 2332 than 1 year must be presented in a multiyear budget plan.

2333 (f) To hold meetings, transact business, keep records,
 2334 adopt a seal, and, except as otherwise provided by law, perform
 2335 such other duties as may be necessary for the enforcement of ~~all~~
 2336 laws and rules relating to the state system of public education.

2337 (g) To approve plans for cooperating with the Federal
 2338 Government.

2339 (h) To approve plans for cooperating with other public
 2340 agencies in the development of rules and in the enforcement of
 2341 laws for which the state board and such agencies are jointly
 2342 responsible.

2343 (i) To review plans for cooperating with appropriate
 2344 nonpublic agencies for the improvement of conditions relating to
 2345 the welfare of schools.

2346 (j) To create such subordinate advisory bodies as are
 2347 required by law or as it finds necessary for the improvement of
 2348 education.

2349 (k) To constitute any education bodies or other structures

2350 as required by federal law.

2351 (l) To assist in the economic development of the state by
 2352 developing a state-level planning process to identify future
 2353 training needs for industry, especially high-technology industry.

2354 (m) To assist in the planning and economic development of
 2355 the state by establishing a clearinghouse for information on
 2356 educational programs of value to economic development.

2357 (n) To adopt cohesive rules pursuant to ss. 120.536(1) and
 2358 120.54, within statutory authority, ~~for education systemwide~~
 2359 ~~issues.~~

2360 (o) To authorize the allocation of resources in accordance
 2361 with law and rule.

2362 (p) To contract with independent institutions accredited by
 2363 an agency whose standards are comparable to the minimum standards
 2364 required to operate a postsecondary educational institution at
 2365 that level in the state. The purpose of the contract is to
 2366 provide those educational programs and facilities which will meet
 2367 needs unfulfilled by the state system of public postsecondary
 2368 education.

2369 (q) To recommend that a district school board take action
 2370 consistent with the state board's decision relating to an appeal
 2371 of a charter school application.

2372 (r) To enforce systemwide education goals and policies
 2373 except as otherwise provided by law.

2374 (s) To establish a detailed procedure for the
 2375 implementation and operation of a systemwide K-20 technology plan
 2376 that is based on a common set of data definitions.

2377 (t) To establish accountability standards for existing
 2378 legislative performance goals, standards, and measures, and order

PCB SLC 07-16

ORIGINAL

2007

2379 the development of mechanisms to implement new legislative goals,
2380 standards, and measures.

2381 (u) To adopt criteria and implementation plans for future
2382 growth issues, such as new community colleges and community
2383 college universities and campus mergers, and to provide for
2384 cooperative agreements between and within public and private
2385 education sectors.

2386 (v) To develop, in conjunction with the Board of Governors,
2387 and periodically review for adjustment, a coordinated 5-year plan
2388 for postsecondary enrollment and annually submit the plan to the
2389 Legislature.

2390 ~~(w) To approve a new program at the professional level or~~
2391 ~~doctoral level, if:~~

2392 ~~1. The university has taken into account the need and~~
2393 ~~demand for the program, the university's mission, and similar~~
2394 ~~program offerings by public and nonpublic counterparts.~~

2395 ~~2. The addition of the program will not alter the~~
2396 ~~university's emphasis on undergraduate education.~~

2397 ~~(x) To review, and approve or disapprove, degree programs~~
2398 ~~identified as unique pursuant to s. 1007.25.~~

2399 ~~(y) To recommend to the Legislature a plan for implementing~~
2400 ~~block tuition programs and providing other incentives to~~
2401 ~~encourage students to graduate within 4 years.~~

2402 ~~(3) The State Board of Education shall adopt rules to~~
2403 ~~establish the criteria for assigning, reviewing, and removing~~
2404 ~~limited-access status to an educational program. The State Board~~
2405 ~~of Education shall monitor the extent of limited access programs~~
2406 ~~within the state universities and report to the Legislature~~
2407 ~~admissions and enrollment data for limited access programs. Such~~

2408 ~~report shall be submitted annually by December 1 and shall assist~~
 2409 ~~in determining the potential need for academic program contracts~~
 2410 ~~with independent institutions pursuant to paragraph (2) (p). The~~
 2411 ~~report must specify, for each limited access program within each~~
 2412 ~~institution, the following categories, by race and gender:~~

- 2413 ~~(a) The number of applicants.~~
- 2414 ~~(b) The number of applicants granted admission.~~
- 2415 ~~(c) The number of applicants who are granted admission and~~
 2416 ~~enroll.~~
- 2417 ~~(d) The number of applicants denied admission.~~
- 2418 ~~(e) The number of applicants neither granted admission nor~~
 2419 ~~denied admission.~~

2420

2421 ~~Each category must be reported for each term. Each category must~~
 2422 ~~be reported by type of student, including the following~~
 2423 ~~subcategories: native students, community college associate in~~
 2424 ~~arts degree transfer students, and other students. Each category~~
 2425 ~~and subcategory must further be reported according to the number~~
 2426 ~~of students who meet or exceed the minimum eligibility~~
 2427 ~~requirements for admission to the program and the number of~~
 2428 ~~students who do not meet or exceed the minimum eligibility~~
 2429 ~~requirements for admission to the program.~~

2430 ~~(4) The State Board of Education shall review, and approve~~
 2431 ~~or disapprove, baccalaureate degree programs that exceed 120~~
 2432 ~~semester hours, after considering accreditation requirements,~~
 2433 ~~employment and earnings of graduates, comparative program lengths~~
 2434 ~~nationally, and comparisons with similar programs offered by~~
 2435 ~~independent institutions. By December 31 of each year, the State~~
 2436 ~~Board of Education must report to the Legislature any degrees in~~

PCB SLC 07-16

ORIGINAL

2007

2437 ~~the state universities that require more than 120 hours, along~~
2438 ~~with appropriate evidence of need. At least every 5 years, the~~
2439 ~~State Board of Education must determine whether the programs~~
2440 ~~still require more than the standard length of 120 hours.~~

2441 (3)(5)(a) The State Board of Education shall adopt a
2442 ~~systemwide~~ strategic plan that specifies goals and objectives for
2443 the state's public schools ~~state universities~~ and community
2444 colleges. ~~In developing this plan, the State Board of Education~~
2445 ~~shall consider the role of individual public and independent~~
2446 ~~institutions within the state.~~ The plan shall be formulated in
2447 conjunction with plans of the Board of Governors in order to
2448 provide for the roles of the universities and community colleges
2449 to be coordinated to best meet state needs and reflect cost-
2450 effective use of state resources. The strategic plan must clarify
2451 mission statements and identify degree programs to be offered at
2452 each ~~university and~~ community college in accordance with the
2453 objectives provided in this subsection. The ~~systemwide~~ strategic
2454 plan must cover a period of 5 years, with modification of the
2455 program lists after 2 years. Development of each 5-year plan must
2456 be coordinated with and initiated after completion of the master
2457 plan. The ~~systemwide and university and community college~~
2458 strategic plans must specifically include programs and procedures
2459 for responding to the educational needs of teachers and students
2460 in the public schools of this state. The state board shall submit
2461 a report to the President of the Senate and the Speaker of the
2462 House of Representatives upon modification of the ~~system~~ plan.

2463 (b) The State Board of Education and the Board of Governors
2464 shall jointly develop long-range plans and annual reports for
2465 financial aid in this state. The long-range plans shall establish

PCB SLC 07-16

ORIGINAL

2007

2466 goals and objectives for a comprehensive program of financial aid
2467 for Florida students and shall be updated every 5 years. The
2468 annual report shall include programs administered by the
2469 department as well as awards made from financial aid fee
2470 revenues, any other funds appropriated by the Legislature for
2471 financial assistance, and the value of tuition and fees waived
2472 for students enrolled in a dual enrollment course at a public
2473 postsecondary educational institution. The annual report shall
2474 include an assessment of progress made in achieving goals and
2475 objectives established in the long-range plans and
2476 recommendations for repealing or modifying existing financial aid
2477 programs or establishing new programs. A long-range plan shall be
2478 submitted by January 1, 2004, and every 5 years thereafter. An
2479 annual report shall be submitted on January 1, 2004, and in each
2480 successive year that a long-range plan is not submitted, to the
2481 President of the Senate and the Speaker of the House of
2482 Representatives.

2483 ~~(6) The State Board of Education shall coordinate the~~
2484 ~~programs with the Council for Education Policy Research and~~
2485 ~~Improvement, including doctoral programs. The programs shall be~~
2486 ~~reviewed every 5 years or whenever the state board determines~~
2487 ~~that the effectiveness or efficiency of a program is jeopardized.~~
2488 ~~The State Board of Education shall define the indicators of~~
2489 ~~quality and the criteria for program review for every program.~~
2490 ~~Such indicators include need, student demand, industry driven~~
2491 ~~competencies for advanced technology and related programs, and~~
2492 ~~resources available to support continuation. The results of the~~
2493 ~~program reviews must be tied to the university and community~~
2494 ~~college budget requests.~~

PCB SLC 07-16

ORIGINAL

2007

2495 | (4)~~(7)~~ The State Board of Education shall:
 2496 | (a) Provide for each community college to offer educational
 2497 | training and service programs designed to meet the needs of both
 2498 | students and the communities served.
 2499 | (b) Specify, by rule, procedures to be used by the
 2500 | community college boards of trustees in the annual evaluations of
 2501 | presidents and review the evaluations of presidents by the boards
 2502 | of trustees.
 2503 | (c) Establish, in conjunction with the Board of Governors,
 2504 | an effective information system that will provide composite data
 2505 | concerning the community colleges and state universities and
 2506 | ensure that special analyses and studies concerning the
 2507 | institutions are conducted, as necessary, for provision of
 2508 | accurate and cost-effective information concerning the
 2509 | institutions.
 2510 | (d) Establish criteria for making recommendations for
 2511 | modifying district boundary lines for community colleges.
 2512 | (e) Establish criteria for making recommendations
 2513 | concerning all proposals for the establishment of additional
 2514 | centers or campuses for community colleges ~~and state~~
 2515 | ~~universities.~~
 2516 | (f) Examine the annual administrative review of each
 2517 | community college ~~and state university.~~
 2518 | (g) Specify, by rule, the college-credit ~~degree program~~
 2519 | courses that may be taken by community college students
 2520 | concurrently enrolled in college-preparatory instruction.
 2521 | (h) Adopt and submit to the Legislature a 3-year list of
 2522 | priorities for fixed-capital-outlay projects. The State Board of
 2523 | Education may not amend the 3-year list of priorities of the

PCB SLC 07-16

ORIGINAL

2007

2524 Board of Governors.

2525 (5)~~(8)~~ The State Board of Education is responsible for
 2526 reviewing and administering the state program of support for the
 2527 community colleges and, subject to existing law, shall establish
 2528 the tuition and out-of-state fees for college-preparatory
 2529 instruction and for credit instruction that may be counted toward
 2530 an associate in arts degree, an associate in applied science
 2531 degree, or an associate in science degree.

2532 (6)~~(9)~~ The State Board of Education shall prescribe minimum
 2533 standards, definitions, and guidelines for community colleges ~~and~~
 2534 ~~state universities~~ that will ensure the quality of education,
 2535 coordination among the community colleges and state universities,
 2536 and efficient progress toward accomplishing the community college
 2537 ~~and state university~~ mission. At a minimum, these rules must
 2538 address:

2539 (a) Personnel.

2540 (b) Contracting.

2541 (c) Program offerings and classification, including
 2542 college-level communication and computation skills associated
 2543 with successful performance in college and with tests and other
 2544 assessment procedures that measure student achievement of those
 2545 skills. The performance measures must provide that students
 2546 moving from one level of education to the next acquire the
 2547 necessary competencies for that level.

2548 (d) Provisions for curriculum development, graduation
 2549 requirements, college calendars, and program service areas. These
 2550 provisions must include rules that:

2551 1. Provide for the award of an associate in arts degree to
 2552 a student who successfully completes 60 semester credit hours at

PCB SLC 07-16

ORIGINAL

2007

2553 | the community college.

2554 | 2. Require all of the credits accepted for the associate in
 2555 | arts degree to be in the statewide course numbering system as
 2556 | credits toward a baccalaureate degree offered by a state
 2557 | university or a community college.

2558 | 3. Require no more than 36 semester credit hours in general
 2559 | education courses in the subject areas of communication,
 2560 | mathematics, social sciences, humanities, and natural sciences.

2561 |
 2562 | The rules should encourage community colleges to enter into
 2563 | agreements with state universities that allow community college
 2564 | students to complete upper-division-level courses at a community
 2565 | college. An agreement may provide for concurrent enrollment at
 2566 | the community college and the state university and may authorize
 2567 | the community college to offer an upper-division-level course or
 2568 | distance learning.

2569 | (e) Student admissions, conduct and discipline,
 2570 | nonclassroom activities, and fees.

2571 | (f) Budgeting.

2572 | (g) Business and financial matters.

2573 | (h) Student services.

2574 | (i) Reports, surveys, and information systems, including
 2575 | forms and dates of submission.

2576 | Section 69. Subsections (7), (8), (9), (10), and (13) of
 2577 | section 1001.03, Florida Statutes, are amended to read:

2578 | 1001.03 Specific powers of State Board of Education.--

2579 | (7) ARTICULATION ACCOUNTABILITY.--The State Board of
 2580 | Education shall develop articulation accountability measures that
 2581 | assess the status of systemwide articulation processes, in

PCB SLC 07-16

ORIGINAL

2007

2582 conjunction with the Board of Governors regarding the State
2583 University System, and shall establish an articulation
2584 accountability process in accordance with the provisions of
2585 chapter 1008, in conjunction with the Board of Governors
2586 regarding the State University System.

2587 (8) SYSTEMWIDE ENFORCEMENT.--The State Board of Education
2588 shall enforce compliance with law and state board rule by all
2589 school districts and public postsecondary educational
2590 institutions, except for the State University System, in
2591 accordance with the provisions of s. 1008.32.

2592 (9) MANAGEMENT INFORMATION DATABASES.--The State Board of
2593 Education, in conjunction with the Board of Governors regarding
2594 the State University System, shall continue to collect and
2595 maintain, at a minimum, the management information databases for
2596 state universities, and all other components of the public K-20
2597 education system as such databases existed on June 30, 2002.

2598 (10) COMMON PLACEMENT TESTING FOR PUBLIC POSTSECONDARY
2599 EDUCATION.--The State Board of Education, in conjunction with the
2600 Board of Governors, shall develop and implement a common
2601 placement test to assess the basic computation and communication
2602 skills of students who intend to enter a degree program at any
2603 community college or state university.

2604 (13) CYCLIC REVIEW OF POSTSECONDARY ACADEMIC PROGRAMS.--The
2605 State Board of Education shall provide for the cyclic review of
2606 all academic programs in community colleges ~~and state~~
2607 ~~universities~~ at least every 7 years. Program reviews shall
2608 document how individual academic programs are achieving stated
2609 student learning and program objectives within the context of the
2610 institution's mission. The results of the program reviews shall

PCB SLC 07-16

ORIGINAL

2007

2611 inform strategic planning, program development, and budgeting
 2612 decisions at the institutional level.

2613 Section 70. Section 1001.10, Florida Statutes, is amended
 2614 to read:

2615 1001.10 Commissioner of Education; general powers and
 2616 duties.--

2617 (1) The Commissioner of Education is the chief educational
 2618 officer of the state and the sole custodian of the K-20 data
 2619 warehouse, and is responsible for giving full assistance to the
 2620 State Board of Education in enforcing compliance with the mission
 2621 and goals of the ~~seamless~~ K-20 education system except for the
 2622 State University System.

2623 (2) The commissioner's office shall operate all statewide
 2624 functions necessary to support the State Board of Education,
 2625 including strategic planning and budget development, general
 2626 administration, assessment, and accountability.

2627 (3) To facilitate innovative practices and to allow local
 2628 selection of educational methods, the State Board of Education
 2629 may authorize the commissioner to waive, upon the request of a
 2630 district school board, State Board of Education rules that relate
 2631 to district school instruction and school operations, except
 2632 those rules pertaining to civil rights, and student health,
 2633 safety, and welfare. The Commissioner of Education is not
 2634 authorized to grant waivers for any provisions in rule pertaining
 2635 to the allocation and appropriation of state and local funds for
 2636 public education; the election, compensation, and organization of
 2637 school board members and superintendents; graduation and state
 2638 accountability standards; financial reporting requirements;
 2639 reporting of out-of-field teaching assignments under s. 1012.42;

PCB SLC 07-16

ORIGINAL

2007

2640 public meetings; public records; or due process hearings governed
2641 by chapter 120. No later than January 1 of each year, the
2642 commissioner shall report to the Legislature and the State Board
2643 of Education all approved waiver requests in the preceding year.

2644 (4) Additionally, the commissioner has the following
2645 general powers and duties:

2646 (a)~~(1)~~ To appoint staff necessary to carry out his or her
2647 powers and duties.

2648 (b)~~(2)~~ To advise and counsel with the State Board of
2649 Education on all matters pertaining to education; to recommend to
2650 the State Board of Education actions and policies as, in the
2651 commissioner's opinion, should be acted upon or adopted; and to
2652 execute or provide for the execution of all acts and policies as
2653 are approved.

2654 (c)~~(3)~~ To keep such records as are necessary to set forth
2655 clearly all acts and proceedings of the State Board of Education.

2656 (d)~~(4)~~ To have a seal for his or her office with which, in
2657 connection with his or her own signature, the commissioner shall
2658 authenticate true copies of decisions, acts, or documents.

2659 (e)~~(5)~~ To recommend to the State Board of Education
2660 policies and steps designed to protect and preserve the principal
2661 of the State School Fund; to provide an assured and stable income
2662 from the fund; to execute such policies and actions as are
2663 approved; and to administer the State School Fund.

2664 (f)~~(6)~~ To take action on the release of mineral rights
2665 based upon the recommendations of the Board of Trustees of the
2666 Internal Improvement Trust Fund.

2667 (g)~~(7)~~ To submit to the State Board of Education, on or
2668 before October 1 ~~August 1~~ of each year, recommendations for a

PCB SLC 07-16

ORIGINAL

2007

2669 | coordinated K-20 education budget that estimates the expenditures
 2670 | for the Board of Governors, the State Board of Education,
 2671 | including the Department of Education and, the Commissioner of
 2672 | Education, and all of the boards, institutions, agencies, and
 2673 | services under the general supervision of the Board of Governors
 2674 | or the State Board of Education for the ensuing fiscal year. Any
 2675 | program recommended to the State Board of Education that will
 2676 | require increases in state funding for more than 1 year must be
 2677 | presented in a multiyear budget plan.

2678 | (h)-(8) To develop and implement a plan for cooperating with
 2679 | the Federal Government in carrying out any or all phases of the
 2680 | educational program and to recommend policies for administering
 2681 | funds that are appropriated by Congress and apportioned to the
 2682 | state for any or all educational purposes. The Commissioner of
 2683 | Education shall submit to the Legislature the proposed state plan
 2684 | for the reauthorization of the No Child Left Behind Act before
 2685 | the proposed plan is submitted to federal agencies. The President
 2686 | of the Senate and the Speaker of the House of Representatives
 2687 | shall appoint members of the appropriate education and
 2688 | appropriations committees to serve as a select committee to
 2689 | review the proposed plan.

2690 | (i)-(9) To develop and implement policies for cooperating
 2691 | with other public agencies in carrying out those phases of the
 2692 | program in which such cooperation is required by law or is deemed
 2693 | by the commissioner to be desirable and to cooperate with public
 2694 | and nonpublic agencies in planning and bringing about
 2695 | improvements in the educational program.

2696 | (j)-(10) To prepare forms and procedures as are necessary to
 2697 | be used by district school boards and all other educational

PCB SLC 07-16

ORIGINAL

2007

2698 agencies to assure uniformity, accuracy, and efficiency in the
 2699 keeping of records, the execution of contracts, the preparation
 2700 of budgets, or the submission of reports; and to furnish at state
 2701 expense, when deemed advisable by the commissioner, those forms
 2702 that can more economically and efficiently be provided.

2703 (k)~~(11)~~ To implement a program of school improvement and
 2704 education accountability designed to provide all students the
 2705 opportunity to make adequate learning gains in each year of
 2706 school as provided by statute and State Board of Education rule
 2707 based upon the achievement of the state education goals,
 2708 recognizing the following:

2709 ~~(a) The State Board of Education is the body corporate
 2710 responsible for the supervision of the system of public
 2711 education.~~

2712 1.~~(b)~~ The district school board is responsible for school
 2713 and student performance.

2714 2.~~(e)~~ The individual school is the unit for education
 2715 accountability.

2716 3.~~(d)~~ The community college board of trustees is
 2717 responsible for community college performance and student
 2718 performance.

2719 ~~(e) The university board of trustees is responsible for
 2720 university performance and student performance.~~

2721 (l)~~(12)~~ To maintain ~~establish~~ a Citizen Information Center
 2722 responsible for the preparation, publication, and dissemination
 2723 ~~distribution~~ of user-friendly materials relating to the state's
 2724 ~~state system of seamless K-20 public education system, including~~
 2725 the state's K-12 scholarship programs and the Voluntary
 2726 Prekindergarten Education Program.

PCB SLC 07-16

ORIGINAL

2007

2727 (m) ~~(13)~~ To prepare and publish annually reports giving
2728 statistics and other useful information pertaining to the state's
2729 K-12 scholarship programs and the Voluntary Prekindergarten
2730 Education Program Opportunity Scholarship Program.

2731 (n) ~~(14)~~ To have printed or electronic copies of school
2732 laws, forms, instruments, instructions, and rules of the State
2733 Board of Education and provide for their distribution.

2734 (o) ~~(15)~~ To develop criteria for use by state instructional
2735 materials committees in evaluating materials submitted for
2736 adoption consideration. The criteria shall, as appropriate, be
2737 based on instructional expectations reflected in curriculum
2738 frameworks and student performance standards. The criteria for
2739 each subject or course shall be made available to publishers of
2740 instructional materials pursuant to the requirements of chapter
2741 1006.

2742 (p) ~~(16)~~ To prescribe procedures for evaluating
2743 instructional materials submitted by publishers and manufacturers
2744 in each adoption.

2745 (q) ~~(17)~~ To enter into agreement with Space Florida to
2746 develop innovative aerospace-related education programs that
2747 promote mathematics and science education for grades K-20.

2748
2749 ~~The commissioner's office shall operate all statewide functions~~
2750 ~~necessary to support the State Board of Education and the K-20~~
2751 ~~education system, including strategic planning and budget~~
2752 ~~development, general administration, and assessment and~~
2753 ~~accountability.~~

2754 Section 71. Paragraph (c) of subsection (1), paragraph (a)
2755 of subsection (2), and subsection (3) of section 1001.11, Florida

PCB SLC 07-16

ORIGINAL

2007

2756 Statutes, are amended to read:

2757 1001.11 Commissioner of Education; other duties.--

2758 (1) The Commissioner of Education must independently
2759 perform the following duties:

2760 (c) In cooperation with the Board of Governors, develop and
2761 implement a process for receiving and processing requests, in
2762 conjunction with the Legislature, for the allocation of PECO
2763 funds for qualified postsecondary education projects.

2764 (2) (a) The Commissioner of Education shall annually report
2765 the state's educational performance on state and national
2766 measures and shall recommend to the State Board of Education
2767 performance goals addressing the educational needs of the state
2768 ~~for the K-20 education system. The Council for Education Policy~~
2769 ~~Research and Improvement, as an independent entity, shall develop~~
2770 ~~a report card assigning grades to indicate Florida's progress~~
2771 ~~toward meeting those goals. The annual report card shall contain~~
2772 ~~information showing Florida's performance relative to other~~
2773 ~~states on selected measures, as well as Florida's ability to meet~~
2774 ~~the need for postsecondary degrees and programs and how well the~~
2775 ~~Legislature has provided resources to meet this need. The~~
2776 ~~information shall include the results of the National Assessment~~
2777 ~~of Educational Progress or a similar national assessment program~~
2778 ~~administered to students in Florida. By January 1 of each year,~~
2779 ~~the Council for Education Policy Research and Improvement shall~~
2780 ~~submit the report card to the Legislature, the Governor, and the~~
2781 ~~public.~~

2782 ~~(b) Prior to the regular legislative session, the~~
2783 ~~Commissioner of Education shall present to the Legislature a plan~~
2784 ~~for correcting any deficiencies identified in the report card.~~

PCB SLC 07-16

ORIGINAL

2007

2785 (3) Notwithstanding any other provision of law to the
 2786 contrary, the Commissioner of Education, in conjunction with the
 2787 Legislature, and the Board of Governors regarding the State
 2788 University System, must recommend funding priorities for the
 2789 distribution of capital outlay funds for public postsecondary
 2790 educational institutions, based on priorities that include, but
 2791 are not limited to, the following criteria:

- 2792 (a) Growth at the institutions.
- 2793 (b) Need for specific skills statewide.
- 2794 (c) Need for maintaining and repairing existing facilities.

2795 Section 72. Paragraph (e) of subsection (4) of section
 2796 1001.20, Florida Statutes, is amended to read:

2797 1001.20 Department under direction of state board.--

2798 (4) The Department of Education shall establish the
 2799 following offices within the Office of the Commissioner of
 2800 Education which shall coordinate their activities with all other
 2801 divisions and offices:

2802 (e) Office of Inspector General.--Organized using existing
 2803 resources and funds and responsible for promoting accountability,
 2804 efficiency, and effectiveness and detecting fraud and abuse
 2805 within school districts, the Florida School for the Deaf and the
 2806 Blind, and community colleges, ~~and state universities~~ in Florida.
 2807 If the Commissioner of Education determines that a district
 2808 school board, the Board of Trustees for the Florida School for
 2809 the Deaf and the Blind, or a community college ~~public~~
 2810 ~~postsecondary educational institution~~ board of trustees is
 2811 unwilling or unable to address substantiated allegations made by
 2812 any person relating to waste, fraud, or financial mismanagement
 2813 within the school district, the Florida School for the Deaf and

PCB SLC 07-16

ORIGINAL

2007

2814 the Blind, or the community college, the office shall conduct,
 2815 coordinate, or request investigations into such substantiated
 2816 allegations ~~made by any person relating to waste, fraud, or~~
 2817 ~~financial mismanagement within school districts, the Florida~~
 2818 ~~School for the Deaf and the Blind, community colleges, and state~~
 2819 ~~universities in Florida~~. The office shall have access to all
 2820 information and personnel necessary to perform its duties and
 2821 shall have all of its current powers, duties, and
 2822 responsibilities authorized in s. 20.055.

2823 Section 73. Section 1001.28, Florida Statutes, is amended
 2824 to read:

2825 1001.28 Distance learning duties.--The duties of the
 2826 Department of Education concerning distance learning include, but
 2827 are not limited to, the duty to:

2828 (1) Facilitate the implementation of a statewide
 2829 coordinated system and resource system for cost-efficient
 2830 advanced telecommunications services and distance education which
 2831 will increase overall student access to education.

2832 (2) Coordinate the use of existing resources, including,
 2833 but not limited to, the state's satellite transponders on the
 2834 education satellites, the SUNCOM Network, the Florida Information
 2835 Resource Network (FIRN), the Department of Management Services,
 2836 the Department of Corrections, and the Department of Children and
 2837 Family Services' satellite communication facilities to support a
 2838 statewide advanced telecommunications services and distance
 2839 learning network.

2840 (3) Assist in the coordination of the utilization of the
 2841 production and uplink capabilities available through Florida's
 2842 public television stations, eligible facilities, independent

PCB SLC 07-16

ORIGINAL

2007

2843 colleges and universities, private firms, and others as needed.

2844 (4) Seek the assistance and cooperation of Florida's cable
 2845 television providers in the implementation of the statewide
 2846 advanced telecommunications services and distance learning
 2847 network.

2848 (5) Seek the assistance and cooperation of Florida's
 2849 telecommunications carriers to provide affordable student access
 2850 to advanced telecommunications services and to distance learning.

2851 (6) Coordinate partnerships for development, acquisition,
 2852 use, and distribution of distance learning.

2853 (7) Secure and administer funding for programs and
 2854 activities for distance learning from federal, state, local, and
 2855 private sources and from fees derived from services and
 2856 materials.

2857 (8) Manage the state's satellite transponder resources and
 2858 enter into lease agreements to maximize the use of available
 2859 transponder time. All net revenue realized through the leasing of
 2860 available transponder time, after deducting the costs of
 2861 performing the management function, shall be recycled to support
 2862 the public education distance learning in this state based upon
 2863 an allocation formula of one-third to the Department of
 2864 Education, one-third to community colleges, and one-third to
 2865 state universities.

2866 (9) Hire appropriate staff which may include a position
 2867 that shall be exempt from part II of chapter 110 and is included
 2868 in the Senior Management Service in accordance with s. 110.205.

2869
 2870 Nothing in this section shall be construed to abrogate,
 2871 supersede, alter, or amend the powers and duties of any state

PCB SLC 07-16

ORIGINAL

2007

2872 agency, district school board, community college board of
2873 trustees, university board of trustees, the Board of Governors,
2874 or the State Board of Education.

2875 Section 74. Subsection (17) of section 1001.64, Florida
2876 Statutes, is amended to read:

2877 1001.64 Community college boards of trustees; powers and
2878 duties.--

2879 (17) Each board of trustees is accountable for performance
2880 in certificate career education and diploma programs pursuant to
2881 s. 1008.43 ~~1008.44~~.

2882 Section 75. Section 1001.70, Florida Statutes, is amended
2883 to read:

2884 1001.70 Board of Governors of the State University
2885 System--

2886 (1) Pursuant to s. 7(d), Art. IX of the State Constitution,
2887 the Board of Governors is established as a body corporate
2888 comprised of 17 members as follows: 14 citizen members appointed
2889 by the Governor subject to confirmation by the Senate; the
2890 Commissioner of Education; the chair of the advisory council of
2891 faculty senates or the equivalent; and the president of the
2892 Florida student association or the equivalent. The appointed
2893 members shall serve staggered 7-year terms. In order to achieve
2894 staggered terms, beginning July 1, 2003, of the initial
2895 appointments, 4 members shall serve 2-year terms, 5 members shall
2896 serve 3-year terms, and 5 members shall serve 7-year terms.

2897 (2) Members of the Board of Governors shall receive no
2898 compensation but may be reimbursed for travel and per diem
2899 expenses as provided in s. 112.061.

2900 (3) The Board of Governors, in exercising its authority

PCB SLC 07-16

ORIGINAL

2007

2901 under the State Constitution and statutes, shall exercise its
 2902 authority in a manner that supports, promotes, and enhances a K-
 2903 20 education system that provides affordable access to
 2904 postsecondary educational opportunities for residents of the
 2905 state to the extent authorized by the State Constitution and
 2906 state law.

2907 Section 76. Section 1001.706, Florida Statutes, is created
 2908 to read:

2909 1001.706 Powers and duties of the Board of Governors.--

2910 (1) GENERAL PROVISIONS.--

2911 (a) For each constituent university, the Board of
 2912 Governors, or the board's designee, shall be responsible for
 2913 cost-effective policy decisions appropriate to the university's
 2914 mission, the implementation and maintenance of high-quality
 2915 education programs within law, the measurement of performance,
 2916 the reporting of information, and the provision of input
 2917 regarding state policy, budgeting, and education standards.

2918 (b) The Board of Governors shall adopt rules pursuant to
 2919 chapter 120 when acting pursuant to statutory authority derived
 2920 from the Legislature. The Board of Governors may adopt rules
 2921 pursuant to chapter 120 when exercising the powers, duties, and
 2922 authority granted by s. 7, Art. IX of the State Constitution.

2923 (2) POWERS AND DUTIES RELATING TO ORGANIZATION AND
 2924 OPERATION OF STATE UNIVERSITIES.--

2925 (a) The Board of Governors, or the board's designee, shall
 2926 develop guidelines and procedures related to data and technology,
 2927 including information systems, communications systems, computer
 2928 hardware and software, and networks.

2929 (b) The Board of Governors shall develop guidelines

PCB SLC 07-16

ORIGINAL

2007

2930 relating to divisions of sponsored research, pursuant to the
2931 provisions of s. 1004.22, to serve the function of administration
2932 and promotion of the programs of research.

2933 (c) The Board of Governors shall prescribe conditions for
2934 direct-support organizations and university health services
2935 support organizations to be certified and to use university
2936 property and services. Conditions relating to certification must
2937 provide for audit review and oversight by the Board of Governors.

2938 (d) The Board of Governors shall develop guidelines for
2939 supervising faculty practice plans for the academic health
2940 science centers.

2941 (e) The Board of Governors shall ensure that students at
2942 state universities have access to general education courses as
2943 provided in the statewide articulation agreement, pursuant to s.
2944 1007.23.

2945 (f) The Board of Governors shall approve baccalaureate
2946 degree programs that require more than 120 semester credit hours
2947 of coursework prior to such programs being offered by a state
2948 university. At least half of the required coursework for any
2949 baccalaureate degree must be offered at the lower-division level,
2950 except in program areas approved by the Board of Governors.

2951 (g) The Board of Governors, or the board's designee, shall
2952 adopt a written antihazing policy, appropriate penalties for
2953 violations of such policy, and a program for enforcing such
2954 policy.

2955 (h) The Board of Governors, or the board's designee, may
2956 establish a uniform code of conduct and appropriate penalties for
2957 violations of its rules by students and student organizations,
2958 including rules governing student academic honesty. Such

2959 penalties, unless otherwise provided by law, may include
 2960 reasonable fines, the withholding of diplomas or transcripts
 2961 pending compliance with rules or payment of fines, and the
 2962 imposition of probation, suspension, or dismissal.

2963 (3) POWERS AND DUTIES RELATING TO FINANCE.--

2964 (a) The Board of Governors, or the board's designee, shall
 2965 account for expenditures of all state, local, federal, and other
 2966 funds. Such accounting systems shall have appropriate audit and
 2967 internal controls in place that will enable the constituent
 2968 universities to satisfactorily and timely perform all accounting
 2969 and reporting functions required by state and federal law and
 2970 rules.

2971 (b) The Board of Governors shall prepare the legislative
 2972 budget requests for the State University System, including a
 2973 request for fixed capital outlay, and submit them to the State
 2974 Board of Education for inclusion in the K-20 legislative budget
 2975 request. The Board of Governors shall provide the state
 2976 universities with fiscal policy guidelines, formats, and
 2977 instruction for the development of individual university budget
 2978 requests.

2979 (c) The Board of Governors, or the board's designee, shall
 2980 establish tuition and fees pursuant to ss. 1009.24 and 1009.26.

2981 (d) The Board of Governors, or the board's designee, is
 2982 authorized to secure comprehensive general liability insurance
 2983 pursuant to s. 1004.24.

2984 (4) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.--

2985 (a) The Board of Governors shall develop a strategic plan
 2986 specifying goals and objectives for the State University System
 2987 and each constituent university.

2988 (b) The Board of Governors shall develop an accountability
 2989 plan for the State University System and each constituent
 2990 university.

2991 (c) The Board of Governors shall maintain an effective
 2992 information system to provide accurate, timely, and cost-
 2993 effective information about each university. The board shall
 2994 continue to collect and maintain, at a minimum, the management
 2995 information databases as such databases existed on June 30, 2002.

2996 (d) If the Board of Governors of the State University
 2997 System determines that a state university board of trustees is
 2998 unwilling or unable to address substantiated allegations made by
 2999 any person relating to waste, fraud, or financial mismanagement
 3000 within the state university, the Office of the Inspector General
 3001 shall investigate the allegations.

3002 (5) POWERS AND DUTIES RELATING TO PERSONNEL.--

3003 (a) The Board of Governors, or the board's designee, shall
 3004 establish the personnel program for all employees of a state
 3005 university, including the president.

3006 (b) The Department of Management Services shall retain
 3007 authority over state university employees for programs
 3008 established in ss. 110.123, 110.161, 110.1232, 110.1234, and
 3009 110.1238 and in chapters 121, 122, and 238. Unless specifically
 3010 authorized by law, neither the Board of Governors nor a state
 3011 university may offer group insurance programs for employees as a
 3012 substitute for or as an alternative to the health insurance
 3013 programs offered pursuant to chapter 110.

3014 (c) Except as otherwise provided by law, university
 3015 employees are public employees for purposes of chapter 112 and
 3016 any payment for travel and per diem expenses shall not exceed the

PCB SLC 07-16

ORIGINAL

2007

3017 level specified in s. 112.061.

3018 (6) POWERS AND DUTIES RELATING TO PROPERTY.--

3019 (a) The Board of Governors shall develop guidelines for

3020 university boards of trustees relating to the acquisition of real

3021 and personal property and the sale and disposal thereof and the

3022 approval and execution of contracts for the purchase, sale,

3023 lease, license, or acquisition of commodities, goods, equipment,

3024 contractual services, leases of real and personal property, and

3025 construction. The acquisition may include purchase by installment

3026 or lease-purchase. Such contracts may provide for payment of

3027 interest on the unpaid portion of the purchase price. Title to

3028 all real property acquired prior to January 7, 2003, and to all

3029 real property acquired with funds appropriated by the Legislature

3030 shall be vested in the Board of Trustees of the Internal

3031 Improvement Trust Fund and shall be transferred and conveyed by

3032 it. Notwithstanding any other provisions of this subsection, each

3033 board of trustees shall comply with the provisions of s. 287.055

3034 for the procurement of professional services as defined therein.

3035 Any acquisition pursuant to this paragraph is subject to the

3036 provisions of s. 1010.62.

3037 (b) The Board of Governors shall develop guidelines for

3038 university boards of trustees relating to the use, maintenance,

3039 protection, and control of university-owned or university-

3040 controlled buildings and grounds, property and equipment, name,

3041 trademarks and other proprietary marks, and the financial and

3042 other resources of the university. Such authority may include

3043 placing restrictions on activities and on access to facilities,

3044 firearms, food, tobacco, alcoholic beverages, distribution of

3045 printed materials, commercial solicitation, animals, and sound.

PCB SLC 07-16

ORIGINAL

2007

3046 The authority provided the board of trustees in this subsection
3047 includes the prioritization of the use of space, property,
3048 equipment, and resources and the imposition of charges for those
3049 items.

3050 (c) The Board of Governors, or the board's designee, shall
3051 administer a program for the maintenance and construction of
3052 facilities pursuant to chapter 1013.

3053 (d) The Board of Governors, or the board's designee, shall
3054 ensure compliance with the provisions of s. 287.09451 for all
3055 procurement and ss. 255.101 and 255.102 for construction
3056 contracts, and rules adopted pursuant thereto, relating to the
3057 utilization of minority business enterprises, except that
3058 procurements costing less than the amount provided for in
3059 CATEGORY FIVE as provided in s. 287.017 shall not be subject to
3060 s. 287.09451.

3061 (e) Notwithstanding the provisions of s. 253.025 but
3062 subject to the provisions of s. 1010.62, the Board of Governors,
3063 or the board's designee, may, with the consent of the Board of
3064 Trustees of the Internal Improvement Trust Fund, sell, convey,
3065 transfer, exchange, trade, or purchase real property and related
3066 improvements necessary and desirable to serve the needs and
3067 purposes of the university.

3068 1. The Board of Governors, or the board's designee, may
3069 secure appraisals and surveys. The Board of Governors, or the
3070 board's designee, shall comply with the rules of the Board of
3071 Trustees of the Internal Improvement Trust Fund in securing
3072 appraisals. Whenever the Board of Governors, or the board's
3073 designee, finds it necessary for timely property acquisition, it
3074 may contract, without the need for competitive selection, with

3075 one or more appraisers whose names are contained on the list of
 3076 approved appraisers maintained by the Division of State Lands in
 3077 the Department of Environmental Protection.

3078 2. The Board of Governors, or the board's designee, may
 3079 negotiate and enter into an option contract before an appraisal
 3080 is obtained. The option contract must state that the final
 3081 purchase price may not exceed the maximum value allowed by law.
 3082 The consideration for such an option contract may not exceed 10
 3083 percent of the estimate obtained by the Board of Governors, or
 3084 the board's designee, or 10 percent of the value of the parcel,
 3085 whichever is greater, unless otherwise authorized by the Board of
 3086 Governors or the board's designee.

3087 3. This paragraph is not intended to abrogate in any manner
 3088 the authority delegated to the Board of Trustees of the Internal
 3089 Improvement Trust Fund or the Division of State Lands to approve
 3090 a contract for purchase of state lands or to require policies and
 3091 procedures to obtain clear legal title to parcels purchased for
 3092 state purposes. Title to property acquired by a university board
 3093 of trustees prior to January 7, 2003, and to property acquired
 3094 with funds appropriated by the Legislature shall vest in the
 3095 Board of Trustees of the Internal Improvement Trust Fund.

3096 (f) The Board of Governors, or the board's designee, shall
 3097 prepare and adopt a campus master plan pursuant to s. 1013.30.

3098 (g) The Board of Governors, or the board's designee, shall
 3099 prepare, adopt, and execute a campus development agreement
 3100 pursuant to s. 1013.30.

3101 (h) Notwithstanding the provisions of s. 216.351, the Board
 3102 of Governors, or the board's designee, may authorize the rent or
 3103 lease of parking facilities provided that such facilities are

PCB SLC 07-16

ORIGINAL

2007

3104 funded through parking fees or parking fines imposed by a
 3105 university. The Board of Governors, or the board's designee, may
 3106 authorize a university board of trustees to charge fees for
 3107 parking at such rented or leased parking facilities.

3108 (7) COMPLIANCE WITH LAWS, RULES, REGULATIONS, AND
 3109 REQUIREMENTS.--The Board of Governors has responsibility for
 3110 compliance with state and federal laws, rules, regulations, and
 3111 requirements.

3112 (8) COOPERATION WITH OTHER BOARDS.--The Board of Governors
 3113 shall implement a plan for working on a regular basis with the
 3114 State Board of Education, the Commission for Independent
 3115 Education, the university boards of trustees, representatives of
 3116 the community college boards of trustees, representatives of the
 3117 private colleges and universities, and representatives of the
 3118 district school boards to achieve a seamless education system.

3119 (9) The Board of Governors is prohibited from assessing any
 3120 fee on state universities, unless specifically authorized by law.

3121 Section 77. Subsections (3) and (4) of section 1001.71,
 3122 Florida Statutes, are amended to read:

3123 1001.71 University boards of trustees; membership.--

3124 (3) University boards of trustees are a part of the
 3125 executive branch of state government. ~~Each board of trustees~~
 3126 ~~shall select its chair and vice chair from the appointed members~~
 3127 ~~at its first regular meeting after July 1. The chair shall serve~~
 3128 ~~for 2 years and may be reselected for one additional consecutive~~
 3129 ~~term. The duties of the chair shall include presiding at all~~
 3130 ~~meetings of the board of trustees, calling special meetings of~~
 3131 ~~the board of trustees, and attesting to actions of the board of~~
 3132 ~~trustees. The duty of the vice chair is to act as chair during~~

PCB SLC 07-16

ORIGINAL

2007

3133 ~~the absence or disability of the chair.~~

3134 ~~(4) The university president shall serve as executive~~
 3135 ~~officer and corporate secretary of the board of trustees and~~
 3136 ~~shall be responsible to the board of trustees for all operations~~
 3137 ~~of the university and for setting the agenda for meetings of the~~
 3138 ~~board of trustees in consultation with the chair.~~

3139 Section 78. Section 1001.72, Florida Statutes, is amended
 3140 to read:

3141 1001.72 University boards of trustees; boards to constitute
 3142 a corporation.--

3143 (1) Each board of trustees shall be a public body corporate
 3144 by the name of "The (name of university) Board of Trustees," with
 3145 all the powers of a body corporate, including the power to adopt
 3146 a corporate seal, to contract and be contracted with, to sue and
 3147 be sued, to plead and be impleaded in all courts of law or
 3148 equity, and to give and receive donations. In all suits against a
 3149 board of trustees, service of process shall be made on the chair
 3150 of the board of trustees or, in the absence of the chair, on the
 3151 corporate secretary or designee.

3152 ~~(2) It is the intent of the Legislature that the university~~
 3153 ~~boards of trustees are not departments of the executive branch of~~
 3154 ~~state government within the scope and meaning of s. 6, Art. IV of~~
 3155 ~~the State Constitution.~~

3156 (2)(3) The corporation is constituted as a public
 3157 instrumentality, and the exercise by the corporation of the power
 3158 conferred by this section is considered to be the performance of
 3159 an essential public function. ~~The corporation shall constitute an~~
 3160 ~~agency for the purposes of s. 120.52.~~ The corporation is subject
 3161 to chapter 119 and s. 24, Art. I of the State Constitution,

3162 subject to exceptions applicable to the corporation, and to the
 3163 provisions of chapter 286; however, the corporation shall be
 3164 entitled to provide notice of internal review committee meetings
 3165 for competitive proposals or procurement to applicants by mail or
 3166 facsimile rather than by means of publication. The corporation is
 3167 not governed by chapter 607, but by the provisions of this part.
 3168 The corporation shall maintain coverage under the State Risk
 3169 Management Trust Fund as provided in chapter 284.

3170 ~~(4) No bureau, department, division, agency, or subdivision~~
 3171 ~~of the state shall exercise any responsibility and authority to~~
 3172 ~~operate any state university except as specifically provided by~~
 3173 ~~law or rules of the State Board of Education. This section shall~~
 3174 ~~not prohibit any department, bureau, division, agency, or~~
 3175 ~~subdivision of the state from providing access to programs or~~
 3176 ~~systems or providing other assistance to a state university~~
 3177 ~~pursuant to an agreement between the board of trustees and such~~
 3178 ~~department, bureau, division, agency, or subdivision of the~~
 3179 ~~state.~~

3180 ~~(5) University boards of trustees shall be corporations~~
 3181 ~~primarily acting as instrumentalities or agencies of the state,~~
 3182 ~~pursuant to s. 768.28(2), for purposes of sovereign immunity.~~

3183 Section 79. Subsections (2) and (4) of section 1001.73,
 3184 Florida Statutes, are amended to read:

3185 1001.73 University board empowered to act as trustee.--

3186 (2) Deeds, mortgages, leases, and other contracts of the
 3187 university board of trustees relating to real property of any
 3188 such trust or any interest therein may be executed by the
 3189 university board of trustees, as trustee, in the same manner as
 3190 is provided by the laws of the state for the execution of similar

PCB SLC 07-16

ORIGINAL

2007

3191 documents by other corporations or may be executed by the
 3192 signatures of a majority of the members of the board of trustees;
 3193 however, to be effective, any such deed, mortgage, or lease
 3194 contract for more than 10 years of any trust property, executed
 3195 hereafter by the university board of trustees, shall be approved
 3196 by a resolution of the Board of Governors ~~State Board of~~
 3197 ~~Education~~; and such approving resolution may be evidenced by the
 3198 signature of either the chair or the secretary of the Board of
 3199 Governors ~~State Board of Education~~ to an endorsement on the
 3200 instrument approved, reciting the date of such approval, and
 3201 bearing the seal of the Board of Governors ~~State Board of~~
 3202 ~~Education~~. Such signed and sealed endorsement shall be a part of
 3203 the instrument and entitled to record without further proof.

3204 (4) Nothing herein shall be construed to authorize a
 3205 university board of trustees to contract a debt on behalf of, or
 3206 in any way to obligate, the state; and the satisfaction of any
 3207 debt or obligation incurred by the university board as trustee
 3208 under the provisions of this section shall be exclusively from
 3209 the trust property, mortgaged or encumbered; and nothing herein
 3210 shall in any manner affect or relate to the provisions of ~~ss.~~
 3211 ~~1010.61 1010.619~~ or s. 1013.78; and any mortgage, lease, or other
 3212 agreement entered into pursuant to this section is subject to the
 3213 provisions of s. 1010.62.

3214 Section 80. Section 1001.74, Florida Statutes, is amended
 3215 to read:

3216 (Substantial rewording of section. See
 3217 s. 1001.74, F.S., for present text.)

3218 1001.74 Powers and duties of university boards of
 3219 trustees.--

3220 (1) GENERAL PROVISIONS.--
 3221 (a) Pursuant to s. 7(c), Art. IX of the State Constitution
 3222 and except as otherwise provided by law, the Board of Governors
 3223 shall establish the powers and duties of the university boards of
 3224 trustees.
 3225 (b) To the extent delegated by the Board of Governors
 3226 pursuant to s. 1001.706, the boards of trustees shall be
 3227 responsible for cost-effective policy decisions appropriate to
 3228 the university's mission, the implementation and maintenance of
 3229 high-quality education programs within law and guidelines of the
 3230 Board of Governors, the measurement of performance, the reporting
 3231 of information, and the provision of input regarding state
 3232 policy, budgeting, and education standards.
 3233 (c) Each board of trustees is vested with the authority to
 3234 govern its university as necessary to provide proper governance
 3235 and improvement of the university in accordance with law and with
 3236 guidelines of the Board of Governors.
 3237 (d) Each board of trustees shall perform all duties
 3238 assigned by law or by the Board of Governors.
 3239 (e) Each board of trustees shall adopt rules pursuant to
 3240 chapter 120 when acting pursuant to statutory authority derived
 3241 from the Legislature. Each board of trustees may adopt rules
 3242 pursuant to chapter 120 when exercising the powers, duties, and
 3243 authority granted by s. 7, Art. IX of the State Constitution.
 3244 (2) POWERS AND DUTIES RELATING TO ORGANIZATION AND
 3245 OPERATION OF STATE UNIVERSITIES.--
 3246 (a) Each board of trustees constitutes the contracting
 3247 agent of the university. Each university shall comply with the
 3248 provisions of s. 287.055 for the procurement of professional

PCB SLC 07-16

ORIGINAL

2007

3249 services and may approve and execute all contracts for planning,
3250 construction, and equipment. For the purpose of a university's
3251 contracting authority, a "continuing contract" for professional
3252 services under the provisions of s. 287.055 is one in which
3253 construction costs do not exceed \$1 million or the fee for study
3254 activity does not exceed \$100,000. Contracts executed pursuant to
3255 this paragraph are subject to the requirements of s. 1010.62.

3256 (b) Each board of trustees shall submit to the Board of
3257 Governors, for approval, all new campuses and instructional
3258 centers.

3259 (c) Each board of trustees has responsibility for requiring
3260 no more than 120 semester hours of coursework for baccalaureate
3261 degree programs unless approved by the Board of Governors. At
3262 least half of the required coursework for any baccalaureate
3263 degree must be offered at the lower-division level, except in
3264 program areas approved by the Board of Governors.

3265 (d) Each board of trustees has responsibility for ensuring
3266 that students have access to general education courses as
3267 provided in the statewide articulation agreement, pursuant to s.
3268 1007.23.

3269 (e) To the extent delegated by the Board of Governors
3270 pursuant to s. 1001.706, each board of trustees shall adopt a
3271 written antihazing policy, appropriate penalties for violations
3272 of such policy, and a program for enforcing such policy.

3273 (f) To the extent delegated by the Board of Governors
3274 pursuant to s. 1001.706, each board of trustees shall establish a
3275 uniform code of conduct and appropriate penalties for violations
3276 of its rules by students and student organizations, including
3277 rules governing student academic honesty. Such penalties, unless

PCB SLC 07-16

ORIGINAL

2007

3278 otherwise provided by law, may include reasonable fines, the
 3279 withholding of diplomas or transcripts pending compliance with
 3280 rules or payment of fines, and the imposition of probation,
 3281 suspension, or dismissal.

3282 (g) Each board of trustees is authorized to create
 3283 divisions of sponsored research pursuant to the provisions of s.
 3284 1004.22 and guidelines of the Board of Governors to serve the
 3285 function of administration and promotion of the programs of
 3286 research.

3287 (h) Each board of trustees may develop and produce work
 3288 products relating to educational endeavors that are subject to
 3289 trademark, copyright, or patent statutes pursuant to s. 1004.23.

3290 (i) To the extent delegated by the Board of Governors
 3291 pursuant to s. 1001.706, each board of trustees shall develop
 3292 guidelines and procedures related to data and technology,
 3293 including information systems, communications systems, computer
 3294 hardware and software, and networks.

3295 (j) Each board of trustees shall govern traffic on its
 3296 campus pursuant to s. 1006.66.

3297 (k) A board of trustees has responsibility for supervising
 3298 faculty practice plans for the academic health science centers
 3299 pursuant to guidelines of the Board of Governors.

3300 (l) Each board of trustees may certify direct-support
 3301 organizations and university health services support
 3302 organizations to use university property and services in
 3303 accordance with guidelines of the Board of Governors.

3304 (m) Each board of trustees may establish educational
 3305 research centers for child development pursuant to s. 1011.48.

3306 (3) POWERS AND DUTIES RELATING TO FINANCE.--

3307 (a) To the extent delegated by the Board of Governors
 3308 pursuant to s. 1001.706, each board of trustees shall account for
 3309 expenditures of all state, local, federal, and other funds. Such
 3310 accounting systems shall have appropriate audit and internal
 3311 controls in place that will enable the university to
 3312 satisfactorily and timely perform all accounting and reporting
 3313 functions required by state and federal law and rules.

3314 (b) Each board of trustees shall submit an institutional
 3315 budget request, including a request for fixed capital outlay, and
 3316 an operating budget to the Board of Governors for approval in
 3317 accordance with guidelines established by the Board of Governors.

3318 (c) To the extent delegated by the Board of Governors
 3319 pursuant to s. 1001.706, each board of trustees shall establish
 3320 tuition and fees pursuant to ss. 1009.24 and 1009.26.

3321 (d) To the extent delegated by the Board of Governors
 3322 pursuant to s. 1001.706, each board of trustees is authorized to
 3323 secure comprehensive general liability insurance pursuant to s.
 3324 1004.24.

3325 (e) Each board of trustees may provide for payment of the
 3326 costs of civil actions against officers, employees, or agents of
 3327 the board pursuant to s. 1012.965.

3328 (f) Each board of trustees may enter into agreements for,
 3329 and accept, credit card payments as compensation for goods,
 3330 services, tuition, and fees.

3331 (4) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.--

3332 (a) Each board of trustees shall develop a strategic plan
 3333 specifying institutional goals and objectives for the university
 3334 for recommendation to and approval by the Board of Governors.

3335 (b) Each board of trustees shall develop an accountability

PCB SLC 07-16

ORIGINAL

2007

3336 plan pursuant to guidelines established by the Board of
3337 Governors.

3338 (c) Each board of trustees shall maintain an effective
3339 information system to provide accurate, timely, and cost-
3340 effective information about the university pursuant to guidelines
3341 of the Board of Governors.

3342 (5) POWERS AND DUTIES RELATING TO PERSONNEL.--

3343 (a) To the extent delegated by the Board of Governors
3344 pursuant to s. 1001.706, each board of trustees shall establish
3345 the personnel program for all employees of the university,
3346 including the president.

3347 (b) The Department of Management Services shall retain
3348 authority over state university employees for programs
3349 established in ss. 110.123, 110.161, 110.1232, 110.1234, and
3350 110.1238 and in chapters 121, 122, and 238. Unless specifically
3351 authorized by law, neither the Board of Governors nor a state
3352 university may offer group insurance programs for employees as a
3353 substitute for or as an alternative to the health insurance
3354 programs offered pursuant to chapter 110.

3355 (c) Except as otherwise provided by law, university
3356 employees are public employees for purposes of chapter 112 and
3357 the payment for travel and per diem shall not exceed the level
3358 specified in s. 112.061.

3359 (6) POWERS AND DUTIES RELATING TO PROPERTY.--

3360 (a) Each board of trustees shall have the authority to
3361 acquire real and personal property and contract for its sale and
3362 disposal and approve and execute contracts for the purchase,
3363 sale, lease, license, or acquisition of commodities, goods,
3364 equipment, contractual services, leases of real and personal

PCB SLC 07-16

ORIGINAL

2007

3365 property, and construction in accordance with law and guidelines
 3366 of the Board of Governors. The acquisition may include purchase
 3367 by installment or lease-purchase. Such contracts may provide for
 3368 payment of interest on the unpaid portion of the purchase price.
 3369 Title to all real property acquired prior to January 7, 2003, and
 3370 to all real property acquired with funds appropriated by the
 3371 Legislature shall be vested in the Board of Trustees of the
 3372 Internal Improvement Trust Fund and shall be transferred and
 3373 conveyed by it. Notwithstanding any other provisions of this
 3374 subsection, each board of trustees shall comply with the
 3375 provisions of s. 287.055 for the procurement of professional
 3376 services as defined therein. Any acquisition pursuant to this
 3377 paragraph is subject to the provisions of s. 1010.62.

3378 (b) Each board of trustees shall have responsibility for
 3379 the use, maintenance, protection, and control of university-owned
 3380 or university-controlled buildings and grounds, property and
 3381 equipment, name, trademarks and other proprietary marks, and the
 3382 financial and other resources of the university pursuant to
 3383 guidelines of the Board of Governors. Such authority may include
 3384 placing restrictions on activities and on access to facilities,
 3385 firearms, food, tobacco, alcoholic beverages, distribution of
 3386 printed materials, commercial solicitation, animals, and sound.
 3387 The authority vested in the board of trustees in this subsection
 3388 includes the prioritization of the use of space, property,
 3389 equipment, and resources and the imposition of charges for those
 3390 items.

3391 (c) To the extent delegated by the Board of Governors
 3392 pursuant to s. 1001.706, each board of trustees shall administer
 3393 a program for the maintenance and construction of facilities

3394 pursuant to chapter 1013.

3395 (d) To the extent delegated by the Board of Governors
 3396 pursuant to s. 1001.706, each board of trustees shall ensure
 3397 compliance with the provisions of s. 287.09451 for all
 3398 procurement and ss. 255.101 and 255.102 for construction
 3399 contracts, and rules adopted pursuant thereto, relating to the
 3400 utilization of minority business enterprises, except that
 3401 procurements costing less than the amount provided for in
 3402 CATEGORY FIVE as provided in s. 287.017 shall not be subject to
 3403 s. 287.09451.

3404 (e) Each board of trustees may exercise the right of
 3405 eminent domain pursuant to the provisions of chapter 1013. Any
 3406 suits or actions brought by the board of trustees shall be
 3407 brought in the name of the board of trustees, and the Department
 3408 of Legal Affairs shall conduct the proceedings for, and act as
 3409 the counsel of, the board of trustees.

3410 (f) Notwithstanding the provisions of s. 253.025 but
 3411 subject to the provisions of s. 1010.62, each board of trustees
 3412 may, to the extent delegated by the Board of Governors pursuant
 3413 to s. 1001.706 and with the consent of the Board of Trustees of
 3414 the Internal Improvement Trust Fund, sell, convey, transfer,
 3415 exchange, trade, or purchase real property and related
 3416 improvements necessary and desirable to serve the needs and
 3417 purposes of the university.

3418 1. To the extent delegated by the Board of Governors
 3419 pursuant to s. 1001.706, each board of trustees may secure
 3420 appraisals and surveys. The board of trustees shall comply with
 3421 the rules of the Board of Trustees of the Internal Improvement
 3422 Trust Fund in securing appraisals. Whenever the board of trustees

3423 finds it necessary for timely property acquisition, it may
 3424 contract, without the need for competitive selection, with one or
 3425 more appraisers whose names are contained on the list of approved
 3426 appraisers maintained by the Division of State Lands in the
 3427 Department of Environmental Protection.

3428 2. To the extent delegated by the Board of Governors
 3429 pursuant to s. 1001.706, each board of trustees may negotiate and
 3430 enter into an option contract before an appraisal is obtained.
 3431 The option contract must state that the final purchase price may
 3432 not exceed the maximum value allowed by law. The consideration
 3433 for such an option contract may not exceed 10 percent of the
 3434 estimate obtained by the board of trustees or 10 percent of the
 3435 value of the parcel, whichever is greater, unless otherwise
 3436 authorized by the board of trustees.

3437 3. This paragraph is not intended to abrogate in any manner
 3438 the authority delegated to the Board of Trustees of the Internal
 3439 Improvement Trust Fund or the Division of State Lands to approve
 3440 a contract for purchase of state lands or to require policies and
 3441 procedures to obtain clear legal title to parcels purchased for
 3442 state purposes. Title to property acquired by a university board
 3443 of trustees prior to January 7, 2003, and to property acquired
 3444 with funds appropriated by the Legislature shall vest in the
 3445 Board of Trustees of the Internal Improvement Trust Fund.

3446 (g) To the extent delegated by the Board of Governors
 3447 pursuant to s. 1001.706, each board of trustees shall prepare and
 3448 adopt a campus master plan pursuant to s. 1013.30.

3449 (h) To the extent delegated by the Board of Governors
 3450 pursuant to s. 1001.706, each board of trustees shall prepare,
 3451 adopt, and execute a campus development agreement pursuant to s.

PCB SLC 07-16

ORIGINAL

2007

3452 1013.30.
 3453 (i) Notwithstanding the provisions of s. 216.351 and to the
 3454 extent delegated by the Board of Governors pursuant to s.
 3455 1001.706, a board of trustees may authorize the rent or lease of
 3456 parking facilities, provided that such facilities are funded
 3457 through parking fees or parking fines imposed by a university.
 3458 With authorization from the Board of Governors, a board of
 3459 trustees may charge fees for parking at such rented or leased
 3460 parking facilities.

3461 (j) Each board of trustees shall adjust property records
 3462 and dispose of state-owned tangible property in the university's
 3463 custody in accordance with procedures established by the board of
 3464 trustees in accordance with the provisions of chapter 273.
 3465 Notwithstanding the provisions of s. 273.055(5), all moneys
 3466 received from the disposition of state-owned tangible personal
 3467 property shall be retained by the university and disbursed for
 3468 the acquisition of tangible personal property and for all
 3469 necessary operating expenditures. The university shall maintain
 3470 records of the accounts into which such moneys are deposited.

3471 (7) COMPLIANCE WITH LAWS, RULES, REGULATIONS, AND
 3472 REQUIREMENTS.--Each board of trustees has responsibility for
 3473 compliance with state and federal laws, rules, regulations, and
 3474 requirements.

3475 (8) OTHER POWERS AND DUTIES.--A board of trustees shall
 3476 perform such other duties as are provided by law or at the
 3477 direction of the Board of Governors.

3478 Section 81. Paragraph (a) of subsection (2) and subsection
 3479 (4) of section 1002.35, Florida Statutes, are amended to read:
 3480 1002.35 New World School of the Arts.--

PCB SLC 07-16

ORIGINAL

2007

3481 (2) (a) For purposes of governance, the New World School of
 3482 the Arts is assigned to Miami-Dade ~~Community~~ College, the Dade
 3483 County School District, and one or more universities designated
 3484 by the State Board of Education. The State Board of Education, in
 3485 conjunction with the Board of Governors, shall assign to the New
 3486 World School of the Arts a university partner or partners. In
 3487 this selection, the State Board of Education and the Board of
 3488 Governors shall consider the accreditation status of the core
 3489 programs. Florida International University, in its capacity as
 3490 the provider of university services to Dade County, shall be a
 3491 partner to serve the New World School of the Arts, upon meeting
 3492 the accreditation criteria. The respective boards shall appoint
 3493 members to an executive board for administration of the school.
 3494 The executive board may include community members and shall
 3495 reflect proportionately the participating institutions. Miami-
 3496 Dade ~~Community~~ College shall serve as fiscal agent for the
 3497 school.

3498 (4) The State Board of Education and the Board of Governors
 3499 shall utilize resources, programs, and faculty from the various
 3500 state universities in planning and providing the curriculum and
 3501 courses at the New World School of the Arts, drawing on program
 3502 strengths at each state university.

3503 Section 82. Subsection (8) of section 1002.41, Florida
 3504 Statutes, is amended to read:

3505 1002.41 Home education programs.--

3506 (8) Home education students are eligible for admission to
 3507 state universities in accordance with the policies and guidelines
 3508 of the Board of Governors ~~provisions of s. 1007.261.~~

3509 Section 83. Subsections (1) and (3) of section 1004.03,

PCB SLC 07-16

ORIGINAL

2007

3510 Florida Statutes, are amended to read:

3511 1004.03 Program approval.--

3512 (1) The Board of Governors ~~State Board of Education~~ shall
 3513 establish criteria for the approval of new programs at state
 3514 universities that will receive any support from tuition and fees
 3515 assessed pursuant to s. 1009.24 or from funds appropriated by the
 3516 Legislature through the General Appropriations Act or other law.
 3517 These, ~~which~~ criteria include, but are not limited to, the
 3518 following:

3519 (a) New programs may not be approved unless the same
 3520 objectives cannot be met through use of educational technology.

3521 (b) Unnecessary duplication of programs offered by public
 3522 and independent institutions shall be avoided.

3523 (c) Cooperative programs, particularly within regions,
 3524 should be encouraged.

3525 (d) New programs shall be approved only if they are
 3526 consistent with the strategic plan ~~state master plans~~ adopted by
 3527 the Board of Governors ~~State Board of Education~~.

3528 (e) A new graduate-level program or professional-level
 3529 program may be approved if:

3530 1. The university has taken into account the offerings of
 3531 its counterparts, including institutions in other sectors,
 3532 particularly at the regional level.

3533 2. The addition of the program will not alter the emphasis
 3534 on undergraduate education.

3535 3. The regional need and demand for the ~~graduate~~ program
 3536 was addressed and the community needs are obvious.

3537 (3) New colleges, schools, or functional equivalents of any
 3538 program that leads ~~leading~~ to a degree that is offered as a

PCB SLC 07-16

ORIGINAL

2007

3539 | credential for a specific license granted under the Florida
3540 | Statutes or the State Constitution and that will receive any
3541 | support from tuition and fees or from funds appropriated by the
3542 | Legislature through the General Appropriations Act or other law
3543 | shall not be established without the specific approval of the
3544 | Legislature.

3545 | Section 84. Paragraph (b) of subsection (5) of section
3546 | 1004.04, Florida Statutes, is amended to read:

3547 | 1004.04 Public accountability and state approval for
3548 | teacher preparation programs.--

3549 | (5) CONTINUED PROGRAM APPROVAL.--Notwithstanding subsection
3550 | (4), failure by a public or nonpublic teacher preparation program
3551 | to meet the criteria for continued program approval shall result
3552 | in loss of program approval. The Department of Education, in
3553 | collaboration with the departments and colleges of education,
3554 | shall develop procedures for continued program approval that
3555 | document the continuous improvement of program processes and
3556 | graduates' performance.

3557 | (b) Additional criteria for continued program approval for
3558 | public institutions may be approved by the State Board of
3559 | Education. Such criteria must emphasize instruction in classroom
3560 | management and must provide for the evaluation of the teacher
3561 | candidates' performance in this area. The criteria shall also
3562 | require instruction in working with underachieving students.
3563 | Program evaluation procedures must include, but are not limited
3564 | to, program graduates' satisfaction with instruction and the
3565 | program's responsiveness to local school districts. Additional
3566 | criteria for continued program approval for nonpublic
3567 | institutions shall be developed in the same manner as for public

3568 institutions; however, such criteria must be based upon
 3569 significant, objective, and quantifiable graduate performance
 3570 measures. Responsibility for collecting data on outcome measures
 3571 through survey instruments and other appropriate means shall be
 3572 shared by the postsecondary educational institutions and the
 3573 Department of Education. By January 1 of each year, the
 3574 Department of Education shall report this information for each
 3575 postsecondary educational institution that has state-approved
 3576 programs of teacher education to the Governor, the State Board of
 3577 Education, the Board of Governors, the Commissioner of Education,
 3578 the President of the Senate, the Speaker of the House of
 3579 Representatives, all Florida postsecondary teacher preparation
 3580 programs, and interested members of the public. This report must
 3581 analyze the data and make recommendations for improving teacher
 3582 preparation programs in the state.

3583 Section 85. Section 1004.07, Florida Statutes, is amended
 3584 to read:

3585 1004.07 Student withdrawal from courses due to military
 3586 service; effect.--

3587 (1) Each district school board, community college ~~district~~
 3588 board of trustees, and state university board of trustees shall
 3589 establish, ~~by rule and pursuant to guidelines of the State Board~~
 3590 ~~of Education~~, policies regarding currently enrolled students who
 3591 are called to, or enlist in, active military service.

3592 (2) Such policies shall provide that any student enrolled
 3593 in a postsecondary course or courses at a career center, a public
 3594 community college, a public college, or a state university shall
 3595 not incur academic or financial penalties by virtue of performing
 3596 military service on behalf of our country. Such student shall be

PCB SLC 07-16

ORIGINAL

2007

3597 | permitted the option of either completing the course or courses
 3598 | at a later date without penalty or withdrawing from the course or
 3599 | courses with a full refund of fees paid. If the student chooses
 3600 | to withdraw, the student's record shall reflect that the
 3601 | withdrawal is due to active military service.

3602 | (3) Policies of district school boards and community
 3603 | college boards of trustees shall be established by rule and
 3604 | pursuant to guidelines of the State Board of Education.

3605 | (4) Policies of state university boards of trustees shall
 3606 | be established by rule and pursuant to guidelines of the Board of
 3607 | Governors.

3608 | Section 86. Section 1004.21, Florida Statutes, is amended
 3609 | to read:

3610 | (Substantial rewording of section. See
 3611 | s. 1004.21, F.S., for present text.)

3612 | 1004.21 State universities; general provisions.--State
 3613 | universities are part of the executive branch of state government
 3614 | and are administered by a board of trustees as provided in s.
 3615 | 1001.74.

3616 | Section 87. Subsections (1), (2), (6), and (7) of section
 3617 | 1004.22, Florida Statutes, are amended to read:

3618 | 1004.22 Divisions of sponsored research at state
 3619 | universities.--

3620 | (1) Each university is authorized to create, in accordance
 3621 | with guidelines of the Board of Governors ~~as it deems advisable,~~
 3622 | divisions of sponsored research which will serve the function of
 3623 | administration and promotion of the programs of research,
 3624 | including sponsored training programs, of the university at which
 3625 | they are located. ~~A division of sponsored research created under~~

PCB SLC 07-16

ORIGINAL

2007

3626 ~~the provisions of this section shall be under the supervision of~~
 3627 ~~the president of that university.~~

3628 (2) The university shall set such policies to regulate the
 3629 activities of the divisions of sponsored research as it may
 3630 consider necessary ~~to effectuate the purposes of this act and to~~
 3631 administer the research programs in a manner which assures
 3632 efficiency and effectiveness, producing the maximum benefit for
 3633 the educational programs and maximum service to the state. To
 3634 this end, materials that relate to methods of manufacture or
 3635 production, potential trade secrets, potentially patentable
 3636 material, actual trade secrets, business transactions, or
 3637 proprietary information received, generated, ascertained, or
 3638 discovered during the course of research conducted within the
 3639 state universities shall be confidential and exempt from the
 3640 provisions of s. 119.07(1), except that a division of sponsored
 3641 research shall make available upon request the title and
 3642 description of a research project, the name of the researcher,
 3643 and the amount and source of funding provided for such project.

3644 (6) (a) Each university shall submit to the Board of
 3645 Governors ~~State Board of Education~~ a report of the activities of
 3646 each division of sponsored research together with an estimated
 3647 budget for the next fiscal year.

3648 (b) Not less than 90 days prior to the convening of each
 3649 regular session of the Legislature in which an appropriation
 3650 shall be made, the Board of Governors ~~State Board of Education~~
 3651 shall submit to the chair of the appropriations committee of each
 3652 house of the Legislature a compiled report, together with a
 3653 compiled estimated budget for the next fiscal year. A copy of
 3654 such report and estimated budget shall be furnished to the

PCB SLC 07-16

ORIGINAL

2007

3655 Governor, as the chief budget officer of the state.

3656 (7) All purchases of a division of sponsored research shall
3657 be made in accordance with the policies and procedures of the
3658 university pursuant to guidelines of the Board of Governors;
3659 however, upon certification addressed to the university president
3660 that it is necessary for the efficient or expeditious prosecution
3661 of a research project, the president may exempt the purchase of
3662 material, supplies, equipment, or services for research purposes
3663 from the general purchasing requirement of the Florida Statutes.

3664 Section 88. Section 1004.24, Florida Statutes, is amended
3665 to read:

3666 1004.24 Board of Governors, or the board's designee, ~~State~~
3667 ~~Board of Education~~ authorized to secure liability insurance.--

3668 (1) The Board of Governors, or the board's designee, ~~State~~
3669 ~~Board of Education~~ is authorized to secure, or otherwise provide
3670 as a self-insurer, or by a combination thereof, comprehensive
3671 general liability insurance, including professional liability for
3672 health care and veterinary sciences, for:

3673 (a) The Board of Governors ~~State Board of Education~~ and its
3674 officers and members.

3675 (b) A university board of trustees and its officers and
3676 members.

3677 (c) The faculty and other employees and agents of a
3678 university board of trustees.

3679 (d) The students of a state university.

3680 (e) A state university or any college, school, institute,
3681 center, or program thereof.

3682 (f) Any not-for-profit corporation organized pursuant to
3683 chapter 617, and the directors, officers, employees, and agents

PCB SLC 07-16

ORIGINAL

2007

3684 | thereof, which is affiliated with a state university, if the
3685 | corporation is operated for the benefit of the state university
3686 | in a manner consistent with the best interests of the state, and
3687 | if such participation is approved by a self-insurance program
3688 | council, the university president, and the board of trustees.

3689 | (2) In the event the Board of Governors, or the board's
3690 | designee, State Board of Education adopts a self-insurance
3691 | program, a governing council chaired by the vice president for
3692 | health affairs or his or her academic equivalent shall be
3693 | established to administer the program and its duties and
3694 | responsibilities, including the administration of self-insurance
3695 | program assets and expenditure policies, which shall be defined
3696 | in rules as authorized by this section. The council shall have an
3697 | annual actuary review performed to establish funding requirements
3698 | to maintain the fiscal integrity of the self-insurance program.
3699 | The assets of a self-insurance program shall be deposited outside
3700 | the State Treasury and shall be administered in accordance with
3701 | rules as authorized by this section.

3702 | (3) Any self-insurance program created under this section
3703 | shall be funded by the entities and individuals protected by such
3704 | program. There shall be no funds appropriated to any self-
3705 | insurance program. The assets of the self-insurance program shall
3706 | be the property of the board that adopts the self-insurance
3707 | program ~~State Board of Education~~ and shall be used only to pay
3708 | the administrative expenses of the self-insurance program and to
3709 | pay any claim, judgment, or claims bill arising out of activities
3710 | for which the self-insurance program was created. Investment
3711 | income that is in excess of that income necessary to ensure the
3712 | solvency of a self-insurance program as established by a casualty

PCB SLC 07-16

ORIGINAL

2007

3713 | actuary may be used to defray the annual contribution paid into
 3714 | the program by the entities and individuals protected by the
 3715 | program.

3716 | (4) No self-insurance program adopted by the Board of
 3717 | Governors, or the board's designee, ~~State Board of Education~~ may
 3718 | sue or be sued. The claims files of any such program are
 3719 | privileged and confidential, exempt from the provisions of s.
 3720 | 119.07(1), and are only for the use of the program in fulfilling
 3721 | its duties. Any self-insurance trust fund and revenues generated
 3722 | by that fund shall only be used to pay claims and administration
 3723 | expenses.

3724 | (5) Each self-insurance program council shall make
 3725 | provision for an annual financial audit pursuant to s. 11.45 of
 3726 | its accounts to be conducted by an independent certified public
 3727 | accountant. The annual audit report must include a management
 3728 | letter and shall be submitted to the Board of Governors and the
 3729 | university board of trustees ~~State Board of Education~~ for review.
 3730 | The Board of Governors ~~State Board of Education~~ shall have the
 3731 | authority to require and receive from the self-insurance program
 3732 | council or from its independent auditor any detail or
 3733 | supplemental data relative to the operation of the self-insurance
 3734 | program.

3735 | ~~(6) The State Board of Education may make such rules as are~~
 3736 | ~~necessary to carry out the provisions of this section.~~

3737 | Section 89. Paragraph (c) is added to subsection (1) of
 3738 | section 1004.28, Florida Statutes, and paragraph (b) of
 3739 | subsection (2) and subsections (5), (6), and (7) of that section
 3740 | are amended, to read:

3741 | 1004.28 Direct-support organizations; use of property;

PCB SLC 07-16

ORIGINAL

2007

3742 board of directors; activities; audit; facilities.--

3743 (1) DEFINITIONS.--For the purposes of this section:

3744 (c) "Property" does not include student fee revenues

3745 collected pursuant to s. 1009.24.

3746 (2) USE OF PROPERTY.--

3747 (b) The board of trustees, in accordance with rules and

3748 guidelines of the Board of Governors, shall prescribe by rule

3749 conditions with which a university direct-support organization

3750 must comply in order to use property, facilities, or personal

3751 services at any state university. Such rules shall provide for

3752 budget and audit review and oversight by the board of trustees.

3753 (5) ANNUAL AUDIT.--Each direct-support organization shall

3754 provide for an annual financial audit of its accounts and records

3755 to be conducted by an independent certified public accountant in

3756 accordance with rules adopted by the Auditor General pursuant to

3757 s. 11.45(8) and by the university board of trustees. The annual

3758 audit report shall be submitted, within 9 months after the end of

3759 the fiscal year, to the Auditor General and the Board of

3760 Governors ~~State Board of Education~~ for review. The Board of

3761 Governors ~~State Board of Education~~, the university board of

3762 trustees, the Auditor General, and the Office of Program Policy

3763 Analysis and Government Accountability shall have the authority

3764 to require and receive from the organization or from its

3765 independent auditor any records relative to the operation of the

3766 organization. The identity of donors who desire to remain

3767 anonymous shall be protected, and that anonymity shall be

3768 maintained in the auditor's report. All records of the

3769 organization other than the auditor's report, management letter,

3770 and any supplemental data requested by the Board of Governors

PCB SLC 07-16

ORIGINAL

2007

3771 ~~State Board of Education~~, the university board of trustees, the
 3772 Auditor General, and the Office of Program Policy Analysis and
 3773 Government Accountability shall be confidential and exempt from
 3774 the provisions of s. 119.07(1).

3775 (6) FACILITIES.--~~In addition to issuance of indebtedness~~
 3776 ~~pursuant to s. 1010.60(2)~~, Each direct-support organization is
 3777 authorized to enter into agreements to finance, design and
 3778 construct, lease, lease-purchase, purchase, or operate facilities
 3779 necessary and desirable to serve the needs and purposes of the
 3780 university, as determined by the systemwide strategic plan
 3781 adopted by the Board of Governors ~~State Board of Education~~. Such
 3782 agreements are subject to the provisions of ss. s. 1013.171 and
 3783 1010.62.

3784 (7) ANNUAL BUDGETS AND REPORTS.--Each direct-support
 3785 organization shall submit to the university president and the
 3786 Board of Governors ~~State Board of Education~~ its federal Internal
 3787 Revenue Service Application for Recognition of Exemption form
 3788 (Form 1023) and its federal Internal Revenue Service Return of
 3789 Organization Exempt from Income Tax form (Form 990).

3790 Section 90. Subsections (3) and (5) of section 1004.29,
 3791 Florida Statutes, are amended to read:

3792 1004.29 University health services support organizations.--

3793 (3) A state university board of trustees, in accordance
 3794 with rules and guidelines of the Board of Governors, may
 3795 prescribe, by rule, conditions with which a university health
 3796 services support organization must comply in order to be
 3797 certified and to use property, facilities, or personal services
 3798 at any state university. The rules must provide for budget, audit
 3799 review, and oversight by the board of trustees. Such rules shall

PCB SLC 07-16

ORIGINAL

2007

3800 provide that the university health services support organization
 3801 may provide salary supplements and other compensation or benefits
 3802 for university faculty and staff employees only as set forth in
 3803 the organization's budget, which shall be subject to approval by
 3804 the university president.

3805 (5) Each university health services support organization
 3806 shall provide for an annual financial audit in accordance with s.
 3807 1004.28(5). The auditor's report, management letter, and any
 3808 supplemental data requested by the Board of Governors ~~State Board~~
 3809 ~~of Education~~, the university board of trustees, and the Auditor
 3810 General shall be considered public records, pursuant to s.
 3811 119.07.

3812 Section 91. Section 1004.35, Florida Statutes, is amended
 3813 to read:

3814 1004.35 Broward County campuses of Florida Atlantic
 3815 University; coordination with other institutions.--The State
 3816 Board of Education, the Board of Governors, and Florida Atlantic
 3817 University shall consult with Broward Community College and
 3818 Florida International University in coordinating course offerings
 3819 at the postsecondary level in Broward County. Florida Atlantic
 3820 University may contract with the Board of Trustees of Broward
 3821 Community College and with Florida International University to
 3822 provide instruction in courses offered at the Southeast Campus.
 3823 Florida Atlantic University shall increase course offerings at
 3824 the Southeast Campus as facilities become available.

3825 Section 92. Subsection (4) of section 1004.36, Florida
 3826 Statutes, is amended to read:

3827 1004.36 Florida Atlantic University campuses.--

3828 (4) The Board of Governors ~~State Board of Education~~, as a

PCB SLC 07-16

ORIGINAL

2007

3829 function of its comprehensive master planning process, pursuant
 3830 to s. 1001.706, shall continue to evaluate the need for
 3831 undergraduate programs in Broward County and shall assess the
 3832 extent to which existing postsecondary programs are addressing
 3833 those needs.

3834 Section 93. Subsection (5) of section 1004.39, Florida
 3835 Statutes, is amended to read:

3836 1004.39 College of law at Florida International
 3837 University.--

3838 (5) ~~The Florida International University Board of Trustees~~
 3839 ~~shall commence the planning of a college of law at Florida~~
 3840 ~~International University. In planning the college of law, The~~
 3841 Florida International University Board of Trustees and the Board
 3842 ~~of Governors State Board of Education~~ may accept grants,
 3843 donations, gifts, and moneys available for this purpose,
 3844 including moneys for planning and constructing the college. The
 3845 Florida International University Board of Trustees may procure
 3846 and accept any federal funds that are available for the planning,
 3847 creation, and establishment of the college of law. ~~Classes must~~
 3848 ~~commence by the fall semester 2003.~~ If the American Bar
 3849 Association or any other nationally recognized association for
 3850 the accreditation of colleges of law issues a third disapproval
 3851 of an application for provisional approval or for full approval
 3852 or fails to grant, within 5 years following the graduation of the
 3853 first class, a provisional approval, to the college of law at
 3854 Florida International University, the Board of Governors ~~State~~
 3855 ~~Board of Education~~ shall make recommendations to the Governor and
 3856 the Legislature as to whether the college of law will cease
 3857 operations at the end of the full academic year subsequent to the

PCB SLC 07-16

ORIGINAL

2007

3858 receipt by the college of law of any such third disapproval, or
 3859 whether the college of law will continue operations and any
 3860 conditions for continued operations. If the college of law ceases
 3861 operations pursuant to this section, the following conditions
 3862 apply:

3863 (a) The authority for the college of law at Florida
 3864 International University and the authority of the Florida
 3865 International University Board of Trustees and the Board of
 3866 Governors State Board of Education provided in this section shall
 3867 terminate upon the cessation of operations of the college of law
 3868 at Florida International University. The college of law at
 3869 Florida International University shall receive no moneys
 3870 allocated for the planning, construction, or operation of the
 3871 college of law after its cessation of operations other than
 3872 moneys to be expended for the cessation of operations of the
 3873 college of law. Any moneys allocated to the college of law at
 3874 Florida International University not expended prior to or
 3875 scheduled to be expended after the date of the cessation of the
 3876 college of law shall be appropriated for other use by the
 3877 Legislature of the State of Florida.

3878 (b) Any buildings of the college of law at Florida
 3879 International University constructed from the expenditure of
 3880 capital outlay funds appropriated by the Legislature shall be
 3881 owned by the Board of Trustees of the Internal Improvement Trust
 3882 Fund and managed by the Florida International University Board of
 3883 Trustees upon the cessation of the college of law.

3884
 3885 Nothing in this section shall undermine commitments to current
 3886 students receiving support as of the date of the enactment of

PCB SLC 07-16

ORIGINAL

2007

3887 | this section from the law school scholarship program of the
 3888 | Florida Education Fund as provided in s. 1009.70(8). Students
 3889 | attending the college of law at Florida International University
 3890 | shall be eligible for financial, academic, or other support from
 3891 | the Florida Education Fund as provided in s. 1009.70(8) without
 3892 | the college's obtaining accreditation by the American Bar
 3893 | Association.

3894 | Section 94. Subsection (5) of section 1004.40, Florida
 3895 | Statutes, is amended to read:

3896 | 1004.40 College of law at Florida Agricultural and
 3897 | Mechanical University.--

3898 | (5) ~~The Florida Agricultural and Mechanical University~~
 3899 | ~~Board of Trustees shall commence the planning of a college of law~~
 3900 | ~~under the auspices of Florida Agricultural and Mechanical~~
 3901 | ~~University to be located in the I 4 corridor area. In planning~~
 3902 | ~~the college of law,~~ The Florida Agricultural and Mechanical
 3903 | University Board of Trustees and the Board of Governors ~~State~~
 3904 | ~~Board of Education~~ may accept grants, donations, gifts, and
 3905 | moneys available for this purpose, including moneys for planning
 3906 | and constructing the college. The Florida Agricultural and
 3907 | Mechanical University Board of Trustees may procure and accept
 3908 | any federal funds that are available for the planning, creation,
 3909 | and establishment of the college of law. ~~Classes must commence by~~
 3910 | ~~the fall semester 2003.~~ If the American Bar Association or any
 3911 | other nationally recognized association for the accreditation of
 3912 | colleges of law issues a third disapproval of an application for
 3913 | provisional approval or for full approval or fails to grant,
 3914 | within 5 years following the graduation of the first class, a
 3915 | provisional approval, to the college of law at Florida

PCB SLC 07-16

ORIGINAL

2007

3916 Agricultural and Mechanical University, the Board of Governors
 3917 ~~State Board of Education~~ shall make recommendations to the
 3918 Governor and Legislature as to whether the college of law will
 3919 cease operations at the end of the full academic year subsequent
 3920 to the receipt by the college of law of any such third
 3921 disapproval, or whether the college of law will continue
 3922 operations and any conditions for continued operations. If the
 3923 college of law ceases operations of the college of law pursuant
 3924 to this section, the following conditions apply:

3925 (a) The authority for the college of law at Florida
 3926 Agricultural and Mechanical University and the authority of the
 3927 Florida Agricultural and Mechanical University Board of Trustees
 3928 and the Board of Governors ~~State Board of Education~~ provided in
 3929 this section shall terminate upon the cessation of operations of
 3930 the college of law at Florida Agricultural and Mechanical
 3931 University. The college of law at Florida Agricultural and
 3932 Mechanical University shall receive no moneys allocated for the
 3933 planning, construction, or operation of the college of law after
 3934 its cessation of operations other than moneys to be expended for
 3935 the cessation of operations of the college of law. Any moneys
 3936 allocated to the college of law at Florida Agricultural and
 3937 Mechanical University not expended prior to or scheduled to be
 3938 expended after the date of the cessation of the college of law
 3939 shall be appropriated for other use by the Legislature of the
 3940 State of Florida.

3941 (b) Any buildings of the college of law at Florida
 3942 Agricultural and Mechanical University constructed from the
 3943 expenditure of capital outlay funds appropriated by the
 3944 Legislature shall be owned by the Board of Trustees of the

PCB SLC 07-16

ORIGINAL

2007

3945 Internal Improvement Trust Fund and managed by the Florida
 3946 Agricultural and Mechanical University Board of Trustees upon the
 3947 cessation of the college of law.

3948
 3949 Nothing in this section shall undermine commitments to current
 3950 students receiving support as of the date of the enactment of
 3951 this section from the law school scholarship program of the
 3952 Florida Education Fund as provided in s. 1009.70(8). Students
 3953 attending the college of law at Florida Agricultural and
 3954 Mechanical University shall be eligible for financial, academic,
 3955 or other support from the Florida Education Fund as provided in
 3956 s. 1009.70(8) without the college's obtaining accreditation by
 3957 the American Bar Association.

3958 Section 95. Paragraph (e) of subsection (4) of section
 3959 1004.41, Florida Statutes, is amended to read:

3960 1004.41 University of Florida; J. Hillis Miller Health
 3961 Center.--

3962 (4)

3963 (e) In the event that the lease of the hospital facilities
 3964 to the not-for-profit corporation is terminated for any reason,
 3965 the University of Florida Board of Trustees shall resume
 3966 management and operation of the hospital facilities. In such
 3967 event, the University of Florida Board of Trustees Administration
 3968 ~~Commission~~ is authorized to utilize appropriate revenues
 3969 generated from the operation of the hospital facilities ~~to the~~
 3970 ~~University of Florida Board of Trustees~~ to pay the costs and
 3971 expenses of operating the hospital facility for the remainder of
 3972 the fiscal year in which such termination occurs.

3973 Section 96. Subsections (1) through (4), paragraphs (a),

PCB SLC 07-16

ORIGINAL

2007

3974 (f), and (g) of subsection (5), and paragraph (b) of subsection
 3975 (8) of section 1004.43, Florida Statutes, are amended to read:
 3976 1004.43 H. Lee Moffitt Cancer Center and Research
 3977 Institute.--There is established the H. Lee Moffitt Cancer Center
 3978 and Research Institute at the University of South Florida.
 3979 (1) The State Board of Education shall enter into an
 3980 agreement for the utilization of the facilities on the campus of
 3981 the University of South Florida to be known as the H. Lee Moffitt
 3982 Cancer Center and Research Institute, including all furnishings,
 3983 equipment, and other chattels used in the operation of said
 3984 facilities, with a Florida not-for-profit corporation organized
 3985 solely for the purpose of governing and operating the H. Lee
 3986 Moffitt Cancer Center and Research Institute. This not-for-profit
 3987 corporation, acting as an instrumentality of the State of
 3988 Florida, shall govern and operate the H. Lee Moffitt Cancer
 3989 Center and Research Institute in accordance with the terms of the
 3990 agreement between the Board of Governors ~~State Board of Education~~
 3991 and the not-for-profit corporation. The not-for-profit
 3992 corporation may, with the prior approval of the Board of
 3993 Governors ~~State Board of Education~~, create either for-profit or
 3994 not-for-profit corporate subsidiaries, or both, to fulfill its
 3995 mission. For-profit subsidiaries of the not-for-profit
 3996 corporation may not compete with for-profit health care providers
 3997 in the delivery of radiation therapy services to patients. The
 3998 not-for-profit corporation and its subsidiaries are authorized to
 3999 receive, hold, invest, and administer property and any moneys
 4000 received from private, local, state, and federal sources, as well
 4001 as technical and professional income generated or derived from
 4002 practice activities of the institute, for the benefit of the

4003 institute and the fulfillment of its mission. The affairs of the
 4004 corporation shall be managed by a board of directors who shall
 4005 serve without compensation. The President of the University of
 4006 South Florida and the chair of the Board of Governors ~~State Board~~
 4007 ~~of Education~~, or his or her designee, shall be directors of the
 4008 not-for-profit corporation, together with 5 representatives of
 4009 the state universities and no more than 14 nor fewer than 10
 4010 directors who are not medical doctors or state employees. Each
 4011 director shall have only one vote, shall serve a term of 3 years,
 4012 and may be reelected to the board. Other than the President of
 4013 the University of South Florida and the chair of the Board of
 4014 Governors ~~State Board of Education~~, directors shall be elected by
 4015 a majority vote of the board. The chair of the board of directors
 4016 shall be selected by majority vote of the directors.

4017 (2) The Board of Governors ~~State Board of Education~~ shall
 4018 provide in the agreement with the not-for-profit corporation for
 4019 the following:

4020 (a) Approval of the articles of incorporation of the not-
 4021 for-profit corporation by the Board of Governors ~~State Board of~~
 4022 ~~Education~~.

4023 (b) Approval of the articles of incorporation of any not-
 4024 for-profit corporate subsidiary created by the not-for-profit
 4025 corporation.

4026 (c) Utilization of lands, facilities, and personnel by the
 4027 not-for-profit corporation and its subsidiaries for research,
 4028 education, treatment, prevention, and the early detection of
 4029 cancer and for mutually approved teaching and research programs
 4030 conducted by the University of South Florida or other accredited
 4031 medical schools or research institutes.

PCB SLC 07-16

ORIGINAL

2007

4032 (d) Preparation of an annual financial audit of the not-
4033 for-profit corporation's accounts and records and the accounts
4034 and records of any subsidiaries to be conducted by an independent
4035 certified public accountant. The annual audit report shall
4036 include a management letter, as defined in s. 11.45, and shall be
4037 submitted to the Auditor General and the Board of Governors State
4038 ~~Board of Education~~. The Board of Governors State Board of
4039 ~~Education~~, the Auditor General, and the Office of Program Policy
4040 Analysis and Government Accountability shall have the authority
4041 to require and receive from the not-for-profit corporation and
4042 any subsidiaries or from their independent auditor any detail or
4043 supplemental data relative to the operation of the not-for-profit
4044 corporation or subsidiary.

4045 (e) Provision by the not-for-profit corporation and its
4046 subsidiaries of equal employment opportunities to all persons
4047 regardless of race, color, religion, sex, age, or national
4048 origin.

4049 (3) The Board of Governors State Board of Education is
4050 authorized to secure comprehensive general liability protection,
4051 including professional liability protection, for the not-for-
4052 profit corporation and its subsidiaries pursuant to s. 1004.24.
4053 The not-for-profit corporation and its subsidiaries shall be
4054 exempt from any participation in any property insurance trust
4055 fund established by law, including any property insurance trust
4056 fund established pursuant to chapter 284, so long as the not-for-
4057 profit corporation and its subsidiaries maintain property
4058 insurance protection with comparable or greater coverage limits.

4059 (4) In the event that the agreement between the not-for-
4060 profit corporation and the Board of Governors State Board of

PCB SLC 07-16

ORIGINAL

2007

4061 ~~Education~~ is terminated for any reason, the Board of Governors
 4062 ~~State Board of Education~~ shall resume governance and operation of
 4063 such ~~said~~ facilities.

4064 (5) The institute shall be administered by a chief
 4065 executive officer who shall serve at the pleasure of the board of
 4066 directors of the not-for-profit corporation and who shall have
 4067 the following powers and duties subject to the approval of the
 4068 board of directors:

4069 (a) The chief executive officer shall establish programs
 4070 which fulfill the mission of the institute in research,
 4071 education, treatment, prevention, and the early detection of
 4072 cancer; however, the chief executive officer shall not establish
 4073 academic programs for which academic credit is awarded and which
 4074 terminate in the conference of a degree without prior approval of
 4075 the Board of Governors ~~State Board of Education~~.

4076 (f) The chief executive officer shall have a reporting
 4077 relationship to the Board of Governors or its designee
 4078 ~~Commissioner of Education~~.

4079 (g) The chief executive officer shall provide a copy of the
 4080 institute's annual report to the Governor and Cabinet, the
 4081 President of the Senate, the Speaker of the House of
 4082 Representatives, and the chair of the Board of Governors ~~State~~
 4083 ~~Board of Education~~.

4084 (8)

4085 (b) Proprietary confidential business information is
 4086 confidential and exempt from the provisions of s. 119.07(1) and
 4087 s. 24(a), Art. I of the State Constitution. However, the Auditor
 4088 General, the Office of Program Policy Analysis and Government
 4089 Accountability, and the Board of Governors ~~State Board of~~

PCB SLC 07-16

ORIGINAL

2007

4090 ~~Education~~, pursuant to their oversight and auditing functions,
4091 must be given access to all proprietary confidential business
4092 information upon request and without subpoena and must maintain
4093 the confidentiality of information so received. As used in this
4094 paragraph, the term "proprietary confidential business
4095 information" means information, regardless of its form or
4096 characteristics, which is owned or controlled by the not-for-
4097 profit corporation or its subsidiaries; is intended to be and is
4098 treated by the not-for-profit corporation or its subsidiaries as
4099 private and the disclosure of which would harm the business
4100 operations of the not-for-profit corporation or its subsidiaries;
4101 has not been intentionally disclosed by the corporation or its
4102 subsidiaries unless pursuant to law, an order of a court or
4103 administrative body, a legislative proceeding pursuant to s. 5,
4104 Art. III of the State Constitution, or a private agreement that
4105 provides that the information may be released to the public; and
4106 which is information concerning:

- 4107 1. Internal auditing controls and reports of internal
4108 auditors;
- 4109 2. Matters reasonably encompassed in privileged attorney-
4110 client communications;
- 4111 3. Contracts for managed-care arrangements, including
4112 preferred provider organization contracts, health maintenance
4113 organization contracts, and exclusive provider organization
4114 contracts, and any documents directly relating to the
4115 negotiation, performance, and implementation of any such
4116 contracts for managed-care arrangements;
- 4117 4. Bids or other contractual data, banking records, and
4118 credit agreements the disclosure of which would impair the

4119 | efforts of the not-for-profit corporation or its subsidiaries to
 4120 | contract for goods or services on favorable terms;
 4121 | 5. Information relating to private contractual data, the
 4122 | disclosure of which would impair the competitive interest of the
 4123 | provider of the information;
 4124 | 6. Corporate officer and employee personnel information;
 4125 | 7. Information relating to the proceedings and records of
 4126 | credentialing panels and committees and of the governing board of
 4127 | the not-for-profit corporation or its subsidiaries relating to
 4128 | credentialing;
 4129 | 8. Minutes of meetings of the governing board of the not-
 4130 | for-profit corporation and its subsidiaries, except minutes of
 4131 | meetings open to the public pursuant to subsection (9);
 4132 | 9. Information that reveals plans for marketing services
 4133 | that the corporation or its subsidiaries reasonably expect to be
 4134 | provided by competitors;
 4135 | 10. Trade secrets as defined in s. 688.002, including:
 4136 | a. Information relating to methods of manufacture or
 4137 | production, potential trade secrets, potentially patentable
 4138 | materials, or proprietary information received, generated,
 4139 | ascertained, or discovered during the course of research
 4140 | conducted by the not-for-profit corporation or its subsidiaries;
 4141 | and
 4142 | b. Reimbursement methodologies or rates;
 4143 | 11. The identity of donors or prospective donors of
 4144 | property who wish to remain anonymous or any information
 4145 | identifying such donors or prospective donors. The anonymity of
 4146 | these donors or prospective donors must be maintained in the
 4147 | auditor's report; or

PCB SLC 07-16

ORIGINAL

2007

4148 12. Any information received by the not-for-profit
 4149 corporation or its subsidiaries from an agency in this or another
 4150 state or nation or the Federal Government which is otherwise
 4151 exempt or confidential pursuant to the laws of this or another
 4152 state or nation or pursuant to federal law.

4153
 4154 As used in this paragraph, the term "managed care" means systems
 4155 or techniques generally used by third-party payors or their
 4156 agents to affect access to and control payment for health care
 4157 services. Managed-care techniques most often include one or more
 4158 of the following: prior, concurrent, and retrospective review of
 4159 the medical necessity and appropriateness of services or site of
 4160 services; contracts with selected health care providers;
 4161 financial incentives or disincentives related to the use of
 4162 specific providers, services, or service sites; controlled access
 4163 to and coordination of services by a case manager; and payor
 4164 efforts to identify treatment alternatives and modify benefit
 4165 restrictions for high-cost patient care.

4166 (c) Subparagraphs 10. and 12. of paragraph (b) are subject
 4167 to the Open Government Sunset Review Act of 1995 in accordance
 4168 with s. 119.15 and shall stand repealed on October 2, 2010,
 4169 unless reviewed and saved from repeal through reenactment by the
 4170 Legislature.

4171 Section 97. Paragraph (b) of subsection (3) and subsections
 4172 (4) and (5) of section 1004.435, Florida Statutes, are amended to
 4173 read:

4174 1004.435 Cancer control and research.--

4175 (3) DEFINITIONS.--The following words and phrases when used
 4176 in this section have, unless the context clearly indicates

PCB SLC 07-16

ORIGINAL

2007

4177 otherwise, the meanings given to them in this subsection:

4178 (b) "Council" means the Florida Cancer Control and Research
 4179 Advisory Council, which is an advisory body appointed to function
 4180 on a continuing basis for the study of cancer and which
 4181 recommends solutions and policy alternatives to the Board of
 4182 Governors ~~State Board of Education~~ and the secretary and which is
 4183 established by this section.

4184 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL;
 4185 CREATION; COMPOSITION.--

4186 (a) There is created within the H. Lee Moffitt Cancer
 4187 Center and Research Institute, Inc., the Florida Cancer Control
 4188 and Research Advisory Council. The council shall consist of 34
 4189 ~~35~~ members, which includes the chairperson, all of whom must be
 4190 residents of this state. All members, except those appointed by
 4191 the Speaker of the House of Representatives and the President of
 4192 the Senate, must be appointed by the Governor. At least one of
 4193 the members appointed by the Governor must be 60 years of age or
 4194 older. One member must be a representative of the American Cancer
 4195 Society; one member must be a representative of the Florida Tumor
 4196 Registrars Association; one member must be a representative of
 4197 the Sylvester Comprehensive Cancer Center of the University of
 4198 Miami; one member must be a representative of the Department of
 4199 Health; one member must be a representative of the University of
 4200 Florida Shands Cancer Center; one member must be a representative
 4201 of the Agency for Health Care Administration; one member must be
 4202 a representative of the Florida Nurses Association; one member
 4203 must be a representative of the Florida Osteopathic Medical
 4204 Association; one member must be a representative of the American
 4205 College of Surgeons; one member must be a representative of the

PCB SLC 07-16

ORIGINAL

2007

4206 School of Medicine of the University of Miami; one member must be
 4207 a representative of the College of Medicine of the University of
 4208 Florida; one member must be a representative of NOVA Southeastern
 4209 College of Osteopathic Medicine; one member must be a
 4210 representative of the College of Medicine of the University of
 4211 South Florida; one member must be a representative of the College
 4212 of Public Health of the University of South Florida; one member
 4213 must be a representative of the Florida Society of Clinical
 4214 Oncology; one member must be a representative of the Florida
 4215 Obstetric and Gynecologic Society who has had training in the
 4216 specialty of gynecologic oncology; one member must be a
 4217 representative of the Florida Medical Association; one member
 4218 must be a member of the Florida Pediatric Society; one member
 4219 must be a representative of the Florida Radiological Society; one
 4220 member must be a representative of the Florida Society of
 4221 Pathologists; one member must be a representative of the H. Lee
 4222 Moffitt Cancer Center and Research Institute, Inc.; three members
 4223 must be representatives of the general public acting as consumer
 4224 advocates; one member must be a member of the House of
 4225 Representatives appointed by the Speaker of the House of
 4226 Representatives; one member must be a member of the Senate
 4227 appointed by the President of the Senate; ~~one member must be a~~
 4228 ~~representative of the Department of Education;~~ one member must be
 4229 a representative of the Florida Dental Association; one member
 4230 must be a representative of the Florida Hospital Association; one
 4231 member must be a representative of the Association of Community
 4232 Cancer Centers; one member shall be a representative from a
 4233 statutory teaching hospital affiliated with a community-based
 4234 cancer center; one member must be a representative of the Florida

PCB SLC 07-16

ORIGINAL

2007

4235 Association of Pediatric Tumor Programs, Inc.; one member must be
 4236 a representative of the Cancer Information Service; one member
 4237 must be a representative of the Florida Agricultural and
 4238 Mechanical University Institute of Public Health; and one member
 4239 must be a representative of the Florida Society of Oncology
 4240 Social Workers. Of the members of the council appointed by the
 4241 Governor, at least 10 must be individuals who are minority
 4242 persons as defined by s. 288.703(3).

4243 (b) The terms of the members shall be 4 years from their
 4244 respective dates of appointment.

4245 (c) A chairperson shall be appointed by the Governor for a
 4246 term of 2 years. The chairperson shall appoint an executive
 4247 committee of no fewer than three persons to serve at the pleasure
 4248 of the chairperson. This committee will prepare material for the
 4249 council but make no final decisions.

4250 (d) The council shall meet no less than semiannually at the
 4251 call of the chairperson or, in his or her absence or incapacity,
 4252 at the call of the secretary. Sixteen members constitute a
 4253 quorum for the purpose of exercising all of the powers of the
 4254 council. A vote of the majority of the members present is
 4255 sufficient for all actions of the council.

4256 (e) The council members shall serve without pay. Pursuant
 4257 to the provisions of s. 112.061, the council members may be
 4258 entitled to be reimbursed for per diem and travel expenses.

4259 (f) No member of the council shall participate in any
 4260 discussion or decision to recommend grants or contracts to any
 4261 qualified nonprofit association or to any agency of this state or
 4262 its political subdivisions with which the member is associated as
 4263 a member of the governing body or as an employee or with which

PCB SLC 07-16

ORIGINAL

2007

4264 the member has entered into a contractual arrangement.

4265 (g) The council may prescribe, amend, and repeal bylaws
4266 governing the manner in which the business of the council is
4267 conducted.

4268 (h) The council shall advise the Board of Governors ~~State~~
4269 ~~Board of Education~~, the secretary, and the Legislature with
4270 respect to cancer control and research in this state.

4271 (i) The council shall approve each year a program for
4272 cancer control and research to be known as the "Florida Cancer
4273 Plan" which shall be consistent with the State Health Plan and
4274 integrated and coordinated with existing programs in this state.

4275 (j) The council shall formulate and recommend to the
4276 secretary a plan for the care and treatment of persons suffering
4277 from cancer and recommend the establishment of standard
4278 requirements for the organization, equipment, and conduct of
4279 cancer units or departments in hospitals and clinics in this
4280 state. The council may recommend to the secretary the designation
4281 of cancer units following a survey of the needs and facilities
4282 for treatment of cancer in the various localities throughout the
4283 state. The secretary shall consider the plan in developing
4284 departmental priorities and funding priorities and standards
4285 under chapter 395.

4286 (k) The council is responsible for including in the Florida
4287 Cancer Plan recommendations for the coordination and integration
4288 of medical, nursing, paramedical, lay, and other plans concerned
4289 with cancer control and research. Committees shall be formed by
4290 the council so that the following areas will be established as
4291 entities for actions:

4292 1. Cancer plan evaluation: tumor registry, data retrieval

PCB SLC 07-16

ORIGINAL

2007

4293 systems, and epidemiology of cancer in the state and its relation
 4294 to other areas.

4295 2. Cancer prevention.

4296 3. Cancer detection.

4297 4. Cancer patient management: treatment, rehabilitation,
 4298 terminal care, and other patient-oriented activities.

4299 5. Cancer education: lay and professional.

4300 6. Unproven methods of cancer therapy: quackery and
 4301 unorthodox therapies.

4302 7. Investigator-initiated project research.

4303 (l) In order to implement in whole or in part the Florida
 4304 Cancer Plan, the council shall recommend to the Board of
 4305 Governors ~~State Board of Education~~ or the secretary the awarding
 4306 of grants and contracts to qualified profit or nonprofit
 4307 associations or governmental agencies in order to plan,
 4308 establish, or conduct programs in cancer control or prevention,
 4309 cancer education and training, and cancer research.

4310 (m) If funds are specifically appropriated by the
 4311 Legislature, the council shall develop or purchase standardized
 4312 written summaries, written in layperson's terms and in language
 4313 easily understood by the average adult patient, informing actual
 4314 and high-risk breast cancer patients, prostate cancer patients,
 4315 and men who are considering prostate cancer screening of the
 4316 medically viable treatment alternatives available to them in the
 4317 effective management of breast cancer and prostate cancer;
 4318 describing such treatment alternatives; and explaining the
 4319 relative advantages, disadvantages, and risks associated
 4320 therewith. The breast cancer summary, upon its completion, shall
 4321 be printed in the form of a pamphlet or booklet and made

PCB SLC 07-16

ORIGINAL

2007

4322 continuously available to physicians and surgeons in this state
4323 for their use in accordance with s. 458.324 and to osteopathic
4324 physicians in this state for their use in accordance with s.
4325 459.0125. The council shall periodically update both summaries
4326 to reflect current standards of medical practice in the treatment
4327 of breast cancer and prostate cancer. The council shall develop
4328 and implement educational programs, including distribution of the
4329 summaries developed or purchased under this paragraph, to inform
4330 citizen groups, associations, and voluntary organizations about
4331 early detection and treatment of breast cancer and prostate
4332 cancer.

4333 (n) The council shall have the responsibility to advise the
4334 Board of Governors ~~State Board of Education~~ and the secretary on
4335 methods of enforcing and implementing laws already enacted and
4336 concerned with cancer control, research, and education.

4337 (o) The council may recommend to the Board of Governors
4338 ~~State Board of Education~~ or the secretary rules not inconsistent
4339 with law as it may deem necessary for the performance of its
4340 duties and the proper administration of this section.

4341 (p) The council shall formulate and put into effect a
4342 continuing educational program for the prevention of cancer and
4343 its early diagnosis and disseminate to hospitals, cancer
4344 patients, and the public information concerning the proper
4345 treatment of cancer.

4346 (q) The council shall be physically located at the H. Lee
4347 Moffitt Cancer Center and Research Institute, Inc., at the
4348 University of South Florida.

4349 (r) On February 15 of each year, the council shall report
4350 to the Governor and to the Legislature.

PCB SLC 07-16

ORIGINAL

2007

4351 (5) RESPONSIBILITIES OF THE BOARD OF GOVERNORS ~~STATE BOARD~~
4352 ~~OF EDUCATION~~, THE H. LEE MOFFITT CANCER CENTER AND RESEARCH
4353 INSTITUTE, INC., AND THE SECRETARY.--

4354 (a) The Board of Governors ~~State Board of Education~~ or the
4355 secretary, after consultation with the council, shall award
4356 grants and contracts to qualified nonprofit associations and
4357 governmental agencies in order to plan, establish, or conduct
4358 programs in cancer control and prevention, cancer education and
4359 training, and cancer research.

4360 (b) The H. Lee Moffitt Cancer Center and Research
4361 Institute, Inc., shall provide such staff, information, and other
4362 assistance as reasonably necessary for the completion of the
4363 responsibilities of the council.

4364 (c) The Board of Governors ~~State Board of Education~~ or the
4365 secretary, after consultation with the council, may adopt rules
4366 necessary for the implementation of this section.

4367 (d) The secretary, after consultation with the council,
4368 shall make rules specifying to what extent and on what terms and
4369 conditions cancer patients of the state may receive financial aid
4370 for the diagnosis and treatment of cancer in any hospital or
4371 clinic selected. The department may furnish to citizens of this
4372 state who are afflicted with cancer financial aid to the extent
4373 of the appropriation provided for that purpose in a manner which
4374 in its opinion will afford the greatest benefit to those
4375 afflicted and may make arrangements with hospitals, laboratories,
4376 or clinics to afford proper care and treatment for cancer
4377 patients in this state.

4378 Section 98. Subsections (2) through (5), paragraphs (a),
4379 (f), (g), and (h) of subsection (6), and subsection (10) of

PCB SLC 07-16

ORIGINAL

2007

4380 section 1004.445, Florida Statutes, are amended to read:
 4381 1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and
 4382 Research Institute.--
 4383 (2)(a) The State Board of Education shall enter into an
 4384 agreement for the utilization of the facilities on the campus of
 4385 the University of South Florida to be known as the Johnnie B.
 4386 Byrd, Sr., Alzheimer's Center and Research Institute, including
 4387 all furnishings, equipment, and other chattels used in the
 4388 operation of those facilities, with a Florida not-for-profit
 4389 corporation organized solely for the purpose of governing and
 4390 operating the Johnnie B. Byrd, Sr., Alzheimer's Center and
 4391 Research Institute. This not-for-profit corporation, acting as an
 4392 instrumentality of the state, shall govern and operate the
 4393 Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute
 4394 in accordance with the terms of the agreement between the State
 4395 Board of Education and the not-for-profit corporation. The not-
 4396 for-profit corporation may, with the prior approval of the Board
 4397 of Governors ~~State Board of Education~~, create either for-profit
 4398 or not-for-profit corporate subsidiaries, or both, to fulfill its
 4399 mission. The not-for-profit corporation and its subsidiaries are
 4400 authorized to receive, hold, invest, and administer property and
 4401 any moneys acquired from private, local, state, and federal
 4402 sources, as well as technical and professional income generated
 4403 or derived from practice activities of the institute, for the
 4404 benefit of the institute and the fulfillment of its mission.
 4405 Effective July 1, 2007, the agreement authority provided to the
 4406 State Board of Education is transferred to the Board of
 4407 Governors.
 4408 (b) The affairs of the not-for-profit corporation shall be

PCB SLC 07-16

ORIGINAL

2007

4409 managed by a board of directors who shall serve without
4410 compensation. The board of directors shall consist of the
4411 President of the University of South Florida and the chair of the
4412 Board of Governors ~~State Board of Education~~, or their designees,
4413 five representatives of the state universities, and nine
4414 representatives of the public who are neither medical doctors nor
4415 state employees. Each director who is a representative of a state
4416 university or of the public shall be appointed to serve a term of
4417 3 years. The chair of the board of directors shall be selected by
4418 a majority vote of the directors. Each director shall have only
4419 one vote. Of the five university representatives, one shall be
4420 appointed by the Governor, two by the President of the Senate,
4421 and two by the Speaker of the House of Representatives; and of
4422 the nine public representatives, three shall be appointed by the
4423 Governor, three by the President of the Senate, and three by the
4424 Speaker of the House of Representatives. Any vacancy in office
4425 shall be filled in the same manner as the original appointment.
4426 Any director may be reappointed.

4427 (3) The Board of Governors ~~State Board of Education~~ shall
4428 provide in the agreement with the not-for-profit corporation for
4429 the following:

4430 (a) Approval by the Board of Governors ~~State Board of~~
4431 ~~Education~~ of the articles of incorporation of the not-for-profit
4432 corporation.

4433 (b) Approval by the Board of Governors ~~State Board of~~
4434 ~~Education~~ of the articles of incorporation of any not-for-profit
4435 corporate subsidiary created by the not-for-profit corporation.

4436 (c) Utilization of lands, facilities, and personnel by the
4437 not-for-profit corporation and its subsidiaries for research,

PCB SLC 07-16

ORIGINAL

2007

4438 education, treatment, prevention, and the early detection of
4439 Alzheimer's disease and for mutually approved teaching and
4440 research programs conducted by the University of South Florida or
4441 other accredited medical schools or research institutes.

4442 (d) Preparation of an annual financial audit pursuant to s.
4443 11.45 of the not-for-profit corporation's accounts and the
4444 accounts of any subsidiaries to be conducted by an independent
4445 certified public accountant. The annual audit report shall
4446 include management letters and shall be submitted to the Auditor
4447 General and the Board of Governors ~~State Board of Education~~ for
4448 review. The Board of Governors ~~State Board of Education~~, the
4449 Auditor General, and the Office of Program Policy Analysis and
4450 Government Accountability shall have the authority to require and
4451 receive from the not-for-profit corporation and any subsidiaries,
4452 or from their independent auditor, any detail or supplemental
4453 data relative to the operation of the not-for-profit corporation
4454 or subsidiary.

4455 (e) Provision by the not-for-profit corporation and its
4456 subsidiaries of equal employment opportunities for all persons
4457 regardless of race, color, religion, gender, age, or national
4458 origin.

4459 (4) The Board of Governors ~~State Board of Education~~ is
4460 authorized to secure comprehensive general liability protection,
4461 including professional liability protection, for the not-for-
4462 profit corporation and its subsidiaries, pursuant to s. 1004.24.
4463 The not-for-profit corporation and its subsidiaries shall be
4464 exempt from any participation in any property insurance trust
4465 fund established by law, including any property insurance trust
4466 fund established pursuant to chapter 284, so long as the not-for-

PCB SLC 07-16

ORIGINAL

2007

4467 profit corporation and its subsidiaries maintain property
4468 insurance protection with comparable or greater coverage limits.

4469 (5) In the event that the agreement between the not-for-
4470 profit corporation and the Board of Governors ~~State Board of~~
4471 ~~Education~~ is terminated for any reason, the Board of Governors
4472 ~~State Board of Education~~ shall assume governance and operation of
4473 the facilities.

4474 (6) The institute shall be administered by a chief
4475 executive officer, who shall be appointed by and serve at the
4476 pleasure of the board of directors of the not-for-profit
4477 corporation, and who shall exercise the following powers and
4478 duties, subject to the approval of the board of directors:

4479 (a) The chief executive officer shall establish programs
4480 that fulfill the mission of the institute in research, education,
4481 treatment, prevention, and early detection of Alzheimer's
4482 disease; however, the chief executive officer may not establish
4483 academic programs for which academic credit is awarded and which
4484 culminate in the conferring of a degree, without prior approval
4485 of the Board of Governors ~~State Board of Education~~.

4486 (f) The chief executive officer shall have a reporting
4487 relationship to the Board of Governors or its designee
4488 ~~Commissioner of Education~~.

4489 (g) The chief executive officer shall provide a copy of the
4490 institute's annual report to the Governor and Cabinet, the
4491 President of the Senate, the Speaker of the House of
4492 Representatives, and the chair of the Board of Governors ~~State~~
4493 ~~Board of Education~~. The annual report shall describe the
4494 expenditure of all funds and shall provide information regarding
4495 research that has been conducted or funded by the center, as well

PCB SLC 07-16

ORIGINAL

2007

4496 as the expected and actual results of such research.

4497 (h) By August 1 of each year, the chief executive officer
 4498 shall develop and submit to the Governor and Cabinet, the
 4499 President of the Senate, the Speaker of the House of
 4500 Representatives, and the chair of the Board of Governors ~~State~~
 4501 ~~Board of Education~~ an annual operating budget detailing the
 4502 planned use of state, federal, and private funds for the fiscal
 4503 year.

4504 (10) The following information is confidential and exempt
 4505 from s. 119.07(1) and s. 24, Art. I of the State Constitution:

4506 (a) Personal identifying information relating to clients of
 4507 programs created or funded through the Johnnie B. Byrd, Sr.,
 4508 Alzheimer's Center and Research Institute that is held by the
 4509 institute, the University of South Florida, the Board of
 4510 Governors, or the State Board of Education;

4511 (b) Medical or health records relating to patients held by
 4512 the institute;

4513 (c) Materials that relate to methods of manufacture or
 4514 production, potential trade secrets, potentially patentable
 4515 material, actual trade secrets as defined in s. 688.002, or
 4516 proprietary information received, generated, ascertained, or
 4517 discovered during the course of research conducted by or through
 4518 the institute and business transactions resulting from such
 4519 research;

4520 (d) The personal identifying information of a donor or
 4521 prospective donor to the institute who wishes to remain
 4522 anonymous; and

4523 (e) Any information received by the institute from a person
 4524 from another state or nation or the Federal Government that is

PCB SLC 07-16

ORIGINAL

2007

4525 otherwise confidential or exempt pursuant to the laws of that
 4526 state or nation or pursuant to federal law.

4527
 4528 Any governmental entity that demonstrates a need to access such
 4529 confidential and exempt information in order to perform its
 4530 duties and responsibilities shall have access to such
 4531 information.

4532 Section 99. Paragraph (f) of subsection (7) of section
 4533 1004.447, Florida Statutes, is amended to read:

4534 1004.447 Florida Institute for Human and Machine Cognition,
 4535 Inc.--

4536 (7) The corporation shall employ a chief executive officer
 4537 to administer the affairs of the Florida Institute for Human and
 4538 Machine Cognition, Inc. The chief executive officer shall be
 4539 appointed by and serve at the pleasure of the board of directors.
 4540 The chief executive officer shall exercise the following powers
 4541 and duties, subject to the approval of the board of directors:

4542 (f) Annually report in writing to the Board of Governors
 4543 ~~Commissioner of Education~~ on the activities of the institute and
 4544 state budget allocation expenditures.

4545 Section 100. Section 1004.47, Florida Statutes, is amended
 4546 to read:

4547 1004.47 Research activities relating to solid and hazardous
 4548 waste management.--Research, training, and service activities
 4549 related to solid and hazardous waste management conducted by
 4550 state universities shall be coordinated by the Board of Governors
 4551 ~~State Board of Education~~. Proposals for research contracts and
 4552 grants; public service assignments; and responses to requests for
 4553 information and technical assistance by state and local

PCB SLC 07-16

ORIGINAL

2007

4554 government, business, and industry shall be addressed by a formal
4555 ~~Type I Center~~ process involving an advisory board of university
4556 personnel appointed by the Chancellor of the State University
4557 System Commissioner of Education and chaired and directed by an
4558 individual appointed by the Chancellor of the State University
4559 System Commissioner of Education. The Board of Governors State
4560 Board of Education shall consult with the Department of
4561 Environmental Protection in developing the research programs and
4562 provide the department with a copy of the proposed research
4563 program for review and comment before the research is undertaken.
4564 Research contracts shall be awarded to independent nonprofit
4565 colleges and universities within the state which are accredited
4566 by the Southern Association of Colleges and Schools on the same
4567 basis as those research contracts awarded to the state
4568 universities. Research activities shall include, but are not
4569 limited to, the following areas:

4570 (1) Methods and processes for recycling solid and hazardous
4571 waste.

4572 (2) Methods of treatment for detoxifying hazardous waste.

4573 (3) Technologies for disposing of solid and hazardous
4574 waste.

4575 Section 101. Paragraph (b) of subsection (1), paragraphs
4576 (a) and (i) of subsection (2), and subsection (3) of section
4577 1004.58, Florida Statutes, are amended to read:

4578 1004.58 Leadership Board for Applied Research and Public
4579 Service.--

4580 (1) There is created the Leadership Board for Applied
4581 Research and Public Service to be staffed by the Institute of
4582 Science and Public Affairs at Florida State University. The

PCB SLC 07-16

ORIGINAL

2007

4583 | purpose of the board is to focus, coordinate, and maximize
 4584 | university resources on current issues and events affecting
 4585 | Florida's residents and elected officials. Emphasis shall be
 4586 | placed on being responsive to and providing accurate, timely,
 4587 | useful, and relevant information to decisionmakers in state and
 4588 | local governments. The board shall set forth a process to provide
 4589 | comprehensive guidance and advice for improving the types and
 4590 | quality of services to be delivered by the state universities.
 4591 | Specifically, the board shall better identify and define the
 4592 | missions and roles of existing institutes and centers at each
 4593 | state university, work to eliminate duplication and confusion
 4594 | over conflicting roles and missions, involve more students in
 4595 | learning with applied research and public service activities, and
 4596 | be organizationally separate from academic departments. The board
 4597 | shall meet at least quarterly. The board may create internal
 4598 | management councils that may include working institute and center
 4599 | directors. The board is responsible for, but is not limited to:

4600 | (b) Addressing state university policy matters and making
 4601 | recommendations to the Board of Governors ~~State Board of~~
 4602 | ~~Education~~ as they relate to applied public service and research.

4603 | (2) Membership of the board shall be:

4604 | (a) The Chancellor of the State University System
 4605 | ~~Commissioner of Education~~, or the chancellor's commissioner's
 4606 | designee, who shall serve as chair.

4607 | (i) Five additional university president members,
 4608 | designated by the chancellor ~~commissioner~~, to rotate annually.

4609 | (3) The board shall prepare a report for the Board of
 4610 | Governors ~~State Board of Education~~ to be submitted to the
 4611 | Governor and the Legislature by January 1 of each year which

PCB SLC 07-16

ORIGINAL

2007

4612 summarizes the work and recommendations of the board in meeting
4613 its purpose and mission.

4614 Section 102. Paragraph (d) of subsection (1) of section
4615 1005.03, Florida Statutes, is amended to read:

4616 1005.03 Designation "college" or "university".--

4617 (1) The use of the designation "college" or "university" in
4618 combination with any series of letters, numbers, or words is
4619 restricted in this state to colleges or universities as defined
4620 in s. 1005.02 that offer degrees as defined in s. 1005.02 and
4621 fall into at least one of the following categories:

4622 (d) A college that is ~~under the jurisdiction of the~~
4623 ~~Division of Colleges and Universities of the Department of~~
4624 ~~Education, whose students are eligible to participate in for~~ the
4625 William L. Boyd, IV, Florida Resident Access Grant Program, and
4626 that is a nonprofit independent college or university located and
4627 chartered in this state and accredited by the Commission on
4628 Colleges of the Southern Association of Colleges and Schools to
4629 grant baccalaureate degrees.

4630 Section 103. Paragraph (c) of subsection (1) of section
4631 1005.06, Florida Statutes, is amended to read:

4632 1005.06 Institutions not under the jurisdiction or purview
4633 of the commission.--

4634 (1) Except as otherwise provided in law, the following
4635 institutions are not under the jurisdiction or purview of the
4636 commission and are not required to obtain licensure:

4637 (c) Any institution that is ~~under the jurisdiction of the~~
4638 ~~Division of Colleges and Universities of the Department of~~
4639 ~~Education, whose students are eligible to participate in for~~ the
4640 William L. Boyd, IV, Florida Resident Access Grant Program, and

PCB SLC 07-16

ORIGINAL

2007

4641 that is a nonprofit independent college or university located and
 4642 chartered in this state and accredited by the Commission on
 4643 Colleges of the Southern Association of Colleges and Schools to
 4644 grant baccalaureate degrees.

4645 Section 104. Paragraph (e) of subsection (2) of section
 4646 1005.22, Florida Statutes, is amended to read:

4647 1005.22 Powers and duties of commission.--

4648 (2) The commission may:

4649 (e) Advise the Governor, the Legislature, the State Board
 4650 of Education, ~~the Council for Education Policy Research and~~
 4651 ~~Improvement~~, and the Commissioner of Education on issues relating
 4652 to private postsecondary education.

4653 Section 105. Section 1006.53, Florida Statutes, is amended
 4654 to read:

4655 1006.53 Religious observances.--Each public postsecondary
 4656 educational institution shall adopt a policy ~~in accordance with~~
 4657 ~~rules of the State Board of Education~~ which reasonably
 4658 accommodates the religious observance, practice, and belief of
 4659 individual students in regard to admissions, class attendance,
 4660 and the scheduling of examinations and work assignments. Each
 4661 policy shall include a grievance procedure by which a student who
 4662 believes that he or she has been unreasonably denied an
 4663 educational benefit due to his or her religious belief or
 4664 practices may seek redress. Such policy shall be made known to
 4665 faculty and students annually in inclusion in the institution's
 4666 handbook, manual, or other similar document regularly provided to
 4667 faculty and students.

4668 Section 106. Subsection (3) of section 1006.60, Florida
 4669 Statutes, is amended to read:

PCB SLC 07-16

ORIGINAL

2007

4670 1006.60 Codes of conduct; disciplinary measures; rulemaking
4671 authority.--

4672 (3) Sanctions authorized by such codes of conduct may be
4673 imposed only for acts or omissions in violation of rules adopted
4674 by the institution, including rules adopted under this section,
4675 rules of the State Board of Education or the Board of Governors
4676 regarding the State University System, county and municipal
4677 ordinances, and the laws of this state, the United States, or any
4678 other state.

4679 Section 107. Subsection (1) of section 1006.61, Florida
4680 Statutes, is amended to read:

4681 1006.61 Participation by students in disruptive activities
4682 at public postsecondary educational institution; penalties.--

4683 (1) Any person who accepts the privilege extended by the
4684 laws of this state of attendance at any public postsecondary
4685 educational institution shall, by attending such institution, be
4686 deemed to have given his or her consent to the policies of that
4687 institution, the State Board of Education, and the Board of
4688 Governors regarding the State University System, and the laws of
4689 this state. Such policies shall include prohibition against
4690 disruptive activities at public postsecondary educational
4691 institutions.

4692 Section 108. Subsections (1) and (3) of section 1006.62,
4693 Florida Statutes, are amended to read:

4694 1006.62 Expulsion and discipline of students of community
4695 colleges and state universities.--

4696 (1) Each student in a community college or state university
4697 is subject to federal and state law, respective county and
4698 municipal ordinances, and all rules and regulations of the State

PCB SLC 07-16

ORIGINAL

2007

4699 | Board of Education, the Board of Governors regarding the State
 4700 | University System, or the board of trustees of the institution.

4701 | (3) Each president of a community college or state
 4702 | university may, after notice to the student of the charges and
 4703 | after a hearing thereon, ~~to~~ expel, suspend, or otherwise
 4704 | discipline any student who is found to have violated any law,
 4705 | ordinance, or rule or regulation of the State Board of Education,
 4706 | the Board of Governors regarding the State University System, or
 4707 | ~~of~~ the board of trustees of the institution. A student may be
 4708 | entitled to waiver of expulsion:

4709 | (a) If the student provides substantial assistance in the
 4710 | identification, arrest, or conviction of any of his or her
 4711 | accomplices, accessories, coconspirators, or principals or of any
 4712 | other person engaged in violations of chapter 893 within a state
 4713 | university or community college;

4714 | (b) If the student voluntarily discloses his or her
 4715 | violations of chapter 893 prior to his or her arrest; or

4716 | (c) If the student commits himself or herself, or is
 4717 | referred by the court in lieu of sentence, to a state-licensed
 4718 | drug abuse program and successfully completes the program.

4719 | Section 109. Section 1006.65, Florida Statutes, is amended
 4720 | to read:

4721 | 1006.65 Safety issues in courses offered by public
 4722 | postsecondary educational institutions.--

4723 | (1) The State Board of Education shall adopt rules to
 4724 | ensure that policies and procedures are in place to protect the
 4725 | health and safety of students, instructional personnel, and
 4726 | visitors who participate in courses offered by a community
 4727 | college ~~public postsecondary educational institution.~~

PCB SLC 07-16

ORIGINAL

2007

4728 (2) The Board of Governors shall adopt rules to ensure that
4729 policies and procedures are in place to protect the health and
4730 safety of students, instructional personnel, and visitors who
4731 participate in courses offered by a state university.

4732 ~~(3)-(2)~~ Such policies and procedures shall be guided by
4733 industry standards for practices in the course content area and
4734 shall conform with all related and relevant state and federal
4735 health and safety requirements.

4736 Section 110. Section 1006.71, Florida Statutes, is amended
4737 to read:

4738 1006.71 Gender equity in intercollegiate athletics.--

4739 (1) GENDER EQUITY PLAN.--

4740 (a) Each community college and state university shall
4741 develop a gender equity plan pursuant to s. 1000.05.

4742 (b) The plan shall include consideration of equity in
4743 sports offerings, participation, availability of facilities,
4744 scholarship offerings, and funds allocated for administration,
4745 recruitment, comparable coaching, publicity and promotion, and
4746 other support costs.

4747 (c) The Commissioner of Education shall annually assess the
4748 progress of each community college's ~~institution's~~ plan and
4749 advise the State Board of Education and the Legislature regarding
4750 compliance.

4751 (d) The Chancellor of the State University System shall
4752 annually assess the progress of each state university's plan and
4753 advise the Board of Governors and the Legislature regarding
4754 compliance.

4755 ~~(e)-(d)~~ Each board of trustees of a public community college
4756 or state university shall annually evaluate the presidents on the

PCB SLC 07-16

ORIGINAL

2007

4757 extent to which the gender equity goals have been achieved.

4758 ~~(f)~~~~(e)~~ To determine the proper level of support for women's
4759 athletic scholarships, an equity plan may determine, where
4760 appropriate, that support for women's scholarships may be
4761 disproportionate to the support of scholarships for men.

4762 (g)1.~~(f)~~ If a community college ~~or state university~~ is not
4763 in compliance with Title IX of the Education Amendments of 1972
4764 and the Florida Educational Equity Act, the State Board of
4765 Education shall:

4766 a.1. ~~Declare the community college institution~~ ineligible
4767 for competitive state grants.

4768 b.2. Withhold funds sufficient to obtain compliance.

4769
4770 The community college institution shall remain ineligible and the
4771 funds shall not be paid until the community college institution
4772 comes into compliance or the Commissioner of Education approves a
4773 plan for compliance.

4774 2. If a state university is not in compliance with Title IX
4775 of the Education Amendments of 1972 and the Florida Educational
4776 Equity Act, the Board of Governors shall:

4777 a. Declare the state university ineligible for competitive
4778 state grants.

4779 b. Withhold funds sufficient to obtain compliance.

4780
4781 The state university shall remain ineligible and the funds shall
4782 not be paid until the state university comes into compliance or
4783 the Board of Governors approves a plan for compliance.

4784 (2) FUNDING.--

4785 (a) An equitable portion of all separate athletic fees

PCB SLC 07-16

ORIGINAL

2007

4786 shall be designated for women's intercollegiate athletics.

4787 (b) The level of funding and percentage share of support
4788 for women's intercollegiate athletics for community colleges
4789 shall be determined by the State Board of Education. The level of
4790 funding and percentage share of support for women's
4791 intercollegiate athletics for state universities shall be
4792 determined by the Board of Governors. The level of funding and
4793 percentage share attained in the 1980-1981 fiscal year shall be
4794 the minimum level and percentage maintained by each institution,
4795 except as the State Board of Education or the Board of Governors
4796 otherwise directs its respective institutions for the purpose of
4797 assuring equity. Consideration shall be given by the State Board
4798 of Education or the Board of Governors to emerging athletic
4799 programs at institutions which may not have the resources to
4800 secure external funds to provide athletic opportunities for
4801 women. It is the intent that the effect of any redistribution of
4802 funds among institutions shall not negate the requirements as set
4803 forth in this section.

4804 (c) In addition to the above amount, an amount equal to the
4805 sales taxes collected from admission to athletic events sponsored
4806 by a state university shall be retained and utilized by each
4807 university to support women's athletics.

4808 (3) STATE BOARD OF EDUCATION.--The State Board of Education
4809 shall assure equal opportunity for female athletes at community
4810 colleges and establish:

4811 (a) Guidelines for reporting of intercollegiate athletics
4812 data concerning financial, program, and facilities information
4813 for review by the State Board of Education annually.

4814 (b) Systematic audits for the evaluation of such data.

PCB SLC 07-16

ORIGINAL

2007

4815 (c) Criteria for determining and assuring equity.
 4816 (4) BOARD OF GOVERNORS.--The Board of Governors shall
 4817 ensure equal opportunity for female athletes at state
 4818 universities and establish:
 4819 (a) Guidelines for reporting of intercollegiate athletics
 4820 data concerning financial, program, and facilities information
 4821 for review by the Board of Governors annually.
 4822 (b) Systematic audits for the evaluation of such data.
 4823 (c) Criteria for determining and ensuring equity.
 4824 Section 111. Section 1007.01, Florida Statutes, is amended
 4825 to read:
 4826 1007.01 Articulation; legislative intent; purpose; role of
 4827 the State Board of Education and the Board of Governors.--
 4828 (1) It is the intent of the Legislature to facilitate
 4829 articulation and seamless integration of the K-20 education
 4830 system by building and sustaining relationships among K-20 public
 4831 organizations, between public and private organizations, and
 4832 between the education system as a whole and Florida's
 4833 communities. The purpose of building and sustaining these
 4834 relationships is to provide for the efficient and effective
 4835 progression and transfer of students within the education system
 4836 and to allow students to proceed toward their educational
 4837 objectives as rapidly as their circumstances permit.
 4838 (2) To improve and facilitate articulation systemwide, the
 4839 State Board of Education and the Board of Governors shall
 4840 recommend develop policies and guidelines to the Legislature with
 4841 input from statewide K-20 advisory groups established by the
 4842 Commissioner of Education relating to:
 4843 (a) The alignment between the exit requirements of one

PCB SLC 07-16

ORIGINAL

2007

4844 system and the admissions requirements of another system into
 4845 which students typically transfer.

4846 (b) The identification of common courses, the level of
 4847 courses, institutional participation in a statewide course
 4848 numbering system, and the transferability of credits among such
 4849 institutions.

4850 (c) Identification of courses that meet general education
 4851 or common degree program prerequisite requirements at public
 4852 postsecondary educational institutions.

4853 (d) Dual enrollment course equivalencies.

4854 (e) Articulation agreements.

4855 Section 112. Subsection (1) of section 1007.22, Florida
 4856 Statutes, is amended to read:

4857 1007.22 Articulation; postsecondary institution
 4858 coordination and collaboration.--

4859 (1) The university boards of trustees, community college
 4860 boards of trustees, and district school boards are encouraged to
 4861 ~~may~~ establish intrainstitutional and interinstitutional programs
 4862 to maximize articulation. Programs may include upper-division-
 4863 level courses offered at the community college, distance
 4864 learning, transfer agreements that facilitate the transfer of
 4865 credits between public and nonpublic postsecondary institutions,
 4866 and the concurrent enrollment of students at a community college
 4867 and a state university to enable students to take any level of
 4868 baccalaureate degree coursework.

4869 Section 113. Subsections (1), (2), and (5) of section
 4870 1007.23, Florida Statutes, are amended to read:

4871 1007.23 Statewide articulation agreement.--

4872 (1) The State Board of Education, in consultation with the

PCB SLC 07-16

ORIGINAL

2007

4873 Board of Governors, shall establish in rule a statewide
 4874 articulation agreement that governs:
 4875 (a) Articulation between secondary and postsecondary
 4876 education;
 4877 (b) Admission of associate in arts degree graduates from
 4878 community colleges and state universities;
 4879 (c) Admission of applied technology diploma program
 4880 graduates from community colleges or career centers;
 4881 (d) Admission of associate in science degree and associate
 4882 in applied science degree graduates from community colleges;
 4883 (e) The use of acceleration mechanisms, including
 4884 nationally standardized examinations through which students may
 4885 earn credit;
 4886 (f) General education requirements and statewide course
 4887 numbers as provided for in ss. 1007.24 and 1007.25; and
 4888 (g) Articulation among programs in nursing.
 4889 (2) The articulation agreement must specifically provide
 4890 that every associate in arts graduate of a community college
 4891 shall have met all general education requirements and must be
 4892 granted admission to the upper division of a state university
 4893 except to a limited access or teacher certification program or a
 4894 major program requiring an audition. ~~After admission has been~~
 4895 ~~granted to students under provisions of this section and to~~
 4896 ~~university students who have successfully completed 60 credit~~
 4897 ~~hours of coursework, including 36 hours of general education, and~~
 4898 ~~met the requirements of s. 1008.29, admission shall be granted to~~
 4899 ~~state university and community college students who have~~
 4900 ~~successfully completed 60 credit hours of work, including 36~~
 4901 ~~hours of general education.~~ Community college associate in arts

PCB SLC 07-16

ORIGINAL

2007

4902 graduates shall receive priority for admission to a state
 4903 university over out-of-state students. Orientation programs and
 4904 student handbooks provided to freshman enrollees and transfer
 4905 students at state universities must include an explanation of
 4906 this provision of the articulation agreement.

4907 (5) The articulation agreement must guarantee the
 4908 articulation of 9 credit hours toward a postsecondary degree in
 4909 early childhood education for programs approved by the State
 4910 Board of Education and the Board of Governors which:

4911 (a) Award a child development associate credential issued
 4912 by the National Credentialing Program of the Council for
 4913 Professional Recognition or award a credential approved under s.
 4914 1002.55(3)(c)1.b. or s. 402.305(3)(c) as being equivalent to the
 4915 child development associate credential; and

4916 (b) Include training in emergent literacy which meets or
 4917 exceeds the minimum standards for training courses for
 4918 prekindergarten instructors of the Voluntary Prekindergarten
 4919 Education Program in s. 1002.59.

4920 Section 114. Subsections (1), (2), (3), and (4) of section
 4921 1007.24, Florida Statutes, are amended to read:

4922 1007.24 Statewide course numbering system.--

4923 (1) The Department of Education, in conjunction with the
 4924 Board of Governors, shall develop, coordinate, and maintain a
 4925 statewide course numbering system for postsecondary and dual
 4926 enrollment education in school districts, public postsecondary
 4927 educational institutions, and participating nonpublic
 4928 postsecondary educational institutions that will improve program
 4929 planning, increase communication among all delivery systems, and
 4930 facilitate student acceleration and the transfer of students and

PCB SLC 07-16

ORIGINAL

2007

4931 credits between public school districts, public postsecondary
 4932 educational institutions, and participating nonpublic educational
 4933 institutions. The continuing maintenance of the system shall be
 4934 accomplished with the assistance of appropriate faculty
 4935 committees representing public and participating nonpublic
 4936 educational institutions.

4937 (2) The Commissioner of Education, in conjunction with the
 4938 Chancellor of the State University System, shall appoint faculty
 4939 committees representing faculties of participating institutions
 4940 to recommend a single level for each course, including
 4941 postsecondary career education courses, included in the statewide
 4942 course numbering system.

4943 (a) Any course designated as an upper-division-level course
 4944 must be characterized by a need for advanced academic preparation
 4945 and skills that a student would be unlikely to achieve without
 4946 significant prior coursework.

4947 (b) A course that is offered as part of an associate in
 4948 science degree program and as an upper-division course for a
 4949 baccalaureate degree shall be designated for both the lower and
 4950 upper division.

4951 (c) A course designated as lower-division may be offered by
 4952 any community college.

4953 (3) The Commissioner of Education shall recommend to the
 4954 State Board of Education the levels for the courses. The State
 4955 Board of Education, with input from the Board of Governors, shall
 4956 approve the levels for the courses.

4957 (4) The statewide course numbering system shall include the
 4958 courses at the recommended levels.

4959 Section 115. Subsections (5), (6), (8), (9), and (11) of

PCB SLC 07-16

ORIGINAL

2007

4960 section 1007.25, Florida Statutes, are amended to read:
 4961 1007.25 General education courses; common prerequisites;
 4962 and other degree requirements.--
 4963 (5) The department shall identify common prerequisite
 4964 courses and course substitutions for degree programs across all
 4965 institutions. Common degree program prerequisites shall be
 4966 offered and accepted by all state universities and community
 4967 colleges, except in cases approved by the State Board of
 4968 Education for community colleges and the Board of Governors for
 4969 state universities pursuant to s. 1001.02(2)(x). The department
 4970 shall develop a centralized database containing the list of
 4971 courses and course substitutions that meet the prerequisite
 4972 requirements for each baccalaureate degree program.
 4973 (6) The boards of trustees of the community colleges ~~and~~
 4974 ~~state universities~~ shall identify their core curricula, which
 4975 shall include courses required by the State Board of Education.
 4976 The boards of trustees of the state universities shall identify
 4977 their core curricula, which shall include courses required by the
 4978 Board of Governors. The universities and community colleges shall
 4979 work with their school districts to assure that high school
 4980 curricula coordinate with the core curricula and to prepare
 4981 students for college-level work. Core curricula for associate in
 4982 arts programs shall be adopted in rule by the State Board of
 4983 Education and shall include 36 semester hours of general
 4984 education courses in the subject areas of communication,
 4985 mathematics, social sciences, humanities, and natural sciences.
 4986 (8) A baccalaureate degree program shall require no more
 4987 than 120 semester hours of college credit, including 36 semester
 4988 hours of general education coursework, unless prior approval has

PCB SLC 07-16

ORIGINAL

2007

4989 | been granted by the Board of Governors for baccalaureate degree
 4990 | programs offered by state universities and by the State Board of
 4991 | Education for baccalaureate degree programs offered by community
 4992 | colleges.

4993 | (9) A student who received an associate in arts degree for
 4994 | successfully completing 60 semester credit hours may continue to
 4995 | earn additional credits at a community college. The university
 4996 | must provide credit toward the student's baccalaureate degree for
 4997 | an additional community college course if, according to the
 4998 | statewide course numbering, the community college course is a
 4999 | course listed in the university catalog as required for the
 5000 | degree or as prerequisite to a course required for the degree. Of
 5001 | the courses required for the degree, at least half of the credit
 5002 | hours required for the degree shall be achievable through courses
 5003 | designated as lower division, except in degree programs approved
 5004 | by the State Board of Education for programs offered by community
 5005 | colleges and by the Board of Governors for programs offered by
 5006 | state universities.

5007 | (11) The Commissioner of Education shall appoint faculty
 5008 | committees representing both community college and public school
 5009 | faculties to recommend to the commissioner for approval by the
 5010 | State Board of Education a standard program length and
 5011 | appropriate occupational completion points for each postsecondary
 5012 | career certificate program, diploma, and degree offered by a
 5013 | school district or a community college.

5014 | Section 116. Paragraph (b) of subsection (2) and paragraph
 5015 | (d) of subsection (3) of section 1007.2615, Florida Statutes, are
 5016 | amended to read:

5017 | 1007.2615 American Sign Language; findings; foreign-

PCB SLC 07-16

ORIGINAL

2007

5018 language credits authorized; teacher licensing.--

5019 (2) AMERICAN SIGN LANGUAGE; FOREIGN-LANGUAGE CREDIT.--

5020 (b) Any public or independent school may offer American
 5021 Sign Language for foreign-language credit. Students taking
 5022 American Sign Language for foreign-language credit must be
 5023 advised by the school board prior to enrollment in such course
 5024 that state universities and postsecondary institutions outside of
 5025 Florida may not accept such credits as satisfying foreign-
 5026 language requirements.

5027 (3) DUTIES OF COMMISSIONER OF EDUCATION AND STATE BOARD OF
 5028 EDUCATION; LICENSING OF AMERICAN SIGN LANGUAGE TEACHERS; PLAN FOR
 5029 POSTSECONDARY EDUCATION PROVIDERS.--

5030 (d) The Commissioner of Education shall work with providers
 5031 of postsecondary education, except for state universities, to
 5032 develop and implement a plan to ensure that these ~~postsecondary~~
 5033 institutions in this state will accept secondary school credits
 5034 in ASL as credits in a foreign language and to encourage
 5035 postsecondary institutions to offer ASL courses to students as a
 5036 fulfillment of the requirement for studying a foreign language.

5037 Section 117. Section 1007.262, Florida Statutes, is amended
 5038 to read:

5039 1007.262 Foreign language competence; equivalence
 5040 determinations.--The Department of Education shall identify the
 5041 competencies demonstrated by students upon the successful
 5042 completion of 2 credits of sequential high school foreign
 5043 language instruction. For the purpose of determining
 5044 postsecondary equivalence ~~pursuant to s. 1007.261(1)(b),~~ the
 5045 department shall develop rules through which community colleges
 5046 correlate such competencies to the competencies required of

PCB SLC 07-16

ORIGINAL

2007

5047 students in the colleges' respective courses. Based on this
5048 correlation, each community college shall identify the minimum
5049 number of postsecondary credits that students must earn in order
5050 to demonstrate a level of competence in a foreign language at
5051 least equivalent to that of students who have completed 2 credits
5052 of such instruction in high school. The department may also
5053 specify alternative means by which students can demonstrate
5054 equivalent foreign language competence, including means by which
5055 a student whose native language is not English may demonstrate
5056 proficiency in the native language. A student who demonstrates
5057 proficiency in a native language other than English is exempt
5058 from a ~~the~~ requirement of completing foreign language courses at
5059 the secondary or community college ~~postsecondary~~ level.

5060 Section 118. Section 1007.264, Florida Statutes, is amended
5061 to read:

5062 1007.264 Impaired and learning disabled persons; admission
5063 to postsecondary educational institutions; substitute
5064 requirements; rules.--

5065 (1) Any student with a disability, as defined in s.
5066 1007.02(2), except those students who have been documented as
5067 having mental retardation, shall be eligible for reasonable
5068 substitution for any requirement for admission into a public
5069 postsecondary educational institution where documentation can be
5070 provided that the person's failure to meet the admission
5071 requirement is related to the disability.

5072 (2) The State Board of Education, in consultation with the
5073 Board of Governors, shall adopt rules to implement this section
5074 for community colleges and shall develop substitute admission
5075 requirements where appropriate.

PCB SLC 07-16

ORIGINAL

2007

5076 (3) The Board of Governors, in consultation with the State
 5077 Board of Education, shall adopt rules to implement this section
 5078 for state universities and shall develop substitute admission
 5079 requirements where appropriate.

5080 Section 119. Section 1007.265, Florida Statutes, is amended
 5081 to read:

5082 1007.265 Impaired and learning disabled persons;
 5083 graduation, study program admission, and upper-division entry;
 5084 substitute requirements; rules.--

5085 (1) Any student with a disability, as defined in s.
 5086 1007.02(2), in a public postsecondary educational institution,
 5087 except those students who have been documented as having mental
 5088 retardation, shall be eligible for reasonable substitution for
 5089 any requirement for graduation, for admission into a program of
 5090 study, or for entry into the upper division where documentation
 5091 can be provided that the person's failure to meet the requirement
 5092 is related to the disability and where failure to meet the
 5093 graduation requirement or program admission requirement does not
 5094 constitute a fundamental alteration in the nature of the program.

5095 (2) The State Board of Education, in consultation with the
 5096 Board of Governors, shall adopt rules to implement this section
 5097 for community colleges and shall develop substitute requirements
 5098 where appropriate.

5099 (3) The Board of Governors, in consultation with the State
 5100 Board of Education, shall adopt rules to implement this section
 5101 for state universities and shall develop substitute requirements
 5102 where appropriate.

5103 Section 120. Subsections (6), (7), (8), (9), and (11) of
 5104 section 1007.27, Florida Statutes, are amended to read:

PCB SLC 07-16

ORIGINAL

2007

5105 | 1007.27 Articulated acceleration mechanisms.--
 5106 | (6) Advanced placement shall be the enrollment of an
 5107 | eligible secondary student in a course offered through the
 5108 | Advanced Placement Program administered by the College Board.
 5109 | Postsecondary credit for an advanced placement course shall be
 5110 | limited to students who score a minimum of 3, on a 5-point scale,
 5111 | on the corresponding Advanced Placement Examination. The specific
 5112 | courses for which students receive such credit shall be
 5113 | identified in the statewide articulation agreement required by s.
 5114 | 1007.23(1) ~~determined by the department~~. Students of Florida
 5115 | public secondary schools enrolled pursuant to this subsection
 5116 | shall be exempt from the payment of any fees for administration
 5117 | of the examination regardless of whether or not the student
 5118 | achieves a passing score on the examination.
 5119 | (7) Credit by examination shall be the program through
 5120 | which secondary and postsecondary students generate postsecondary
 5121 | credit based on the receipt of a specified minimum score on
 5122 | nationally standardized general or subject-area examinations. For
 5123 | the purpose of statewide application, such examinations and the
 5124 | corresponding minimum scores required for an award of credit
 5125 | shall be delineated by the State Board of Education and the Board
 5126 | of Governors in the statewide articulation agreement required by
 5127 | s. 1007.23(1). The maximum credit generated by a student pursuant
 5128 | to this subsection shall be mitigated by any related
 5129 | postsecondary credit earned by the student prior to the
 5130 | administration of the examination. This subsection shall not
 5131 | preclude community colleges and universities from awarding credit
 5132 | by examination based on student performance on examinations
 5133 | developed within and recognized by the individual postsecondary

5134 institutions.

5135 (8) The International Baccalaureate Program shall be the
 5136 curriculum in which eligible secondary students are enrolled in a
 5137 program of studies offered through the International
 5138 Baccalaureate Program administered by the International
 5139 Baccalaureate Office. The State Board of Education and the Board
 5140 of Governors shall ~~establish rules which~~ specify in the statewide
 5141 articulation agreement required by s. 1007.23(1) the cutoff
 5142 scores and International Baccalaureate Examinations which will be
 5143 used to grant postsecondary credit at community colleges and
 5144 universities. Any changes to the articulation agreement ~~such~~
 5145 ~~rules~~, which have the effect of raising the required cutoff score
 5146 or of changing the International Baccalaureate Examinations which
 5147 will be used to grant postsecondary credit, shall only apply to
 5148 students taking International Baccalaureate Examinations after
 5149 such changes ~~rules~~ are adopted by the State Board of Education
 5150 and the Board of Governors. Students shall be awarded a maximum
 5151 of 30 semester credit hours pursuant to this subsection. The
 5152 specific course for which a student may receive ~~receives~~ such
 5153 credit shall be specified in the statewide articulation agreement
 5154 required by s. 1007.23(1) ~~determined by the department~~. Students
 5155 enrolled pursuant to this subsection shall be exempt from the
 5156 payment of any fees for administration of the examinations
 5157 regardless of whether or not the student achieves a passing score
 5158 on the examination.

5159 (9) The Advanced International Certificate of Education
 5160 Program and the International General Certificate of Secondary
 5161 Education (pre-AICE) Program shall be the curricula in which
 5162 eligible secondary students are enrolled in programs of study

PCB SLC 07-16

ORIGINAL

2007

5163 offered through the Advanced International Certificate of
5164 Education Program or the International General Certificate of
5165 Secondary Education (pre-AICE) Program administered by the
5166 University of Cambridge Local Examinations Syndicate. The State
5167 Board of Education and the Board of Governors shall ~~establish~~
5168 ~~rules which~~ specify in the statewide articulation agreement
5169 required by s. 1007.23(1) the cutoff scores and Advanced
5170 International Certificate of Education examinations which will be
5171 used to grant postsecondary credit at community colleges and
5172 universities. Any changes to the cutoff scores ~~such rules~~, which
5173 changes have the effect of raising the required cutoff score or
5174 of changing the Advanced International Certification of Education
5175 examinations which will be used to grant postsecondary credit,
5176 shall apply to students taking Advanced International Certificate
5177 of Education examinations after such changes ~~rules~~ are adopted by
5178 the State Board of Education and the Board of Governors. Students
5179 shall be awarded a maximum of 30 semester credit hours pursuant
5180 to this subsection. The specific course for which a student may
5181 receive ~~receives~~ such credit shall be determined by the community
5182 college or university that accepts the student for admission.
5183 Students enrolled in either program of study pursuant to this
5184 subsection shall be exempt from the payment of any fees for
5185 administration of the examinations regardless of whether the
5186 student achieves a passing score on the examination.

5187 ~~(11)(a) The State Board of Education shall conduct a review~~
5188 ~~of the extent to which the acceleration mechanisms authorized by~~
5189 ~~this section are currently utilized by school districts and~~
5190 ~~public postsecondary educational institutions and shall submit a~~
5191 ~~report to the Governor and the Legislature by December 31, 2003.~~

PCB SLC 07-16

ORIGINAL

2007

5192 ~~(b) The report must include a summary of ongoing activities~~
5193 ~~and a plan to increase and enhance the use of acceleration~~
5194 ~~mechanisms as a way to shorten the length of time as well as the~~
5195 ~~funding required for a student, including a student with a~~
5196 ~~documented disability, to obtain a postsecondary degree.~~

5197 ~~(c) The review and plan shall address, but are not limited~~
5198 ~~to, the following issues:~~

5199 ~~1. The manner in which students, including students with~~
5200 ~~documented disabilities, are advised regarding the availability~~
5201 ~~of acceleration mechanism options.~~

5202 ~~2. The availability of acceleration mechanism options to~~
5203 ~~eligible students, including students with documented~~
5204 ~~disabilities, who wish to participate.~~

5205 ~~3. The grading practices, including weighting of courses,~~
5206 ~~of school districts and public postsecondary educational~~
5207 ~~institutions with regard to credit earned through acceleration~~
5208 ~~mechanisms.~~

5209 ~~4. The extent to which credit earned through an~~
5210 ~~acceleration mechanism is used to meet the general education~~
5211 ~~requirements of a public postsecondary educational institution.~~

5212 ~~5. The extent to which the secondary instruction associated~~
5213 ~~with acceleration mechanism options could be offered at sites~~
5214 ~~other than public K through 12 school sites to assist in meeting~~
5215 ~~class size reduction needs.~~

5216 ~~6. The manner in which funding for instruction associated~~
5217 ~~with acceleration mechanism options is provided.~~

5218 ~~7. The feasibility of providing students, including~~
5219 ~~students with documented disabilities, the option of choosing~~
5220 ~~Advanced Placement credit or College Level Examination Program~~

PCB SLC 07-16

ORIGINAL

2007

5221 ~~(CLEP) credit as an alternative to dual enrollment credit upon~~
 5222 ~~completion of a dual enrollment course.~~

5223 Section 121. Section 1007.28, Florida Statutes, is amended
 5224 to read:

5225 1007.28 Computer-assisted student advising system.--The
 5226 Department State Board of Education, in conjunction with the
 5227 Board of Governors, shall establish and maintain ~~within the~~
 5228 ~~Department of Education~~ a single, statewide computer-assisted
 5229 student advising system, which must be an integral part of the
 5230 process of advising, registering, and certifying students for
 5231 graduation. ~~It is intended that an advising system be the primary~~
 5232 ~~advising and tracking tool for students enrolled in public~~
 5233 ~~postsecondary educational institutions~~ and must be accessible to
 5234 all Florida students. The state universities and community
 5235 colleges shall interface institutional systems with the computer-
 5236 assisted advising system required by this section. The State
 5237 Board of Education and the Board of Governors shall specify in
 5238 the statewide articulation agreement required by s. 1007.23(1)
 5239 ~~prescribe by rule~~ the roles and responsibilities of the
 5240 department, the state universities, and the community colleges in
 5241 the design, implementation, promotion, development, and analysis
 5242 of the system. The system shall consist of a degree audit and an
 5243 articulation component that includes the following
 5244 characteristics:

5245 (1) The system shall constitute an integral part of the
 5246 process of advising students and assisting them in course
 5247 selection. The system shall be accessible to students in the
 5248 following ways:

5249 (a) A student must be able to access the system, at any

PCB SLC 07-16

ORIGINAL

2007

5250 time, to identify course options that will meet the requirements
 5251 of a selected path toward a degree.

5252 (b) A status report from the system shall be generated and
 5253 sent with each grade report to each student enrolled in public
 5254 postsecondary educational institutions with a declared major.

5255 (2) The system shall be an integral part of the
 5256 registration process at public postsecondary educational
 5257 institutions. As part of the process, the system shall:

5258 (a) Provide reports that document each student's status
 5259 toward completion of a degree.

5260 (b) Verify that a student has completed requirements for
 5261 graduation.

5262 (3) The system must provide students information related to
 5263 career descriptions and corresponding educational requirements,
 5264 admissions requirements, and available sources of student
 5265 financial assistance. Such advising must enable students to
 5266 examine their interests and aptitudes for the purpose of
 5267 curricular and career planning.

5268 (4) The system must provide management information to
 5269 decisionmakers, including information relating student enrollment
 5270 patterns and course demands to plans for corresponding course
 5271 offerings and information useful in planning the student
 5272 registration process.

5273 Section 122. Subsection (3) of section 1007.33, Florida
 5274 Statutes, is amended to read:

5275 1007.33 Site-determined baccalaureate degree access.--

5276 (3) A community college may develop a proposal to deliver
 5277 specified baccalaureate degree programs in its district to meet
 5278 local workforce needs. The proposal must be submitted to the

PCB SLC 07-16

ORIGINAL

2007

5279 State Board of Education for approval. The community college's
5280 proposal must include the following information:

5281 (a) Demand for the baccalaureate degree program is
5282 identified by the workforce development board, local businesses
5283 and industry, local chambers of commerce, and potential students.

5284 (b) Unmet need for graduates of the proposed degree program
5285 is substantiated.

5286 (c) The community college has the facilities and academic
5287 resources to deliver the program.

5288

5289 ~~The proposal must be submitted to the Council for Education~~
5290 ~~Policy Research and Improvement for review and comment.~~ Upon
5291 approval of the State Board of Education for the specific degree
5292 program or programs, the community college shall pursue regional
5293 accreditation by the Commission on Colleges of the Southern
5294 Association of Colleges and Schools. Any additional baccalaureate
5295 degree programs the community college wishes to offer must be
5296 approved by the State Board of Education.

5297 Section 123. Subsections (4), (8), and (9) of section
5298 1008.29, Florida Statutes, are amended to read:

5299 1008.29 College-level communication and mathematics skills
5300 examination (CLAST).--

5301 (4) The State Board of Education, in conjunction with the
5302 Board of Governors ~~by rule~~, shall set the minimum scores that
5303 constitute successful completion of the examination. In
5304 establishing the minimum scores that constitute successful
5305 completion of the examination, the boards ~~State Board of~~
5306 ~~Education~~ shall consider any possible negative impact of the
5307 tests on minority students. Determinations regarding a student's

PCB SLC 07-16

ORIGINAL

2007

5308 | successful completion of the examination shall be based on the
 5309 | minimum standards ~~prescribed by rule~~ for the date the student
 5310 | initially takes the examination.

5311 | (8) (a) The State Board of Education, by rule, shall
 5312 | establish fees for the administration of the examination by
 5313 | community colleges at times other than regularly scheduled dates
 5314 | to accommodate examinees who are unable to be tested on those
 5315 | dates. The state board shall establish the conditions under which
 5316 | examinees may be admitted to the special administrations.

5317 | (b) The Board of Governors may establish fees for the
 5318 | administration of the examination by state universities at times
 5319 | other than regularly scheduled dates to accommodate examinees who
 5320 | are unable to be tested on those dates. The Board of Governors
 5321 | may establish the conditions under which examinees may be
 5322 | admitted to the special administrations.

5323 | (9) Any student fulfilling one or both of the following
 5324 | requirements before completion of associate in arts degree
 5325 | requirements or baccalaureate degree requirements is exempt from
 5326 | the testing requirements of this section:

5327 | (a) Achieves a score that meets or exceeds a minimum score
 5328 | on a nationally standardized examination, as established by the
 5329 | State Board of Education in conjunction with the Board of
 5330 | Governors; or

5331 | (b) Demonstrates successful remediation of any academic
 5332 | deficiencies identified by the college placement test and
 5333 | achieves a cumulative grade point average of 2.5 or above, on a
 5334 | 4.0 scale, in postsecondary-level coursework identified by the
 5335 | State Board of Education in conjunction with the Board of
 5336 | Governors. The Department of Education shall specify the means by

PCB SLC 07-16

ORIGINAL

2007

5337 | which a student may demonstrate successful remediation.

5338 |
 5339 | Any student denied a degree prior to January 1, 1996, based on
 5340 | the failure of at least one subtest of the CLAST may use either
 5341 | of the alternatives specified in this subsection for receipt of a
 5342 | degree if such student meets all degree program requirements at
 5343 | the time of application for the degree under the exemption
 5344 | provisions of this subsection. This section does not require a
 5345 | student to take the CLAST before being given the opportunity to
 5346 | use any of the alternatives specified in this subsection. The
 5347 | exemptions provided herein do not apply to requirements for
 5348 | certification as provided in s. 1012.56.

5349 | Section 124. Subsections (1) and (4) of section 1008.30,
 5350 | Florida Statutes, are amended to read:

5351 | 1008.30 Common placement testing for public postsecondary
 5352 | education.--

5353 | (1) The State Board of Education, in conjunction with the
 5354 | Board of Governors, shall develop and implement a common
 5355 | placement test for the purpose of assessing the basic computation
 5356 | and communication skills of students who intend to enter a degree
 5357 | program at any public postsecondary educational institution. ~~The~~
 5358 | ~~State Board of Education shall adopt rules which enable~~ Public
 5359 | postsecondary educational institutions shall provide to implement
 5360 | appropriate modifications of the test instruments or test
 5361 | procedures for students with disabilities.

5362 | (4) (a) Public postsecondary educational institution
 5363 | students who have been identified as requiring additional
 5364 | preparation pursuant to subsection (1) shall enroll in college-
 5365 | preparatory or other adult education pursuant to s. 1004.93 in

PCB SLC 07-16

ORIGINAL

2007

5366 | community colleges to develop needed college-entry skills. These
5367 | students shall be permitted to take courses within their degree
5368 | program concurrently in other curriculum areas for which they are
5369 | qualified while enrolled in college-preparatory instruction
5370 | courses. A student enrolled in a college-preparatory course may
5371 | concurrently enroll only in college credit courses that do not
5372 | require the skills addressed in the college-preparatory course.
5373 | The State Board of Education, in conjunction with the Board of
5374 | Governors, shall specify the college credit courses that are
5375 | acceptable for students enrolled in each college-preparatory
5376 | skill area, ~~pursuant to s. 1001.02(7)(g)~~. A student who wishes to
5377 | earn an associate in arts or a baccalaureate degree, but who is
5378 | required to complete a college-preparatory course, must
5379 | successfully complete the required college-preparatory studies by
5380 | the time the student has accumulated 12 hours of lower-division
5381 | college credit degree coursework; however, a student may continue
5382 | enrollment in degree-earning coursework provided the student
5383 | maintains enrollment in college-preparatory coursework for each
5384 | subsequent semester until college-preparatory coursework
5385 | requirements are completed, and the student demonstrates
5386 | satisfactory performance in degree-earning coursework. A passing
5387 | score on a standardized, institutionally developed test must be
5388 | achieved before a student is considered to have met basic
5389 | computation and communication skills requirements; however, no
5390 | student shall be required to retake any test or subtest that was
5391 | previously passed by said student. Credit awarded for college-
5392 | preparatory instruction may not be counted toward fulfilling the
5393 | number of credits required for a degree.

5394 | (b) A The university board of trustees may contract with a

PCB SLC 07-16

ORIGINAL

2007

5395 community college board of trustees for the community college to
 5396 provide such instruction on the state university campus. Any
 5397 state university in which the percentage of incoming students
 5398 requiring college-preparatory instruction equals or exceeds the
 5399 average percentage of such students for the community college
 5400 system may offer college-preparatory instruction without
 5401 contracting with a community college; however, any state
 5402 university offering college-preparatory instruction as of January
 5403 1, 1996, may continue to provide such services.

5404 Section 125. Section 1008.32, Florida Statutes, is amended
 5405 to read:

5406 1008.32 State Board of Education oversight enforcement
 5407 authority.--The State Board of Education shall oversee the
 5408 performance of district school boards and community college
 5409 boards of trustees ~~public postsecondary educational institution~~
 5410 ~~boards~~ in enforcement of all laws and rules. District school
 5411 boards and community college boards of trustees ~~public~~
 5412 ~~postsecondary educational institution boards~~ shall be primarily
 5413 responsible for compliance with law and state board rule.

5414 (1) In order to ensure compliance with law or state board
 5415 rule, the State Board of Education shall have the authority to
 5416 request and receive information, data, and reports from school
 5417 districts and community colleges ~~public postsecondary educational~~
 5418 ~~institutions~~. District school superintendents and community
 5419 college ~~public postsecondary educational institution~~ presidents
 5420 are responsible for the accuracy of the information and data
 5421 reported to the state board.

5422 (2) The Commissioner of Education may investigate
 5423 allegations of noncompliance with law or state board rule and

PCB SLC 07-16

ORIGINAL

2007

5424 determine probable cause. The commissioner shall report
5425 determinations of probable cause to the State Board of Education
5426 which shall require the district school board or community
5427 college board of trustees ~~public postsecondary educational~~
5428 ~~institution board~~ to document compliance with law or state board
5429 rule.

5430 (3) If the district school board or community college board
5431 of trustees ~~public postsecondary educational institution board~~
5432 cannot satisfactorily document compliance, the State Board of
5433 Education may order compliance within a specified timeframe.

5434 (4) If the State Board of Education determines that a
5435 district school board or community college board of trustees
5436 ~~public postsecondary educational institution board~~ is unwilling
5437 or unable to comply with law or state board rule within the
5438 specified time, the state board shall have the authority to
5439 initiate any of the following actions:

5440 (a) Report to the Legislature that the school district or
5441 community college ~~public postsecondary educational institution~~
5442 has been unwilling or unable to comply with law or state board
5443 rule and recommend action to be taken by the Legislature.

5444 (b) Reduce the discretionary lottery appropriation until
5445 the school district or community college ~~public postsecondary~~
5446 ~~education institution~~ complies with the law or state board rule.

5447 (c) Withhold the transfer of state funds, discretionary
5448 grant funds, or any other funds specified as eligible for this
5449 purpose by the Legislature until the school district or community
5450 college ~~public postsecondary educational institution~~ complies
5451 with the law or state board rule.

5452 (d) Declare the school district or community college ~~public~~

PCB SLC 07-16

ORIGINAL

2007

5453 ~~postsecondary educational institution~~ ineligible for competitive
5454 grants.

5455 (e) Require monthly or periodic reporting on the situation
5456 related to noncompliance until it is remedied.

5457 (5) Nothing in this section shall be construed to create a
5458 private cause of action or create any rights for individuals or
5459 entities in addition to those provided elsewhere in law or rule.

5460 Section 126. Paragraphs (e) through (i) of subsection (8)
5461 of section 1008.345, Florida Statutes, are amended to read:

5462 1008.345 Implementation of state system of school
5463 improvement and education accountability.--

5464 (8) As a part of the system of educational accountability,
5465 the Department of Education shall:

5466 (e) Maintain a listing of college-level communication and
5467 mathematics skills defined pursuant to s. 1008.29 ~~by the State~~
5468 ~~Board of Education~~ as being associated with successful student
5469 performance through the baccalaureate level and submit it ~~the~~
5470 ~~same~~ to the State Board of Education and the Board of Governors
5471 for approval.

5472 (f) Maintain a listing of tests and other assessment
5473 procedures which measure and diagnose student achievement of
5474 college-level communication and computation skills and submit it
5475 ~~the same~~ to the State Board of Education and the Board of
5476 Governors for approval.

5477 (g) Maintain for the information of the State Board of
5478 Education, the Board of Governors, and the Legislature a file of
5479 data to reflect achievement of college-level communication and
5480 mathematics competencies by students in state universities and
5481 community colleges.

PCB SLC 07-16

ORIGINAL

2007

5482 (h) Develop or contract for, and submit to the State Board
 5483 of Education and the Board of Governors for approval, tests which
 5484 measure and diagnose student achievement of college-level
 5485 communication and mathematics skills. Any tests and related
 5486 documents developed are exempt from the provisions of s.
 5487 119.07(1). The commissioner shall maintain statewide
 5488 responsibility for the administration of such tests and may
 5489 assign administrative responsibilities for the tests to any state
 5490 university or community college. The state board, upon
 5491 recommendation of the commissioner, may enter into contracts for
 5492 such services beginning in one fiscal year and continuing into
 5493 the next year which are paid from the appropriation for either or
 5494 both fiscal years.

5495 (i) Perform any other functions that may be involved in
 5496 educational planning, research, and evaluation or that may be
 5497 required by the commissioner, the State Board of Education, the
 5498 Board of Governors, or law.

5499 Section 127. Subsections (1) and (2) of section 1008.37,
 5500 Florida Statutes, are amended to read:

5501 1008.37 Postsecondary feedback of information to high
 5502 schools.--

5503 (1) ~~The State Board of Education shall adopt rules that~~
 5504 ~~require the~~ Commissioner of Education shall ~~to~~ report to the
 5505 State Board of Education, the Board of Governors, the
 5506 Legislature, and the district school boards on the performance of
 5507 each first-time-in-postsecondary education student from each
 5508 public high school in this state who is enrolled in a public
 5509 postsecondary institution or public career center. Such reports
 5510 must be based on information databases maintained by the

PCB SLC 07-16

ORIGINAL

2007

5511 Department of Education. In addition, the public postsecondary
 5512 educational institutions and career centers shall provide
 5513 district school boards access to information on student
 5514 performance in regular and preparatory courses and shall indicate
 5515 students referred for remediation pursuant to s. 1004.91 or s.
 5516 1008.30.

5517 (2) The Commissioner of Education shall report, by high
 5518 school, to the State Board of Education, the Board of Governors,
 5519 and the Legislature, no later than November 30 of each year, on
 5520 the number of prior year Florida high school graduates who
 5521 enrolled for the first time in public postsecondary education in
 5522 this state during the previous summer, fall, or spring term,
 5523 indicating the number of students whose scores on the common
 5524 placement test indicated the need for remediation through
 5525 college-preparatory or vocational-preparatory instruction
 5526 pursuant to s. 1004.91 or s. 1008.30.

5527 Section 128. Section 1008.38, Florida Statutes, is amended
 5528 to read:

5529 1008.38 Articulation accountability process.--The State
 5530 Board of Education, in conjunction with the Board of Governors,
 5531 shall develop articulation accountability measures which assess
 5532 the status of systemwide articulation processes authorized under
 5533 s. 1007.23 and. ~~The State Board of Education shall~~ establish an
 5534 articulation accountability process which at a minimum shall
 5535 address:

5536 (1) The impact of articulation processes on ensuring
 5537 educational continuity and the orderly and unobstructed
 5538 transition of students between public secondary and postsecondary
 5539 education systems and facilitating the transition of students

PCB SLC 07-16

ORIGINAL

2007

5540 | between the public and private sectors.

5541 | (2) The adequacy of preparation of public secondary
5542 | students to smoothly articulate to a public postsecondary
5543 | institution.

5544 | (3) The effectiveness of articulated acceleration
5545 | mechanisms available to secondary students.

5546 | (4) The smooth transfer of community college associate in
5547 | arts degree graduates to a state university.

5548 | (5) An examination of degree requirements that exceed the
5549 | parameters of 60 credit hours for an associate degree and 120
5550 | hours for a baccalaureate degree in public postsecondary
5551 | programs.

5552 | (6) The relationship between the College Level Academic
5553 | Skills Test Program and articulation to the upper division in
5554 | public postsecondary institutions.

5555 | Section 129. Paragraph (h) of subsection (1) of section
5556 | 1008.45, Florida Statutes, is amended to read:

5557 | 1008.45 Community college accountability process.--

5558 | (1) It is the intent of the Legislature that a management
5559 | and accountability process be implemented which provides for the
5560 | systematic, ongoing improvement and assessment of the improvement
5561 | of the quality and efficiency of the Florida community colleges.
5562 | Accordingly, the State Board of Education and the community
5563 | college boards of trustees shall develop and implement an
5564 | accountability plan to improve and evaluate the instructional and
5565 | administrative efficiency and effectiveness of the Florida
5566 | Community College System. This plan shall be designed in
5567 | consultation with staff of the Governor and the Legislature and
5568 | must address the following issues:

PCB SLC 07-16

ORIGINAL

2007

5569 (h) Other measures ~~as identified by the Council for~~
5570 ~~Education Policy Research and Improvement~~ and approved by the
5571 State Board of Education.

5572 Section 130. Section 1008.46, Florida Statutes, is amended
5573 to read:

5574 1008.46 State university accountability process.--It is the
5575 intent of the Legislature that an accountability process be
5576 implemented that provides for the systematic, ongoing evaluation
5577 of quality and effectiveness of state universities. It is further
5578 the intent of the Legislature that this accountability process
5579 monitor performance at the system level in each of the major
5580 areas of instruction, research, and public service, while
5581 recognizing the differing missions of each of the state
5582 universities. The accountability process shall provide for the
5583 adoption of systemwide performance standards and performance
5584 goals for each standard identified through a collaborative effort
5585 involving state universities, the Board of Governors, the
5586 Legislature, and the Governor's Office. These standards and goals
5587 shall be consistent with s. 216.011(1) to maintain congruity with
5588 the performance-based budgeting process. This process requires
5589 that university accountability reports reflect measures defined
5590 through performance-based budgeting. The performance-based
5591 budgeting measures must also reflect the elements of teaching,
5592 research, and service inherent in the missions of the state
5593 universities.

5594 (1) By December 31 of each year, the Board of Governors
5595 ~~State Board of Education~~ shall submit an annual accountability
5596 report providing information on the implementation of performance
5597 standards, actions taken to improve university achievement of

PCB SLC 07-16

ORIGINAL

2007

5598 performance goals, the achievement of performance goals during
 5599 the prior year, and initiatives to be undertaken during the next
 5600 year. The accountability reports shall be designed in
 5601 consultation with the Governor's Office, the Office of Program
 5602 Policy Analysis and Government Accountability, and the
 5603 Legislature.

5604 (2) The Board of Governors ~~State Board of Education~~ shall
 5605 recommend in the annual accountability report any appropriate
 5606 modifications to this section.

5607 Section 131. Subsection (2) of section 1009.01, Florida
 5608 Statutes, is amended to read:

5609 1009.01 Definitions.--The term:

5610 (2) "Out-of-state fee" means the additional fee for
 5611 instruction provided by a public postsecondary educational
 5612 institution in this state, which fee is charged to a student who
 5613 does not qualify for the in-state tuition rate pursuant to s.
 5614 1009.21 ~~non-Florida student as defined in rules of the State~~
 5615 ~~Board of Education~~. A charge for any other purpose shall not be
 5616 included within this fee.

5617 Section 132. Subsection (11) of section 1009.21, Florida
 5618 Statutes, is amended to read:

5619 1009.21 Determination of resident status for tuition
 5620 purposes.--Students shall be classified as residents or
 5621 nonresidents for the purpose of assessing tuition in community
 5622 colleges and state universities.

5623 (11) The State Board of Education and the Board of
 5624 Governors shall adopt rules to implement this section ~~by rule~~
 5625 ~~designate classifications of students as residents or~~
 5626 ~~nonresidents for tuition purposes at community colleges and state~~

PCB SLC 07-16

ORIGINAL

2007

5627 ~~universities.~~

5628 Section 133. Present subsections (3) through (14) of
 5629 section 1009.24, Florida Statutes, are renumbered subsections (4)
 5630 through (15), respectively, new subsections (3) and (16) are
 5631 added to that section, and present subsections (6), (9), (10),
 5632 and (11) of that section are amended to read:

5633 1009.24 State university student fees.--

5634 (3) All moneys from tuition and fees shall be deposited
 5635 pursuant to s. 1011.42.

5636 (7)~~(6)~~ A university board of trustees is authorized to
 5637 collect for financial aid purposes an amount not to exceed 5
 5638 percent of the tuition and out-of-state fee. The revenues from
 5639 fees are to remain at each campus and replace existing financial
 5640 aid fees. Such funds shall be disbursed to students as quickly as
 5641 possible. A minimum of 75 percent of funds from the student
 5642 financial aid fee for new financial aid awards shall be used to
 5643 provide financial aid based on absolute need. A student who has
 5644 received an award prior to July 1, 1984, shall have his or her
 5645 eligibility assessed on the same criteria that were used at the
 5646 time of his or her original award. The Board of Governors ~~State~~
 5647 ~~Board of Education~~ shall develop criteria for making financial
 5648 aid awards. Each university shall report annually to the Board of
 5649 Governors and the Department of Education on the revenue
 5650 collected pursuant to this subsection, the amount carried
 5651 forward, the criteria used to make awards, the amount and number
 5652 of awards for each criterion, and a delineation of the
 5653 distribution of such awards. The report shall include an
 5654 assessment by category of the financial need of every student who
 5655 receives an award, regardless of the purpose for which the award

PCB SLC 07-16

ORIGINAL

2007

5656 is received. Awards which are based on financial need shall be
5657 distributed in accordance with a nationally recognized system of
5658 need analysis approved by the Board of Governors ~~State Board of~~
5659 ~~Education~~. An award for academic merit shall require a minimum
5660 overall grade point average of 3.0 on a 4.0 scale or the
5661 equivalent for both initial receipt of the award and renewal of
5662 the award.

5663 (10)~~(9)~~(a) Each university board of trustees shall
5664 establish a student activity and service fee on the main campus
5665 of the university. The university board may also establish a
5666 student activity and service fee on any branch campus or center.
5667 Any subsequent increase in the activity and service fee must be
5668 recommended by an activity and service fee committee, at least
5669 one-half of whom are students appointed by the student body
5670 president. The remainder of the committee shall be appointed by
5671 the university president. A chairperson, appointed jointly by the
5672 university president and the student body president, shall vote
5673 only in the case of a tie. The recommendations of the committee
5674 shall take effect only after approval by the university
5675 president, after consultation with the student body president,
5676 with final approval by the university board of trustees. An
5677 increase in the activity and service fee may occur only once each
5678 fiscal year and must be implemented beginning with the fall term.
5679 The Board of Governors ~~State Board of Education~~ is responsible
5680 for adopting ~~promulgating~~ the rules and timetables necessary to
5681 implement this fee.

5682 (b) The student activity and service fees shall be expended
5683 for lawful purposes to benefit the student body in general. This
5684 shall include, but shall not be limited to, student publications

PCB SLC 07-16

ORIGINAL

2007

5685 and grants to duly recognized student organizations, the
5686 membership of which is open to all students at the university
5687 without regard to race, sex, or religion. The fund may not
5688 benefit activities for which an admission fee is charged to
5689 students, except for student-government-association-sponsored
5690 concerts. The allocation and expenditure of the fund shall be
5691 determined by the student government association of the
5692 university, except that the president of the university may veto
5693 any line item or portion thereof within the budget when submitted
5694 by the student government association legislative body. The
5695 university president shall have 15 school days from the date of
5696 presentation of the budget to act on the allocation and
5697 expenditure recommendations, which shall be deemed approved if no
5698 action is taken within the 15 school days. If any line item or
5699 portion thereof within the budget is vetoed, the student
5700 government association legislative body shall within 15 school
5701 days make new budget recommendations for expenditure of the
5702 vetoed portion of the fund. If the university president vetoes
5703 any line item or portion thereof within the new budget revisions,
5704 the university president may reallocate by line item that vetoed
5705 portion to bond obligations guaranteed by activity and service
5706 fees. Unexpended funds and undisbursed funds remaining at the end
5707 of a fiscal year shall be carried over and remain in the student
5708 activity and service fund and be available for allocation and
5709 expenditure during the next fiscal year.

5710 (11)~~(10)~~ Each university board of trustees shall establish
5711 a student health fee on the main campus of the university. The
5712 university board of trustees may also establish a student health
5713 fee on any branch campus or center. Any subsequent increase in

PCB SLC 07-16

ORIGINAL

2007

5714 the health fee must be recommended by a health committee, at
 5715 least one-half of whom are students appointed by the student body
 5716 president. The remainder of the committee shall be appointed by
 5717 the university president. A chairperson, appointed jointly by the
 5718 university president and the student body president, shall vote
 5719 only in the case of a tie. The recommendations of the committee
 5720 shall take effect only after approval by the university
 5721 president, after consultation with the student body president,
 5722 with final approval by the university board of trustees. An
 5723 increase in the health fee may occur only once each fiscal year
 5724 and must be implemented beginning with the fall term. The Board
 5725 of Governors ~~State Board of Education~~ is responsible for adopting
 5726 ~~promulgating~~ the rules and timetables necessary to implement this
 5727 fee.

5728 (12) ~~(11)~~ Each university board of trustees shall establish
 5729 a separate athletic fee on the main campus of the university. The
 5730 university board may also establish a separate athletic fee on
 5731 any branch campus or center. Any subsequent increase in the
 5732 athletic fee must be recommended by an athletic fee committee, at
 5733 least one-half of whom are students appointed by the student body
 5734 president. The remainder of the committee shall be appointed by
 5735 the university president. A chairperson, appointed jointly by the
 5736 university president and the student body president, shall vote
 5737 only in the case of a tie. The recommendations of the committee
 5738 shall take effect only after approval by the university
 5739 president, after consultation with the student body president,
 5740 with final approval by the university board of trustees. An
 5741 increase in the athletic fee may occur only once each fiscal year
 5742 and must be implemented beginning with the fall term. The Board

PCB SLC 07-16

ORIGINAL

2007

5743 | of Governors State Board of Education is responsible for adopting
5744 | ~~promulgating~~ the rules and timetables necessary to implement this
5745 | fee.

5746 | (16) A state university may not charge any fee except as
5747 | specifically authorized by law.

5748 | Section 134. Subsections (4) and (6) of section 1009.26,
5749 | Florida Statutes, are amended, and subsection (10) is added to
5750 | that section, to read:

5751 | 1009.26 Fee waivers.--

5752 | (4) A state university may waive any or all application,
5753 | tuition, and related fees for persons 60 years of age or older
5754 | who are residents of this state and who attend classes for
5755 | credit. No academic credit shall be awarded for attendance in
5756 | classes for which fees are waived under this subsection. This
5757 | privilege may be granted only on a space-available basis, if such
5758 | classes are not filled as of the close of registration. A
5759 | university may limit or deny the privilege for courses which are
5760 | in programs for which the Board of Governors State Board of
5761 | ~~Education~~ has established selective admissions criteria. Persons
5762 | paying full fees and state employees taking courses on a space-
5763 | available basis shall have priority over those persons whose fees
5764 | are waived in all cases where classroom spaces are limited.

5765 | (6) A university board of trustees may waive the State
5766 | ~~Board of Education may establish rules to allow for the waiver of~~
5767 | out-of-state fees for nondegree-seeking students enrolled at a
5768 | state university if the earned student credit hours generated by
5769 | such students are nonfundable and the direct cost for the program
5770 | of study is recovered from the fees charged to all students.

5771 | (10) Each university board of trustees is authorized to

PCB SLC 07-16

ORIGINAL

2007

5772 waive tuition and out-of-state fees for purposes that support and
5773 enhance the mission of the university. All fees waived must be
5774 based on policies that are adopted by university boards of
5775 trustees pursuant to rules adopted by the Board of Governors.
5776 Each university shall report the purpose, number, and value of
5777 all fee waivers granted annually in a format prescribed by the
5778 Board of Governors.

5779 Section 135. Subsection (1) of section 1009.27, Florida
5780 Statutes, is amended to read:

5781 1009.27 Deferral of fees.--

5782 (1) School districts, community colleges, and state
5783 universities may defer ~~The State Board of Education shall adopt~~
5784 ~~rules to allow the deferral of~~ tuition and registration fees for
5785 students receiving financial aid from a federal or state
5786 assistance program when the aid is delayed in being transmitted
5787 to the student through circumstances beyond the control of the
5788 student. The failure to make timely application for the aid is an
5789 insufficient reason to receive a deferral of fees. ~~The rules must~~
5790 ~~provide for the enforcement and collection or other settlement of~~
5791 ~~delinquent accounts.~~

5792 Section 136. Section 1009.285, Florida Statutes, is amended
5793 to read:

5794 1009.285 Fees for repeated enrollment in college-credit
5795 courses.--A student enrolled in the same undergraduate college-
5796 credit course more than twice shall pay tuition at 100 percent of
5797 the full cost of instruction and shall not be included in
5798 calculations of full-time equivalent enrollments for state
5799 funding purposes. However, students who withdraw or fail a class
5800 due to extenuating circumstances may be granted an exception only

PCB SLC 07-16

ORIGINAL

2007

5801 once for each class, provided that approval is granted according
 5802 to policy established by the community college board of trustees
 5803 or the university board of trustees. Each community college and
 5804 state university may review and reduce fees paid by students due
 5805 to continued enrollment in a college-credit class on an
 5806 individual basis contingent upon the student's financial
 5807 hardship, ~~pursuant to definitions and fee levels established by~~
 5808 ~~the State Board of Education.~~ For purposes of this section,
 5809 first-time enrollment in a class shall mean enrollment in a class
 5810 beginning fall semester 1997, and calculations of the full cost
 5811 of instruction shall be based on the systemwide average of the
 5812 prior year's cost of undergraduate programs for the community
 5813 colleges and the state universities. Boards of trustees may make
 5814 exceptions to this section for individualized study, elective
 5815 coursework, courses that are repeated as a requirement of a
 5816 major, and courses that are intended as continuing over multiple
 5817 semesters, excluding the repeat of coursework more than two times
 5818 to increase grade point average or meet minimum course grade
 5819 requirements.

5820 Section 137. Subsection (1) of section 1009.29, Florida
 5821 Statutes, is amended to read:

5822 1009.29 Increased fees for funding financial aid program.--

5823 (1) Student tuition and registration fees at each state
 5824 university and community college shall include up to \$4.68 per
 5825 quarter, or \$7.02 per semester, per full-time student, or the
 5826 per-student credit hour equivalents of such amounts. The fees
 5827 provided for by this section shall be adjusted from time to time,
 5828 as necessary, to comply with the debt service coverage
 5829 requirements of the student loan revenue bonds issued pursuant to

PCB SLC 07-16

ORIGINAL

2007

5830 s. 1009.79. If the Division of Bond Finance of the State Board of
 5831 Administration ~~State Board of Education~~ and the Commissioner of
 5832 Education determine that such fees are no longer required as
 5833 security for revenue bonds issued pursuant to ss. 1009.78-
 5834 1009.88, moneys previously collected pursuant to this section
 5835 which are held in escrow, after administrative expenses have been
 5836 met and up to \$150,000 has been used to establish a financial aid
 5837 data processing system for the state universities incorporating
 5838 the necessary features to meet the needs of all 11 universities
 5839 for application through disbursement processing, shall be
 5840 reallocated to the generating institutions to be used for student
 5841 financial aid programs, including, but not limited to,
 5842 scholarships and grants for educational purposes. Upon such
 5843 determination, such fees shall no longer be assessed and
 5844 collected.

5845 Section 138. Section 1009.40, Florida Statutes, is amended
 5846 to read:

5847 1009.40 General requirements for student eligibility for
 5848 state financial aid awards and tuition assistance grants--

5849 (1)(a) The general requirements for eligibility of students
 5850 for state financial aid awards and tuition assistance grants
 5851 consist of the following:

- 5852 1. Achievement of the academic requirements of and
 5853 acceptance at a state university or community college; a nursing
 5854 diploma school approved by the Florida Board of Nursing; a
 5855 Florida college, university, or community college which is
 5856 accredited by an accrediting agency recognized by the State Board
 5857 of Education; any Florida institution the credits of which are
 5858 acceptable for transfer to state universities; any career center;

PCB SLC 07-16

ORIGINAL

2007

5859 or any private career institution accredited by an accrediting
5860 agency recognized by the State Board of Education.

5861 2. Residency in this state for no less than 1 year
5862 preceding the award of aid or a tuition assistance grant for a
5863 program established pursuant to s. 1009.50, s. 1009.51, s.
5864 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s. 1009.57, s.
5865 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s. 1009.72, s.
5866 1009.73, s. 1009.76, s. 1009.77, ~~or~~ s. 1009.89, or s. 1009.891.

5867 Residency in this state must be for purposes other than to obtain
5868 an education. Resident status for purposes of receiving state
5869 financial aid awards shall be determined in the same manner as
5870 resident status for tuition purposes pursuant to s. 1009.21 ~~and~~
5871 ~~rules of the State Board of Education.~~

5872 3. Submission of certification attesting to the accuracy,
5873 completeness, and correctness of information provided to
5874 demonstrate a student's eligibility to receive state financial
5875 aid awards or tuition assistance grants. Falsification of such
5876 information shall result in the denial of any pending application
5877 and revocation of any award or grant currently held to the extent
5878 that no further payments shall be made. Additionally, students
5879 who knowingly make false statements in order to receive state
5880 financial aid awards or tuition assistance grants ~~commit shall be~~
5881 ~~guilty of~~ a misdemeanor of the second degree subject to the
5882 provisions of s. 837.06 and shall be required to return all state
5883 financial aid awards or tuition assistance grants wrongfully
5884 obtained.

5885 (b)1. Eligibility for the renewal of undergraduate
5886 financial aid awards shall be evaluated at the end of the second
5887 semester or third quarter of each academic year. As a condition

PCB SLC 07-16

ORIGINAL

2007

5888 | for renewal, a student shall:

5889 | a. Have earned a minimum cumulative grade point average of
5890 | 2.0 on a 4.0 scale; and

5891 | b. Have earned, for full-time study, 12 credits per term or
5892 | the equivalent for the number of terms for which aid was
5893 | received.

5894 | 2. A student who earns the minimum number of credits
5895 | required for renewal, but who fails to meet the minimum 2.0
5896 | cumulative grade point average, may be granted a probationary
5897 | award for up to the equivalent of 1 academic year and shall be
5898 | required to earn a cumulative grade point average of 2.0 on a 4.0
5899 | scale by the end of the probationary period to be eligible for
5900 | subsequent renewal. A student who receives a probationary award
5901 | and who fails to meet the conditions for renewal by the end of
5902 | his or her probationary period shall be ineligible to receive
5903 | additional awards for the equivalent of 1 academic year following
5904 | his or her probationary period. Each such student may, however,
5905 | reapply for assistance during a subsequent application period and
5906 | may be eligible for an award if he or she has earned a cumulative
5907 | grade point average of 2.0 on a 4.0 scale.

5908 | 3. A student who fails to earn the minimum number of
5909 | credits required for renewal shall lose his or her eligibility
5910 | for renewal for a period equivalent to 1 academic year. However,
5911 | the student may reapply during a subsequent application period
5912 | and may be eligible for an award if he or she has earned a
5913 | minimum cumulative grade point average of 2.0 on a 4.0 scale.

5914 | 4. Students who receive state student aid and subsequently
5915 | fail to meet state academic progress requirements due to
5916 | verifiable illness or other emergencies may be granted an

PCB SLC 07-16

ORIGINAL

2007

5917 | exception from the academic requirements. Such students shall
 5918 | make a written appeal to the institution. The appeal shall
 5919 | include a description and verification of the circumstances.
 5920 | Verification of illness or other emergencies may include but not
 5921 | be limited to a physician's statement or written statement of a
 5922 | parent or college official. The institution shall recommend
 5923 | exceptions with necessary documentation to the department. The
 5924 | department may accept or deny such recommendations for exception
 5925 | from the institution.

5926 | (2) These requirements do not preclude higher standards
 5927 | specified in other sections of this part, in rules of the state
 5928 | board, or in rules of a participating institution.

5929 | (3) Undergraduate students are eligible to receive
 5930 | financial aid for a maximum of 8 semesters or 12 quarters.
 5931 | However, undergraduate students participating in college-
 5932 | preparatory instruction, students requiring additional time to
 5933 | complete the college-level communication and computation skills
 5934 | testing programs, or students enrolled in a 5-year undergraduate
 5935 | degree program are eligible to receive financial aid for a
 5936 | maximum of 10 semesters or 15 quarters.

5937 | (4) No student is eligible to receive more than one state
 5938 | scholarship that is based on academic merit. Students who
 5939 | qualify for more than one such scholarship shall be notified of
 5940 | all awards for which they qualify and shall be provided the
 5941 | opportunity to accept one of their choosing.

5942 | Section 139. Subsections (9) and (12) of section 1009.90,
 5943 | Florida Statutes, are amended to read:

5944 | 1009.90 Duties of the Department of Education.--The duties
 5945 | of the department shall include:

PCB SLC 07-16

ORIGINAL

2007

5946 (9) Development and submission of a report, annually, to
 5947 the State Board of Education, the Board of Governors, the
 5948 President of the Senate, and the Speaker of the House of
 5949 Representatives, which shall include, but not be limited to,
 5950 recommendations for the distribution of state financial aid
 5951 funds.

5952 (12) Calculation of the amount of need-based student
 5953 financial aid required to offset fee increases recommended by the
 5954 State Board of Education and the Board of Governors and inclusion
 5955 of such amount within the legislative budget request for student
 5956 assistance grant programs.

5957 Section 140. Subsection (4) of section 1009.91, Florida
 5958 Statutes, is amended to read:

5959 1009.91 Assistance programs and activities of the
 5960 department.--

5961 (4) The department shall maintain records on the student
 5962 loan default rate of each Florida postsecondary institution and
 5963 report that information annually to both the institution and the
 5964 State Board of Education. Information relating to state
 5965 universities shall also be reported annually to the Board of
 5966 Governors.

5967 Section 141. Subsection (2) of section 1009.971, Florida
 5968 Statutes, is amended to read:

5969 1009.971 Florida Prepaid College Board.--

5970 (2) FLORIDA PREPAID COLLEGE BOARD; MEMBERSHIP.--The board
 5971 shall consist of seven members to be composed of the Attorney
 5972 General, the Chief Financial Officer, the Chancellor of the State
 5973 University System ~~Deputy Commissioner of Colleges and~~
 5974 ~~Universities~~, the Deputy Commissioner of Community Colleges, and

PCB SLC 07-16

ORIGINAL

2007

5975 three members appointed by the Governor and subject to
 5976 confirmation by the Senate. Each member appointed by the Governor
 5977 shall possess knowledge, skill, and experience in the areas of
 5978 accounting, actuary, risk management, or investment management.
 5979 Each member of the board not appointed by the Governor may name a
 5980 designee to serve on the board on behalf of the member; however,
 5981 any designee so named shall meet the qualifications required of
 5982 gubernatorial appointees to the board. Members appointed by the
 5983 Governor shall serve terms of 3 years. Any person appointed to
 5984 fill a vacancy on the board shall be appointed in a like manner
 5985 and shall serve for only the unexpired term. Any member shall be
 5986 eligible for reappointment and shall serve until a successor
 5987 qualifies. Members of the board shall serve without compensation
 5988 but shall be reimbursed for per diem and travel in accordance
 5989 with s. 112.061. Each member of the board shall file a full and
 5990 public disclosure of his or her financial interests pursuant to
 5991 s. 8, Art. II of the State Constitution and corresponding
 5992 statute.

5993 Section 142. Section 1010.01, Florida Statutes, is amended
 5994 to read:

5995 1010.01 Uniform records and accounts.--

5996 (1) (a) The financial records and accounts of each school
 5997 district, community college, ~~university,~~ and other institution or
 5998 agency under the supervision of the State Board of Education
 5999 shall be prepared and maintained as prescribed by law and rules
 6000 of the State Board of Education.

6001 (b) The financial records and accounts of each state
 6002 university under the supervision of the Board of Governors shall
 6003 be prepared and maintained as prescribed by law and rules of the

PCB SLC 07-16

ORIGINAL

2007

6004 Board of Governors.

6005 (2) Rules of the State Board of Education and rules of the
 6006 Board of Governors shall incorporate the requirements of law and
 6007 accounting principles generally accepted in the United States ~~the~~
 6008 ~~appropriate requirements of the Governmental Accounting Standards~~
 6009 ~~Board (GASB) for State and Local Government.~~ Such rules shall
 6010 include a uniform classification of accounts.

6011 (3) Each state university shall annually file with the
 6012 Board of Governors financial statements prepared in conformity
 6013 with accounting principles generally accepted by the United
 6014 States and the uniform classification of accounts prescribed by
 6015 the Board of Governors. The Board of Governors' rules shall
 6016 prescribe the filing deadline for the financial statements.

6017 (4) ~~(3)~~ Required financial accounts and reports shall
 6018 include provisions that are unique to each of the following: K-12
 6019 school districts, community colleges, and state universities, and
 6020 shall provide for the data to be reported to the National Center
 6021 of Educational Statistics and other governmental and professional
 6022 educational data information services as appropriate.

6023 Section 143. Section 1010.011, Florida Statutes, is amended
 6024 to read:

6025 1010.011 Definition.--For purposes of this chapter and
 6026 chapter 1011, the ~~following~~ terms+ "university," "universities,"
 6027 and "university board of trustees" include all state universities
 6028 ~~New College~~ under the supervision of the Board of Governors ~~State~~
 6029 ~~Board of Education.~~

6030 Section 144. Section 1010.02, Florida Statutes, is amended
 6031 to read:

6032 1010.02 Financial accounting and expenditures.--

PCB SLC 07-16

ORIGINAL

2007

6033 (1) All funds accruing to a school district ~~or~~ a community
 6034 college, ~~or a university~~ must be received, accounted for, and
 6035 expended in accordance with law and rules of the State Board of
 6036 Education.

6037 (2) All funds accruing to a state university must be
 6038 received, accounted for, and expended in accordance with law and
 6039 rules of the Board of Governors.

6040 Section 145. Subsections (1) and (4) of section 1010.04,
 6041 Florida Statutes, are amended to read:

6042 1010.04 Purchasing.--

6043 (1)(a) Purchases and leases by school districts and
 6044 ~~community colleges, and universities~~ shall comply with the
 6045 requirements of law and rules of the State Board of Education.

6046 (b) Purchases and leases by state universities shall comply
 6047 with the requirements of law and rules of the Board of Governors.

6048 (4)(a) The State Board of Education may, by rule, provide
 6049 for alternative procedures for school districts and community
 6050 colleges for bidding or purchasing in cases in which the
 6051 character of the item requested renders competitive bidding
 6052 impractical.

6053 (b) The Board of Governors may, by rule, provide for
 6054 alternative procedures for state universities for bidding or
 6055 purchasing in cases in which the character of the item requested
 6056 renders competitive bidding impractical.

6057 Section 146. Subsection (2) of section 1010.07, Florida
 6058 Statutes, is amended to read:

6059 1010.07 Bonds or insurance required.--

6060 (2)(a) Contractors paid from school district ~~or~~ community
 6061 college, ~~or university~~ funds shall give bond for the faithful

PCB SLC 07-16

ORIGINAL

2007

6062 performance of their contracts in such amount and for such
6063 purposes as prescribed by s. 255.05 or by rules of the State
6064 Board of Education relating to the type of contract involved. It
6065 shall be the duty of the district school board or, community
6066 college board of trustees, ~~and university board of trustees~~ to
6067 require from construction contractors a bond adequate to protect
6068 the board and the board's funds involved.

6069 (b) Contractors paid from university funds shall give bond
6070 for the faithful performance of their contracts in such amount
6071 and for such purposes as prescribed by s. 255.05 or by rules of
6072 the Board of Governors relating to the type of contract involved.
6073 It shall be the duty of the university board of trustees to
6074 require from construction contractors a bond adequate to protect
6075 the board and the board's funds involved.

6076 Section 147. Section 1010.09, Florida Statutes, is amended
6077 to read:

6078 1010.09 Direct-support organizations.--

6079 (1) School district and, community college, ~~and university~~
6080 direct-support organizations shall be organized and conducted
6081 under the provisions of ss. 1001.453, ~~1004.28~~, and 1004.70 and
6082 rules of the State Board of Education, as applicable.

6083 (2) State university direct-support organizations shall be
6084 organized and conducted under the provisions of s. 1004.28 and
6085 rules of the Board of Governors, as applicable.

6086 Section 148. Section 1010.30, Florida Statutes, is amended
6087 to read:

6088 1010.30 Audits required.--School districts, community
6089 colleges, ~~universities~~, and other institutions and agencies under
6090 the supervision of the State Board of Education and state

PCB SLC 07-16

ORIGINAL

2007

6091 universities under the supervision of the Board of Governors are
 6092 subject to the audit provisions under ss. 11.45 and 218.39.

6093 Section 149. Section 1011.01, Florida Statutes, is amended
 6094 to read:

6095 1011.01 Budget system established.--

6096 (1) The State Board of Education shall prepare and submit a
 6097 coordinated K-20 education annual legislative budget request to
 6098 the Governor and the Legislature on or before the date provided
 6099 by the Governor and the Legislature. The board's legislative
 6100 budget request must clearly define the needs of school districts,
 6101 community colleges, universities, other institutions,
 6102 organizations, programs, and activities under the supervision of
 6103 the board and that are assigned by law or the General
 6104 Appropriations Act to the Department of Education.

6105 (2) (a) There shall be established in each school district
 6106 and, ~~community college, and university~~ a budget system as
 6107 prescribed by law and rules of the State Board of Education.

6108 (b) There shall be established in each state university a
 6109 budget system as prescribed by law and rules of the Board of
 6110 Governors.

6111 (3) (a) Each district school board and, each community
 6112 college board of trustees, ~~and each state university board of~~
 6113 ~~trustees~~ shall prepare, adopt, and submit to the Commissioner of
 6114 Education for review an annual operating budget. Operating
 6115 budgets shall be prepared and submitted in accordance with the
 6116 provisions of law, rules of the State Board of Education, the
 6117 General Appropriations Act, and for district school boards in
 6118 accordance with the provisions of ss. 200.065 and 1011.64.

6119 (b) Each state university board of trustees shall prepare,

PCB SLC 07-16

ORIGINAL

2007

6120 adopt, and submit to the Chancellor of the State University
 6121 System for review an annual operating budget in accordance with
 6122 provisions of law, rules of the Board of Governors, and the
 6123 General Appropriations Act.

6124 (4) The State Board of Education shall coordinate with the
 6125 Board of Governors to facilitate the budget system requirements
 6126 of this section. The Board of Governors exclusively retains the
 6127 review and approval powers of this section for state
 6128 universities.

6129 Section 150. Section 1011.011, Florida Statutes, is amended
 6130 to read:

6131 1011.011 Legislative capital outlay budget request.--The
 6132 State Board of Education shall submit an integrated,
 6133 comprehensive budget request for educational facilities
 6134 construction and fixed capital outlay needs for school districts,
 6135 community colleges, and, in conjunction with the Board of
 6136 Governors, universities pursuant to this section and s. 1013.46
 6137 and applicable provisions of chapter 216.

6138 Section 151. Section 1011.40, Florida Statutes, is amended
 6139 to read:

6140 1011.40 Budgets for universities.--

6141 (1) LEGISLATIVE BUDGET REQUEST.--The Board of Governors
 6142 ~~State Board of Education~~ shall provide instructions, guidelines,
 6143 and standard formats to be used by each university that will
 6144 provide to the Board of Governors ~~State Board of Education~~ and
 6145 the Legislature adequate information to support and justify the
 6146 legislative budget requests submitted pursuant to ss. 216.023,
 6147 1011.90, and 1013.60 for each university.

6148 (2) OPERATING BUDGET.--Each university board of trustees

PCB SLC 07-16

ORIGINAL

2007

6149 shall adopt an operating budget for the operation of the
6150 university as prescribed by law and rules of the Board of
6151 Governors ~~State Board of Education~~. Each university president
6152 shall prepare and implement the operating budget of the
6153 university as prescribed by law, rules of the Board of Governors
6154 ~~State Board of Education~~, policies of the university board of
6155 trustees, and provisions of the General Appropriations Act. The
6156 proposed expenditures, plus transfers, and balances shall not
6157 exceed the estimated income, transfers, and balances. The budget
6158 and each part thereof shall balance. If at any time the
6159 unencumbered balance in the education and general fund of the
6160 university board of trustees approved operating budget goes below
6161 5 percent, the president shall provide written notification to
6162 the Board of Governors ~~State Board of Education~~.

6163 (3) EXPENDITURES.--Expenditures from any source of funds by
6164 any university shall not exceed the funds available. Expenditures
6165 shall not exceed the amount budgeted under each classification of
6166 accounts for each fund and the total amount of the budget, as
6167 amended as prescribed by rules of the Board of Governors ~~State~~
6168 ~~Board of Education~~. No expenditure of funds, contract, or
6169 agreement of any nature shall be made that requires additional
6170 appropriation of funds by the Legislature unless specifically
6171 authorized in advance by law or the General Appropriations Act.

6172 (4) DISTRIBUTION OF APPROPRIATION.--Funds appropriated in
6173 the General Appropriations Act for the operation of state
6174 universities shall be distributed ~~by the State Board of Education~~
6175 to the universities twice monthly. The Executive Office of the
6176 Governor may modify this schedule if required to meet specific
6177 needs of a university.

PCB SLC 07-16

ORIGINAL

2007

6178 Section 152. Section 1011.41, Florida Statutes, is amended
6179 to read:

6180 1011.41 University appropriations.--Funds for the general
6181 operations of universities shall be requested and appropriated as
6182 Aid to Local Governments Grants and Aids, subject to provisions
6183 of the General Appropriations Act. Funds provided to state
6184 universities in the General Appropriations Act are contingent
6185 upon each university complying with the tuition and fee policies
6186 established in the proviso language and with the tuition and fee
6187 policies for state universities included in part II of chapter
6188 1009. However, the funds appropriated to a specific university
6189 shall not be affected by the failure of another university to
6190 comply with this provision.

6191 Section 153. Section 1011.4106, Florida Statutes, is
6192 amended to read:

6193 1011.4106 Trust fund dissolution and local account
6194 appropriations.--

6195 (1) Notwithstanding the provisions of ss. 215.3206(2) and
6196 215.3208(2), and pursuant to s. 216.351, all unexpended balances
6197 as of June 30, 2002, in the following State University System
6198 trust funds are hereby appropriated to the appropriate accounts
6199 of each university based upon the original source of the trust
6200 fund revenue and any accrued interest: the Education/General
6201 Student and Other Fees Trust Fund, the Experiment Station Federal
6202 Grant Trust Fund, the Experiment Station Incidental Trust Fund,
6203 the Extension Service Federal Grant Trust Fund, the Extension
6204 Service Incidental Trust Fund, the Incidental Trust Fund, the UF
6205 Health Center Operations and Maintenance Trust Fund, the
6206 Operations and Maintenance Trust Fund, and all other trust funds

PCB SLC 07-16

ORIGINAL

2007

6207 in the State Treasury for universities. Expenditure of these
 6208 funds by each university must be based on the laws, rules, grant
 6209 agreements, or other legal controlling factors associated with
 6210 all trust fund balances which are appropriated to local accounts
 6211 pursuant to this section, and included in each university board
 6212 of trustees' approved operating budget. Each university shall be
 6213 responsible for the payment of outstanding debts or obligations
 6214 associated with these funds.

6215 (2) Any appropriations provided in the General
 6216 Appropriations Act from the Education/General Student and Other
 6217 Fees Trust Fund are the only budget authority for the fiscal year
 6218 to the named universities to expend tuition and fees that are
 6219 collected during the fiscal year and carried forward from the
 6220 prior fiscal year. The expenditure of tuition and fee revenues
 6221 from local accounts by each university shall not exceed the
 6222 authority provided in the General Appropriations Act unless
 6223 approved pursuant to the provisions of chapter 216. If a court of
 6224 competent jurisdiction finds that the restriction in this
 6225 subsection is invalid, the moneys described in this section shall
 6226 be deposited in the State Treasury.

6227 Section 154. Section 1011.411, Florida Statutes, is amended
 6228 to read:

6229 1011.411 Budgets for sponsored research at
 6230 universities.--Funds for sponsored research at each university
 6231 shall be budgeted and expended pursuant to ss. 1004.22 ~~1010.30~~
 6232 and 1011.42.

6233 Section 155. Subsections (3), (4), and (5) of section
 6234 1011.48, Florida Statutes, are amended to read:

6235 1011.48 Establishment of educational research centers for

PCB SLC 07-16

ORIGINAL

2007

6236 child development.--

6237 (3) Each center is authorized to charge fees for the care
 6238 and services it provides. Such fees must be approved by the Board
 6239 of Governors ~~State Board of Education~~ and may be imposed on a
 6240 sliding scale based on ability to pay or any other factors deemed
 6241 relevant by the board.

6242 (4) The Board of Governors may adopt ~~State Board of~~
 6243 ~~Education is authorized and directed to promulgate~~ rules for the
 6244 establishment, operation, and supervision of educational research
 6245 centers for child development. Such rules shall include, but need
 6246 not be limited to: a defined method of establishment of and
 6247 participation in the operation of centers by the appropriate
 6248 student government associations; guidelines for the establishment
 6249 of an intern program in each center; and guidelines for the
 6250 receipt and monitoring of funds from grants and other sources of
 6251 funds consistent with existing laws.

6252 (5) Each educational research center for child development
 6253 shall be funded by a portion of the Capital Improvement Trust
 6254 Fund fee established by the Board of Governors ~~State Board of~~
 6255 ~~Education~~ pursuant to s. 1009.24(7). Each university that
 6256 establishes a center shall receive a portion of such fees
 6257 collected from the students enrolled at that university, usable
 6258 only at that university, equal to 22.5 cents per student per
 6259 credit hour taken per term, based on the summer term and fall and
 6260 spring semesters. This allocation shall be used by the university
 6261 only for the establishment and operation of a center as provided
 6262 by this section and rules adopted ~~promulgated~~ hereunder. Said
 6263 allocation may be made only after all bond obligations required
 6264 to be paid from such fees have been met.

PCB SLC 07-16

ORIGINAL

2007

6265 Section 156. Subsection (1) of section 1011.82, Florida
 6266 Statutes, is amended to read:

6267 1011.82 Requirements for participation in Community College
 6268 Program Fund.--Each community college district which participates
 6269 in the state appropriations for the Community College Program
 6270 Fund shall provide evidence of its effort to maintain an adequate
 6271 community college program which shall:

6272 (1) Meet the minimum standards prescribed by the State
 6273 Board of Education in accordance with s.1001.02(6) ~~s. 1001.02(9)~~.

6274 Section 157. Subsection (4) of section 1011.90, Florida
 6275 Statutes, is amended to read:

6276 1011.90 State university funding.--

6277 (4) The Board of Governors ~~State Board of Education~~ shall
 6278 establish and validate a cost-estimating system consistent with
 6279 the requirements of subsection (1) and shall report as part of
 6280 its legislative budget request the actual expenditures for the
 6281 fiscal year ending the previous June 30. Expenditure analysis,
 6282 operating budgets, and annual financial statements of each
 6283 university must be prepared using the standard financial
 6284 reporting procedures and formats prescribed by the Board of
 6285 Governors ~~State Board of Education~~. These formats shall be the
 6286 same as used for the 2000-2001 fiscal year reports. Any revisions
 6287 to these financial and reporting procedures and formats must be
 6288 approved by the Executive Office of the Governor and the
 6289 appropriations committees of the Legislature jointly under the
 6290 provisions of s. 216.023(3). The Board of Governors ~~State Board~~
 6291 ~~of Education~~ shall continue to collect and maintain at a minimum
 6292 the management information databases existing on June 30, 2002.
 6293 The expenditure analysis report shall include total expenditures

PCB SLC 07-16

ORIGINAL

2007

6294 from all sources for the general operation of the university and
 6295 shall be in such detail as needed to support the legislative
 6296 budget request.

6297 Section 158. Subsections (1) and (2) of section 1011.91,
 6298 Florida Statutes, are amended to read:

6299 1011.91 Additional appropriation.--

6300 (1) Except as otherwise provided in the General
 6301 Appropriations Act, all moneys received by universities, other
 6302 than from state and federal sources, from student ~~building and~~
 6303 ~~capital improvement~~ fees authorized in s. 1009.24, and from
 6304 vending machine collections, are hereby appropriated to the use
 6305 of the respective universities collecting same, to be expended as
 6306 the university board of trustees may direct; however, the funds
 6307 shall not be expended except in pursuance of detailed budgets
 6308 filed with the Board of Governors ~~State Board of Education~~ and
 6309 shall not be expended for the construction or reconstruction of
 6310 buildings except as provided under s. 1013.74.

6311 (2) All moneys received from vending machine collections by
 6312 a state university ~~universities~~ shall be expended only as set
 6313 forth in detailed budgets approved by the university's board of
 6314 trustees ~~State Board of Education~~.

6315 Section 159. Section 1012.01, Florida Statutes, is amended
 6316 to read:

6317 1012.01 Definitions.--As used in this chapter, the
 6318 following terms have the following meanings ~~Specific definitions~~
 6319 ~~shall be as follows, and wherever such defined words or terms are~~
 6320 ~~used in the Florida K-20 Education Code, they shall be used as~~
 6321 ~~follows:~~

6322 (1) SCHOOL OFFICERS.--The officers of the state system of

PCB SLC 07-16

ORIGINAL

2007

6323 public K-12 and community college education shall be the
 6324 Commissioner of Education and the members of the State Board of
 6325 Education; ~~and,~~ for each district school system, the officers
 6326 shall be the district school superintendent and members of the
 6327 district school board; and for each community college, the
 6328 officers shall be the community college president and members of
 6329 the community college board of trustees.

6330 (2) INSTRUCTIONAL PERSONNEL.--"Instructional personnel"
 6331 means any K-12 staff member whose function includes the provision
 6332 of direct instructional services to students. Instructional
 6333 personnel also includes K-12 personnel whose functions provide
 6334 direct support in the learning process of students. Included in
 6335 the classification of instructional personnel are the following
 6336 K-12 personnel:

6337 (a) Classroom teachers.--Classroom teachers are staff
 6338 members assigned the professional activity of instructing
 6339 students in courses in classroom situations, including basic
 6340 instruction, exceptional student education, career education, and
 6341 adult education, including substitute teachers.

6342 (b) Student personnel services.--Student personnel services
 6343 include staff members responsible for: advising students with
 6344 regard to their abilities and aptitudes, educational and
 6345 occupational opportunities, and personal and social adjustments;
 6346 providing placement services; performing educational evaluations;
 6347 and similar functions. Included in this classification are
 6348 guidance counselors, social workers, career specialists, and
 6349 school psychologists.

6350 (c) Librarians/media specialists.--Librarians/media
 6351 specialists are staff members responsible for providing school

6352 library media services. These employees are responsible for
 6353 evaluating, selecting, organizing, and managing media and
 6354 technology resources, equipment, and related systems;
 6355 facilitating access to information resources beyond the school;
 6356 working with teachers to make resources available in the
 6357 instructional programs; assisting teachers and students in media
 6358 productions; and instructing students in the location and use of
 6359 information resources.

6360 (d) Other instructional staff.--Other instructional staff
 6361 are staff members who are part of the instructional staff but are
 6362 not classified in one of the categories specified in paragraphs
 6363 (a)-(c). Included in this classification are primary specialists,
 6364 learning resource specialists, instructional trainers, adjunct
 6365 educators certified pursuant to s. 1012.57, and similar
 6366 positions.

6367 (e) Education paraprofessionals.--Education
 6368 paraprofessionals are individuals who are under the direct
 6369 supervision of an instructional staff member, aiding the
 6370 instructional process. Included in this classification are
 6371 classroom paraprofessionals in regular instruction, exceptional
 6372 education paraprofessionals, career education paraprofessionals,
 6373 adult education paraprofessionals, library paraprofessionals,
 6374 physical education and playground paraprofessionals, and other
 6375 school-level paraprofessionals.

6376 (3) ADMINISTRATIVE PERSONNEL.--"Administrative personnel"
 6377 includes K-12 personnel who perform management activities such as
 6378 developing broad policies for the school district and executing
 6379 those policies through the direction of personnel at all levels
 6380 within the district. Administrative personnel are generally high-

PCB SLC 07-16

ORIGINAL

2007

6381 level, responsible personnel who have been assigned the
6382 responsibilities of systemwide or schoolwide functions, such as
6383 district school superintendents, assistant superintendents,
6384 deputy superintendents, school principals, assistant principals,
6385 career center directors, and others who perform management
6386 activities. Broad classifications of K-12 administrative
6387 personnel are as follows:

6388 (a) District-based instructional administrators.--Included
6389 in this classification are persons with district-level
6390 administrative or policymaking duties who have broad authority
6391 for management policies and general school district operations
6392 related to the instructional program. Such personnel often report
6393 directly to the district school superintendent and supervise
6394 other administrative employees. This classification includes
6395 assistant, associate, or deputy superintendents and directors of
6396 major instructional areas, such as curriculum, federal programs
6397 such as Title I, specialized instructional program areas such as
6398 exceptional student education, career education, and similar
6399 areas.

6400 (b) District-based noninstructional
6401 administrators.--Included in this classification are persons with
6402 district-level administrative or policymaking duties who have
6403 broad authority for management policies and general school
6404 district operations related to the noninstructional program. Such
6405 personnel often report directly to the district school
6406 superintendent and supervise other administrative employees. This
6407 classification includes assistant, associate, or deputy
6408 superintendents and directors of major noninstructional areas,
6409 such as personnel, construction, facilities, transportation, data

PCB SLC 07-16

ORIGINAL

2007

6410 processing, and finance.

6411 (c) School administrators.--Included in this classification

6412 are:

6413 1. School principals or school directors who are staff

6414 members performing the assigned activities as the administrative

6415 head of a school and to whom have been delegated responsibility

6416 for the coordination and administrative direction of the

6417 instructional and noninstructional activities of the school. This

6418 classification also includes career center directors.

6419 2. Assistant principals who are staff members assisting the

6420 administrative head of the school. This classification also

6421 includes assistant principals for curriculum and administration.

6422 (4) YEAR OF SERVICE.--The minimum time which may be

6423 recognized in administering K-12 ~~the state program of~~ education,

6424 not including retirement, as a year of service by a school

6425 employee shall be full-time actual service; and, beginning July

6426 1963, such service shall also include sick leave and holidays for

6427 which compensation was received but shall exclude all other types

6428 of leave and holidays for a total of more than one-half of the

6429 number of days required for the normal contractual period of

6430 service for the position held, which shall be 196 days or longer,

6431 or the minimum required for the district to participate in the

6432 Florida Education Finance Program in the year service was

6433 rendered, or the equivalent for service performed on a daily or

6434 hourly basis; provided, further, that absence from duty after the

6435 date of beginning service shall be covered by leave duly

6436 authorized and granted; further, the school board shall have

6437 authority to establish a different minimum for local district

6438 school purposes.

PCB SLC 07-16

ORIGINAL

2007

6439 (5) SCHOOL VOLUNTEER.--A K-12 school volunteer is any
6440 nonpaid person who may be appointed by a district school board or
6441 its designee. School volunteers may include, but may not be
6442 limited to, parents, senior citizens, students, and others who
6443 assist the teacher or other members of the school staff.

6444 (6) EDUCATIONAL SUPPORT EMPLOYEES.--"Educational support
6445 employees" means K-12 employees whose job functions are neither
6446 administrative nor instructional, yet whose work supports the
6447 educational process.

6448 (a) Other professional staff or
6449 nonadministrative/noninstructional employees are staff members
6450 who perform professional job functions which are
6451 nonadministrative/noninstructional in nature and who are not
6452 otherwise classified in this section. Included in this
6453 classification are employees such as doctors, nurses, attorneys,
6454 certified public accountants, and others appropriate to the
6455 classification.

6456 (b) Technicians are individuals whose occupations require a
6457 combination of knowledge and manual skill which can be obtained
6458 through about 2 years of post-high school education, such as is
6459 offered in many career centers and community colleges, or through
6460 equivalent on-the-job training.

6461 (c) Clerical/secretarial workers are individuals whose job
6462 requires skills and training in clerical-type work, including
6463 activities such as preparing, transcribing, systematizing, or
6464 preserving written communications and reports or operating
6465 equipment performing those functions. Included in this
6466 classification are secretaries, bookkeepers, messengers, and
6467 office machine operators.

PCB SLC 07-16

ORIGINAL

2007

6468 (d) Skilled crafts workers are individuals who perform jobs
6469 which require special manual skill and a thorough and
6470 comprehensive knowledge of the processes involved in the work
6471 which is acquired through on-the-job training and experience or
6472 through apprenticeship or other formal training programs. Lead
6473 workers for the various skilled crafts areas shall be included in
6474 this classification.

6475 (e) Service workers are staff members performing a service
6476 for which there are no formal qualifications, including those
6477 responsible for: cleaning the buildings, school plants, or
6478 supporting facilities; maintenance and operation of such
6479 equipment as heating and ventilation systems; preserving the
6480 security of school property; and keeping the school plant safe
6481 for occupancy and use. Lead workers in the various service areas
6482 shall be included in this broad classification.

6483 (7) MANAGERS.--"Managers" includes those K-12 staff members
6484 who perform managerial and supervisory functions while usually
6485 also performing general operations functions. Managers may be
6486 either instructional or noninstructional in their responsibility.
6487 They may direct employees' work, plan the work schedule, control
6488 the flow and distribution of work or materials, train employees,
6489 handle complaints, authorize payments, and appraise productivity
6490 and efficiency of employees. This classification includes
6491 coordinators and supervisors working under the general direction
6492 of those staff identified as district-based instructional or
6493 noninstructional administrators.

6494 Section 160. Subsection (1) of section 1012.80, Florida
6495 Statutes, is amended to read:

6496 1012.80 Participation by employees in disruptive activities

PCB SLC 07-16

ORIGINAL

2007

6497 at public postsecondary educational institutions; penalties.--

6498 (1) (a) Any person who accepts the privilege extended by the
 6499 laws of this state of employment at any community college ~~public~~
 6500 ~~postsecondary educational institution~~ shall, by ~~se~~ working at
 6501 such institution, be deemed to have given his or her consent to
 6502 the policies of that institution, the policies of the State Board
 6503 of Education, and the laws of this state. Such policies shall
 6504 include prohibition against disruptive activities at community
 6505 colleges ~~public postsecondary educational institutions~~.

6506 (b) Any person who accepts the privilege extended by the
 6507 laws of this state of employment at any state university shall,
 6508 by working at such institution, be deemed to have given his or
 6509 her consent to the policies of that institution, the policies of
 6510 the Board of Governors, and the laws of this state. Such policies
 6511 shall include prohibition against disruptive activities at state
 6512 universities.

6513 Section 161. Section 1012.801, Florida Statutes, is amended
 6514 to read:

6515 1012.801 Employees of the Board of Governors ~~Division of~~
 6516 ~~Colleges and Universities~~.--Employees of the Board of Governors
 6517 ~~Division of Colleges and Universities of the Department of~~
 6518 ~~Education~~ who were ~~are~~ participating in the State University
 6519 Optional Retirement Program prior to June 30, 2002, shall be
 6520 eligible to continue such participation as long as they remain
 6521 employees of the Board of Governors ~~Department of Education~~ or a
 6522 state university without a break in continuous service.

6523 Section 162. Section 1012.93, Florida Statutes, is amended
 6524 to read:

6525 1012.93 Faculty members; test of spoken English.--~~The~~

PCB SLC 07-16

ORIGINAL

2007

6526 ~~State Board of Education shall adopt rules requiring that~~ All
 6527 faculty members in each state university ~~and New College~~, other
 6528 than those persons who teach courses that are conducted primarily
 6529 in a foreign language, shall be proficient in the oral use of
 6530 English, as determined by a satisfactory grade on the "Test of
 6531 Spoken English" of the Educational Testing Service or a similar
 6532 test approved by the Board of Governors ~~state board~~.

6533 Section 163. Paragraph (c) of subsection (4) of section
 6534 1012.98, Florida Statutes, is amended to read:

6535 1012.98 School Community Professional Development Act.--

6536 (4) The Department of Education, school districts, schools,
 6537 community colleges, and state universities share the
 6538 responsibilities described in this section. These
 6539 responsibilities include the following:

6540 ~~(c) The Department of Education shall approve a public~~
 6541 ~~state university having an approved physical education teacher~~
 6542 ~~preparation program within its college of education to develop~~
 6543 ~~and implement an Internet based clearinghouse for physical~~
 6544 ~~education professional development programs that may be accessed~~
 6545 ~~and used by all instructional personnel. The development of these~~
 6546 ~~programs shall be financed primarily by private funds and shall~~
 6547 ~~be available for use no later than August 1, 2005.~~

6548 Section 164. Subsection (3) of section 1013.01, Florida
 6549 Statutes, is amended to read:

6550 1013.01 Definitions.--The following terms shall be defined
 6551 as follows for the purpose of this chapter:

6552 (3) "Board," unless otherwise specified, means a district
 6553 school board, a community college board of trustees, a university
 6554 board of trustees, and the Board of Trustees for the Florida

PCB SLC 07-16

ORIGINAL

2007

6555 School for the Deaf and the Blind. The term "board" does not
 6556 include the State Board of Education or the Board of Governors.

6557 Section 165. Subsection (2) of section 1013.02, Florida
 6558 Statutes, is amended to read:

6559 1013.02 Purpose; rules.--

6560 (2) (a) The State Board of Education shall adopt rules
 6561 pursuant to ss. 120.536(1) and 120.54 to implement the provisions
 6562 of this chapter for school districts and community colleges.

6563 (b) The Board of Governors shall adopt rules pursuant to
 6564 ss. 120.536(1) and 120.54 to implement the provisions of this
 6565 chapter for state universities.

6566 Section 166. Section 1013.03, Florida Statutes, is amended
 6567 to read:

6568 1013.03 Functions of the department and the Board of
 6569 Governors.--The functions of the Department of Education as it
 6570 pertains to educational facilities of school districts and
 6571 community colleges and of the Board of Governors as it pertains
 6572 to educational facilities of state universities shall include,
 6573 but not be limited to, the following:

6574 (1) Establish recommended minimum and maximum square
 6575 footage standards for different functions and areas and
 6576 procedures for determining the gross square footage for each
 6577 educational facility to be funded in whole or in part by the
 6578 state, including public broadcasting stations but excluding
 6579 postsecondary special purpose laboratory space. The gross square
 6580 footage determination standards may be exceeded when the core
 6581 facility space of an educational facility is constructed or
 6582 renovated to accommodate the future addition of classrooms to
 6583 meet projected increases in student enrollment. The department

PCB SLC 07-16

ORIGINAL

2007

6584 and the Board of Governors shall encourage multiple use of
 6585 facilities and spaces in educational plants.

6586 (2) Establish, for the purpose of determining need,
 6587 equitably uniform utilization standards for all types of like
 6588 space, regardless of the level of education. These standards
 6589 shall also establish, for postsecondary education classrooms, a
 6590 minimum room utilization rate of 40 hours per week and a minimum
 6591 station utilization rate of 60 percent. These rates shall be
 6592 subject to increase based on national norms for utilization of
 6593 postsecondary education classrooms.

6594 (3) Require boards to submit other educational plant
 6595 inventories data and statistical data or information relevant to
 6596 construction, capital improvements, and related costs.

6597 (4) Require each board and other appropriate agencies to
 6598 submit complete and accurate financial data as to the amounts of
 6599 funds from all sources that are available and spent for
 6600 construction and capital improvements. The commissioner shall
 6601 prescribe the format and the date for the submission of this data
 6602 and any other educational facilities data. If any district does
 6603 not submit the required educational facilities fiscal data by the
 6604 prescribed date, the Commissioner of Education shall notify the
 6605 district school board of this fact and, if appropriate action is
 6606 not taken to immediately submit the required report, the district
 6607 school board shall be directed to proceed pursuant to the
 6608 provisions of s. 1001.42(11)(b). If any community college or
 6609 university does not submit the required educational facilities
 6610 fiscal data by the prescribed date, the same policy prescribed in
 6611 this subsection for school districts shall be implemented.

6612 (5) Administer, under the supervision of the Commissioner

PCB SLC 07-16

ORIGINAL

2007

6613 of Education, the Public Education Capital Outlay and Debt
 6614 Service Trust Fund and the School District and Community College
 6615 District Capital Outlay and Debt Service Trust Fund.

6616 (6) Develop, review, update, revise, and recommend a
 6617 mandatory portion of the Florida Building Code for educational
 6618 facilities construction and capital improvement by community
 6619 college boards and district school boards.

6620 (7) Provide training, technical assistance, and building
 6621 code interpretation for requirements of the mandatory Florida
 6622 Building Code for the educational facilities construction and
 6623 capital improvement programs of the community college boards and
 6624 district school boards and, upon request, approve phase III
 6625 construction documents for remodeling, renovation, or new
 6626 construction of educational plants or ancillary facilities,
 6627 except that university boards of trustees shall approve
 6628 specifications and construction documents for their respective
 6629 institutions pursuant to guidelines of the Board of Governors.

6630 The Department of Management Services may, upon request, provide
 6631 similar services for the Florida School for the Deaf and the
 6632 Blind and shall use the Florida Building Code and the Florida
 6633 Fire Prevention Code.

6634 (8) Provide minimum criteria, procedures, and training to
 6635 boards to conduct educational plant surveys and document the
 6636 determination of future needs.

6637 (9) Make available to boards technical assistance,
 6638 awareness training, and research and technical publications
 6639 relating to lifesafety, casualty, sanitation, environmental,
 6640 maintenance, and custodial issues; and, as needed, technical
 6641 assistance for survey, planning, design, construction, operation,

PCB SLC 07-16

ORIGINAL

2007

6642 and evaluation of educational and ancillary facilities and
6643 plants, facilities administrative procedures review, and training
6644 for new administrators.

6645 (10)(a) Review and validate surveys proposed or amended by
6646 the boards and recommend to the Commissioner of Education or the
6647 Chancellor of the State University System, as appropriate, for
6648 approval, surveys that meet the requirements of this chapter.

6649 1. The term "validate" as applied to surveys by school
6650 districts means to review inventory data as submitted to the
6651 department by district school boards; provide for review and
6652 inspection, where required, of student stations and aggregate
6653 square feet of inventory changed from satisfactory to
6654 unsatisfactory or changed from unsatisfactory to satisfactory;
6655 compare new school inventory to allocation limits provided by
6656 this chapter; review cost projections for conformity with cost
6657 limits set by s. 1013.64(6); compare total capital outlay full-
6658 time equivalent enrollment projections in the survey with the
6659 department's projections; review facilities lists to verify that
6660 student station and auxiliary facility space allocations do not
6661 exceed the limits provided by this chapter and related rules;
6662 review and confirm the application of uniform facility
6663 utilization factors, where provided by this chapter or related
6664 rules; utilize the documentation of programs offered per site, as
6665 submitted by the board, to analyze facility needs; confirm that
6666 need projections for career and adult educational programs comply
6667 with needs documented by the Department of Education ~~Office of~~
6668 ~~Workforce and Economic Development~~; and confirm the assignment of
6669 full-time student stations to all space except auxiliary
6670 facilities, which, for purposes of exemption from student station

6671 assignment, include the following:

6672 a. Cafeterias.

6673 b. Multipurpose dining areas.

6674 c. Media centers.

6675 d. Auditoriums.

6676 e. Administration.

6677 f. Elementary, middle, and high school resource rooms, up

6678 to the number of such rooms recommended for the applicable

6679 occupant and space design capacity of the educational plant in

6680 the State Requirements for Educational Facilities, beyond which

6681 student stations must be assigned.

6682 g. Elementary school skills labs, up to the number of such

6683 rooms recommended for the applicable occupant and space design

6684 capacity of the educational plant in the State Requirements for

6685 Educational Facilities, beyond which student stations must be

6686 assigned.

6687 h. Elementary school art and music rooms.

6688 2. The term "validate" as applied to surveys by community

6689 colleges and universities means to review and document the

6690 approval of each new site and official designation, where

6691 applicable; review the inventory database as submitted by each

6692 board to the department, including noncareer, and total capital

6693 outlay full-time equivalent enrollment projections per site and

6694 per college; provide for the review and inspection, where

6695 required, of student stations and aggregate square feet of space

6696 changed from satisfactory to unsatisfactory; utilize and review

6697 the documentation of programs offered per site submitted by the

6698 boards as accurate for analysis of space requirements and needs;

6699 confirm that needs projected for career and adult educational

6700 programs comply with needs documented by the Department of
 6701 Education ~~Office of Workforce and Economic Development~~; compare
 6702 new facility inventory to allocations limits as provided in this
 6703 chapter; review cost projections for conformity with state
 6704 averages or limits designated by this chapter; compare student
 6705 enrollment projections in the survey to the department's
 6706 projections; review facilities lists to verify that area
 6707 allocations and space factors for generating space needs do not
 6708 exceed the limits as provided by this chapter and related rules;
 6709 confirm the application of facility utilization factors as
 6710 provided by this chapter and related rules; and review, as
 6711 submitted, documentation of how survey recommendations will
 6712 implement the detail of current campus master plans and integrate
 6713 with local comprehensive plans and development regulations.

6714 (b) Recommend priority of projects to be funded ~~for~~
 6715 ~~approval by the state board, when required by law.~~

6716 (11) Prepare the commissioner's comprehensive fixed capital
 6717 outlay legislative budget request and provide annually an
 6718 estimate of the funds available for developing required 3-year
 6719 priority lists. This amount shall be based upon the average
 6720 percentage for the 5 prior years of funds appropriated by the
 6721 Legislature for fixed capital outlay to each level of public
 6722 education: public schools, community colleges, and universities.

6723 (12) Perform any other functions that may be involved in
 6724 educational facilities construction and capital improvement which
 6725 shall ensure that the intent of the Legislature is implemented.

6726 ~~(13) By October 1, 2003, review all rules related to school~~
 6727 ~~construction to identify requirements that are outdated,~~
 6728 ~~obsolete, unnecessary, or otherwise could be amended in order to~~

PCB SLC 07-16

ORIGINAL

2007

6729 ~~provide additional flexibility to school districts to comply with~~
6730 ~~the constitutional class size maximums described in s. 1003.03(1)~~
6731 ~~and make recommendations concerning such rules to the State Board~~
6732 ~~of Education. The State Board of Education shall act on such~~
6733 ~~recommendations by December 31, 2003.~~

6734 Section 167. Section 1013.11, Florida Statutes, is amended
6735 to read:

6736 1013.11 Postsecondary institutions assessment of physical
6737 plant safety.--The president of each postsecondary institution
6738 shall conduct or cause to be conducted an annual assessment of
6739 physical plant safety. An annual report shall incorporate the
6740 findings obtained through such assessment and recommendations for
6741 the improvement of safety on each campus. The annual report shall
6742 be submitted to the respective governing or licensing board of
6743 jurisdiction no later than January 1 of each year. Each board
6744 shall compile the individual institutional reports and convey the
6745 aggregate institutional reports to the Commissioner of Education
6746 or the Chancellor of the State University System, as appropriate.
6747 The Commissioner of Education and the Chancellor of the State
6748 University System shall convey these reports and the reports
6749 required in s. 1008.48 to the President of the Senate and the
6750 Speaker of the House of Representatives no later than March 1 of
6751 each year.

6752 Section 168. Section 1013.12, Florida Statutes, is amended
6753 to read:

6754 1013.12 Casualty, safety, sanitation, and firesafety
6755 standards and inspection of property.--

6756 (1) FIRESAFETY.--The State Board of Education shall adopt
6757 and administer rules prescribing standards for the safety and

PCB SLC 07-16

ORIGINAL

2007

6758 health of occupants of educational and ancillary plants as a part
 6759 of State Requirements for Educational Facilities or the Florida
 6760 Building Code for educational facilities construction as provided
 6761 in s. 1013.37, except that the State Fire Marshal in consultation
 6762 with the Department of Education shall adopt uniform firesafety
 6763 standards for educational and ancillary plants and educational
 6764 facilities, as provided in s. 633.022(1)(b), and a firesafety
 6765 evaluation system to be used as an alternate firesafety
 6766 inspection standard for existing educational and ancillary plants
 6767 and educational facilities. The uniform firesafety standards and
 6768 the alternate firesafety evaluation system shall be administered
 6769 and enforced by local fire officials. These standards must be
 6770 used by all public agencies when inspecting public educational
 6771 and ancillary plants, and the firesafety standards must be used
 6772 by local fire officials when performing firesafety inspections of
 6773 public educational and ancillary plants and educational
 6774 facilities. In accordance with such standards, each board shall
 6775 prescribe policies and procedures establishing a comprehensive
 6776 program of safety and sanitation for the protection of occupants
 6777 of public educational and ancillary plants. Such policies must
 6778 contain procedures for periodic inspections as prescribed in this
 6779 section ~~herein~~ and for withdrawal of any educational and
 6780 ancillary plant, or portion thereof, from use until unsafe or
 6781 unsanitary conditions are corrected or removed.

6782 (2)~~(1)~~ PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL
 6783 BOARDS.--

6784 (a) Each board shall provide for periodic inspection, other
 6785 than firesafety inspection, of each educational and ancillary
 6786 plant at least once during each fiscal year to determine

PCB SLC 07-16

ORIGINAL

2007

6787 | compliance with standards of sanitation and casualty safety
 6788 | prescribed in the rules of the State Board of Education.

6789 | (b) Firesafety inspections of each educational and
 6790 | ancillary plant must be made annually by persons certified by the
 6791 | Division of State Fire Marshal to be eligible to conduct
 6792 | firesafety inspections in public educational and ancillary
 6793 | plants. The board shall submit a copy of the firesafety
 6794 | inspection report to the State Fire Marshal and, if there is a
 6795 | local fire official who conducts firesafety inspections, to the
 6796 | local fire official.

6797 | (c) In each firesafety inspection report, the board shall
 6798 | include a plan of action and a schedule for the correction of
 6799 | each deficiency which have been formulated in consultation with
 6800 | the local fire control authority. If immediate life-threatening
 6801 | deficiencies are noted in any inspection, the board shall either
 6802 | take action to promptly correct the deficiencies or withdraw the
 6803 | educational or ancillary plant from use until such time as the
 6804 | deficiencies are corrected.

6805 | (3)~~(2)~~ INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC
 6806 | AGENCIES.--

6807 | (a) A safety or sanitation inspection of any educational or
 6808 | ancillary plant may be made at any time by the Department of
 6809 | Education or any other state or local agency authorized or
 6810 | required to conduct such inspections by either general or special
 6811 | law. Each agency conducting inspections shall use the standards
 6812 | adopted by the Commissioner of Education in lieu of, and to the
 6813 | exclusion of, any other inspection standards prescribed either by
 6814 | statute or administrative rule. The agency shall submit a copy of
 6815 | the inspection report to the board.

PCB SLC 07-16

ORIGINAL

2007

6816 (b) One firesafety inspection of each educational or
6817 ancillary plant must be conducted each fiscal year by the county,
6818 municipality, or special fire control district in which the plant
6819 is located using the standards adopted by the State Fire Marshal.
6820 The board shall cooperate with the inspecting authority when a
6821 firesafety inspection is made by a governmental authority under
6822 this paragraph.

6823 (c) In each firesafety inspection report, the local fire
6824 official in conjunction with the board shall include a plan of
6825 action and a schedule for the correction of each deficiency. If
6826 immediate life-threatening deficiencies are noted in any
6827 inspection, the local fire official shall either take action to
6828 require the board to promptly correct the deficiencies or
6829 withdraw the educational facility from use until the deficiencies
6830 are corrected, subject to review by the State Fire Marshal who
6831 shall act within 10 days to ensure that the deficiencies are
6832 corrected or withdraw the facility from use.

6833 (4)~~(3)~~ CORRECTIVE ACTION; DEFICIENCIES OTHER THAN
6834 FIRESAFETY DEFICIENCIES.--Upon failure of the board to take
6835 corrective action within a reasonable time, the agency making the
6836 inspection, other than a local fire official, may request the
6837 commissioner to:

6838 (a) Order that appropriate action be taken to correct all
6839 deficiencies in accordance with a schedule determined jointly by
6840 the inspecting authority and the board; in developing the
6841 schedule, consideration must be given to the seriousness of the
6842 deficiencies and the ability of the board to obtain the necessary
6843 funds; or

6844 (b) After 30 calendar days' notice to the board, order all

PCB SLC 07-16

ORIGINAL

2007

6845 or a portion of the educational or ancillary plant withdrawn from
6846 use until the deficiencies are corrected.

6847 (5)~~(4)~~ INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION
6848 FACILITIES.--

6849 (a) Firesafety inspections of community college ~~and~~
6850 ~~university~~ facilities shall comply with State Board of Education
6851 rules.

6852 (b) Firesafety inspections of state universities shall
6853 comply with rules of the Board of Governors.

6854 (6)~~(5)~~ CORRECTIVE ACTION; FIRESAFETY DEFICIENCIES.--Upon
6855 failure of the board to take corrective action within the time
6856 designated in the plan of action to correct any firesafety
6857 deficiency noted under paragraph (2) ~~(1)~~(c) or paragraph (3)
6858 ~~(2)~~(c), the local fire official shall immediately report the
6859 deficiency to the State Fire Marshal, who shall have enforcement
6860 authority with respect to educational and ancillary plants and
6861 educational facilities as provided in chapter 633 for any other
6862 building or structure.

6863 (7)~~(6)~~ ADDITIONAL STANDARDS.--In addition to any other
6864 rules adopted under this section or s. 633.022, the State Fire
6865 Marshal in consultation with the Department of Education shall
6866 adopt and administer rules prescribing the following standards
6867 for the safety and health of occupants of educational and
6868 ancillary plants:

6869 (a) The designation of serious life-safety hazards,
6870 including, but not limited to, nonfunctional fire alarm systems,
6871 nonfunctional fire sprinkler systems, doors with padlocks or
6872 other locks or devices that preclude egress at any time,
6873 inadequate exits, hazardous electrical system conditions,

PCB SLC 07-16

ORIGINAL

2007

6874 potential structural failure, and storage conditions that create
6875 a fire hazard.

6876 (b) The proper placement of functional smoke and heat
6877 detectors and accessible, unexpired fire extinguishers.

6878 (c) The maintenance of fire doors without doorstops or
6879 wedges improperly holding them open.

6880 (8)~~(7)~~ ANNUAL REPORT.--The State Fire Marshal shall publish
6881 an annual report to be filed with the substantive committees of
6882 the state House of Representatives and Senate having jurisdiction
6883 over education, the Commissioner of Education or his or her
6884 successor, the State Board of Education, the Board of Governors,
6885 and the Governor documenting the status of each board's
6886 firesafety program, including the improvement or lack thereof.

6887 Section 169. Subsection (3) of section 1013.15, Florida
6888 Statutes, is amended to read:

6889 1013.15 Lease, rental, and lease-purchase of educational
6890 facilities and sites.--

6891 (3) Lease or lease-purchase agreements entered into by
6892 university boards of trustees shall comply with the provisions of
6893 ss. ~~s.~~ 1013.171 and 1010.62.

6894 Section 170. Subsection (3) is added to section 1013.16,
6895 Florida Statutes, to read:

6896 1013.16 Construction of facilities on leased property;
6897 conditions.--

6898 (3) Leases executed by a university board of trustees
6899 pursuant to this section are subject to s. 1010.62.

6900 Section 171. Section 1013.17, Florida Statutes, is amended
6901 to read:

6902 1013.17 University leasing in affiliated research and

PCB SLC 07-16

ORIGINAL

2007

6903 development park.--A university is exempt from the requirements
 6904 of s. 255.25(3), (4), and (8) when leasing educational facilities
 6905 in a research and development park with which the university is
 6906 affiliated and when the Board of Governors ~~State Board of~~
 6907 ~~Education~~ certifies in writing that the leasing of such said
 6908 educational facilities is in the best interests of the university
 6909 and that the exemption from competitive bid requirements would
 6910 not be detrimental to the state. Leases entered into pursuant to
 6911 this section are subject to the provisions of s. 1010.62.

6912 Section 172. Subsections (1) and (2) of section 1013.171,
 6913 Florida Statutes, are amended, and subsection (6) is added to
 6914 that section, to read:

6915 1013.171 University lease agreements; land, facilities.--

6916 (1) Each university board of trustees is authorized to
 6917 negotiate and enter into agreements to lease land under its
 6918 jurisdiction to for-profit and nonprofit corporations, registered
 6919 by the Secretary of State to do business in this state, for the
 6920 purpose of erecting thereon facilities and accommodations
 6921 necessary and desirable to serve the needs and purposes of the
 6922 university, as determined by the systemwide strategic plan
 6923 adopted by the Board of Governors ~~State Board of Education~~. Such
 6924 agreement will be for a term not in excess of 99 years or the
 6925 life expectancy of the permanent facilities constructed thereon,
 6926 whichever is shorter, and shall include as a part of the
 6927 consideration provisions for the eventual ownership of the
 6928 completed facilities by the state. The Board of Trustees of the
 6929 Internal Improvement Trust Fund upon request of the university
 6930 board of trustees shall lease any such property to the university
 6931 for sublease as heretofore provided.

PCB SLC 07-16

ORIGINAL

2007

6932 (2) Each university board of trustees is authorized to
6933 enter into agreements with for-profit and nonprofit corporations,
6934 registered by the Secretary of State to do business in this
6935 state, whereby income-producing buildings, improvements, and
6936 facilities necessary and desirable to serve the needs and
6937 purposes of the university, as determined by the systemwide
6938 strategic plan adopted by the Board of Governors ~~State Board of~~
6939 ~~Education~~, are acquired by purchase or lease-purchase by the
6940 university. When such agreements provide for lease-purchase of
6941 facilities erected on land that is not under the jurisdiction of
6942 the university, the agreement shall include as a part of the
6943 consideration provisions for the eventual ownership of the land
6944 and facility by the state. Agreements for lease-purchase shall
6945 not exceed 30 years or the life expectancy of the permanent
6946 facility constructed, whichever is shorter. ~~Notwithstanding the~~
6947 ~~provisions of any other law~~, The university board of trustees may
6948 enter into an agreement for the lease-purchase of a facility
6949 under this section for a term greater than 1 year. Each
6950 university board of trustees is authorized to use any auxiliary
6951 trust funds, available and not otherwise obligated, to pay rent
6952 to the owner should income from the facilities not be sufficient
6953 in any debt payment period. The trust funds used for payment of
6954 rent shall be reimbursed as soon as possible to the extent that
6955 income from the facilities exceeds the amount necessary for such
6956 debt payment.

6957 (6) Agreements entered into pursuant to this section are
6958 subject to the provisions of s. 1010.62.

6959 Section 173. Section 1013.19, Florida Statutes, is amended
6960 to read:

PCB SLC 07-16

ORIGINAL

2007

6961 1013.19 Purchase, conveyance, or encumbrance of property
 6962 interests above surface of land; joint-occupancy structures.--For
 6963 the purpose of implementing jointly financed construction project
 6964 agreements, or for the construction of combined occupancy
 6965 structures, any board may purchase, own, convey, sell, lease, or
 6966 encumber airspace or any other interests in property above the
 6967 surface of the land, provided the lease of airspace for nonpublic
 6968 use is for such reasonable rent, length of term, and conditions
 6969 as the board in its discretion may determine. All proceeds from
 6970 such sale or lease shall be used by the board or boards receiving
 6971 the proceeds solely for fixed capital outlay purposes. These
 6972 purposes may include the renovation or remodeling of existing
 6973 facilities owned by the board or the construction of new
 6974 facilities; however, for a community college board or university
 6975 board, such new facility must be authorized by the Legislature.
 6976 It is declared that the use of such rental by the board for
 6977 public purposes in accordance with its statutory authority is a
 6978 public use. Airspace or any other interest in property held by
 6979 the Board of Trustees of the Internal Improvement Trust Fund or
 6980 the State Board of Education may not be divested or conveyed
 6981 without approval of the respective board. Any building, including
 6982 any building or facility component that is common to both
 6983 nonpublic and educational portions thereof, constructed in
 6984 airspace that is sold or leased for nonpublic use pursuant to
 6985 this section is subject to all applicable state, county, and
 6986 municipal regulations pertaining to land use, zoning,
 6987 construction of buildings, fire protection, health, and safety to
 6988 the same extent and in the same manner as such regulations would
 6989 be applicable to the construction of a building for nonpublic use

PCB SLC 07-16

ORIGINAL

2007

6990 on the appurtenant land beneath the subject airspace. Any
 6991 educational facility constructed or leased as a part of a joint-
 6992 occupancy facility is subject to all rules and requirements of
 6993 the respective boards or departments having jurisdiction over
 6994 educational facilities. Any contract executed by a university
 6995 board of trustees pursuant to this section is subject to the
 6996 provisions of s. 1010.62.

6997 Section 174. Section 1013.25, Florida Statutes, is amended
 6998 to read:

6999 1013.25 When university or community college board of
 7000 trustees may exercise power of eminent domain.--Whenever it
 7001 becomes necessary for the welfare and convenience of any of its
 7002 institutions or divisions to acquire private property for the use
 7003 of such institutions, and this cannot be acquired by agreement
 7004 satisfactory to a university or community college board of
 7005 trustees and the parties interested in, or the owners of, the
 7006 private property, the board of trustees may exercise the power of
 7007 eminent domain after receiving approval therefor from the
 7008 Administration Commission ~~State Board of Education~~ and may then
 7009 proceed to condemn the property in the manner provided by chapter
 7010 73 or chapter 74.

7011 Section 175. Section 1013.28, Florida Statutes, is amended
 7012 to read:

7013 1013.28 Disposal of property.--

7014 (1) REAL PROPERTY.--

7015 (a) Subject to rules of the State Board of Education, a
 7016 district school board, the Board of Trustees for the Florida
 7017 School for the Deaf and the Blind, or a community college board
 7018 of trustees may dispose of any land or real property to which the

PCB SLC 07-16

ORIGINAL

2007

7019 board holds title which ~~that~~ is, by resolution of the board,
 7020 determined to be unnecessary for educational purposes as
 7021 recommended in an educational plant survey. A district school
 7022 board, the Board of Trustees for the Florida School for the Deaf
 7023 and the Blind, or a community college board of trustees shall
 7024 take diligent measures to dispose of educational property only in
 7025 the best interests of the public. However, appraisals may be
 7026 obtained by the district school board, the Board of Trustees for
 7027 the Florida School for the Deaf and the Blind, or the community
 7028 college board of trustees prior to or simultaneously with the
 7029 receipt of bids.

7030 (b) Subject to rules of the Board of Governors, a state
 7031 university board of trustees may dispose of any land or real
 7032 property to which it holds valid title which is, by resolution of
 7033 the state university board of trustees, determined to be
 7034 unnecessary for educational purposes as recommended in an
 7035 educational plant survey. A state university board of trustees
 7036 shall take diligent measures to dispose of educational property
 7037 only in the best interests of the public. However, appraisals may
 7038 be obtained by the state university board of trustees prior to or
 7039 simultaneously with the receipt of bids.

7040 (2) TANGIBLE PERSONAL PROPERTY.--

7041 (a) Tangible personal property that ~~which~~ has been properly
 7042 classified as surplus by a district school board or community
 7043 college board of trustees shall be disposed of in accordance with
 7044 the procedure established by chapter 274 ~~and by a university~~
 7045 ~~board of trustees by chapter 273~~. However, the provisions of
 7046 chapter 274 shall not be applicable to a motor vehicle used in
 7047 driver education to which title is obtained for a token amount

7048 | from an automobile dealer or manufacturer. In such cases, the
 7049 | disposal of the vehicle shall be as prescribed in the contractual
 7050 | agreement between the automotive agency or manufacturer and the
 7051 | board.

7052 | (b) Tangible personal property that has been properly
 7053 | classified as surplus by a state university board of trustees
 7054 | shall be disposed of in accordance with the procedure established
 7055 | by chapter 273.

7056 | Section 176. Section 1013.31, Florida Statutes, is amended
 7057 | to read:

7058 | 1013.31 Educational plant survey; localized need
 7059 | assessment; PECO project funding.--

7060 | (1) At least every 5 years, each board shall arrange for an
 7061 | educational plant survey, to aid in formulating plans for housing
 7062 | the educational program and student population, faculty,
 7063 | administrators, staff, and auxiliary and ancillary services of
 7064 | the district or campus, including consideration of the local
 7065 | comprehensive plan. The Department of Education ~~Office of~~
 7066 | ~~Workforce and Economic Development~~ shall document the need for
 7067 | additional career and adult education programs and the
 7068 | continuation of existing programs before facility construction or
 7069 | renovation related to career or adult education may be included
 7070 | in the educational plant survey of a school district or community
 7071 | college that delivers career or adult education programs.
 7072 | Information used by the Department of Education ~~Office of~~
 7073 | ~~Workforce and Economic Development~~ to establish facility needs
 7074 | must include, but need not be limited to, labor market data,
 7075 | needs analysis, and information submitted by the school district
 7076 | or community college.

PCB SLC 07-16

ORIGINAL

2007

7077 (a) Survey preparation and required data.--Each survey
 7078 shall be conducted by the board or an agency employed by the
 7079 board. Surveys shall be reviewed and approved by the board, and a
 7080 file copy shall be submitted to the Department of Education or to
 7081 the Chancellor of the State University System, as appropriate
 7082 ~~Office of Educational Facilities and SMART Schools Clearinghouse~~
 7083 ~~within the Office of the Commissioner of Education.~~ The survey
 7084 report shall include at least an inventory of existing
 7085 educational and ancillary plants, including safe access
 7086 facilities; recommendations for existing educational and
 7087 ancillary plants; recommendations for new educational or
 7088 ancillary plants, including the general location of each in
 7089 coordination with the land use plan and safe access facilities;
 7090 campus master plan update and detail for community colleges; the
 7091 utilization of school plants based on an extended school day or
 7092 year-round operation; and such other information as may be
 7093 required by the Department of Education ~~rules of the State Board~~
 7094 ~~of Education.~~ This report may be amended, if conditions warrant,
 7095 at the request of the department ~~board~~ or commissioner.

7096 (b) Required need assessment criteria for district,
 7097 community college, ~~college and~~ state university, and Florida
 7098 School for the Deaf and the Blind plant surveys.--Educational
 7099 plant surveys must use uniform data sources and criteria
 7100 specified in this paragraph. Each revised educational plant
 7101 survey and each new educational plant survey supersedes previous
 7102 surveys.

7103 1. The school district's survey must be submitted as a part
 7104 of the district educational facilities plan defined in s.
 7105 1013.35. To ensure that the data reported to the Department of

PCB SLC 07-16

ORIGINAL

2007

7106 Education as required by this section is correct, the department
 7107 shall annually conduct an onsite review of 5 percent of the
 7108 facilities reported for each school district completing a new
 7109 survey that year. If the department's review finds the data
 7110 reported by a district is less than 95 percent accurate, within 1
 7111 year from the time of notification by the department the district
 7112 must submit revised reports correcting its data. If a district
 7113 fails to correct its reports, the commissioner may direct that
 7114 future fixed capital outlay funds be withheld until such time as
 7115 the district has corrected its reports so that they are not less
 7116 than 95 percent accurate.

7117 2. Each survey of a special facility, joint-use facility,
 7118 or cooperative career education facility must be based on capital
 7119 outlay full-time equivalent student enrollment data prepared by
 7120 the department for school districts and, community colleges,
 7121 ~~colleges~~, and by the Chancellor of the State University System
 7122 for universities. A survey of space needs of a joint-use facility
 7123 shall be based upon the respective space needs of the school
 7124 districts, community colleges, ~~colleges~~, and universities, as
 7125 appropriate. Projections of a school district's facility space
 7126 needs may not exceed the norm space and occupant design criteria
 7127 established by the State Requirements for Educational Facilities.

7128 3. Each community college's survey must reflect the
 7129 capacity of existing facilities as specified in the inventory
 7130 maintained by the Department of Education. Projections of
 7131 facility space needs must comply with standards for determining
 7132 space needs as specified by rule of the State Board of Education.
 7133 The 5-year projection of capital outlay student enrollment must
 7134 be consistent with the annual report of capital outlay full-time

PCB SLC 07-16

ORIGINAL

2007

7135 student enrollment prepared by the Department of Education.

7136 4. Each ~~college and~~ state university's survey must reflect
 7137 the capacity of existing facilities as specified in the inventory
 7138 maintained and validated by the Chancellor of the State
 7139 University System ~~Division of Colleges and Universities~~.

7140 Projections of facility space needs must be consistent with
 7141 standards for determining space needs as specified by rule of
 7142 ~~approved by the~~ Board of Governors ~~Division of Colleges and~~
 7143 ~~Universities~~. The projected capital outlay full-time equivalent
 7144 student enrollment must be consistent with the 5-year planned
 7145 enrollment cycle for the State University System approved by the
 7146 Board of Governors ~~Division of Colleges and Universities~~.

7147 5. The district educational facilities plan of a school
 7148 district and the educational plant survey of a community college,
 7149 ~~college or~~ state university, or the Florida School for the Deaf
 7150 and the Blind may include space needs that deviate from approved
 7151 standards for determining space needs if the deviation is
 7152 justified by the district or institution and approved by the
 7153 department or the Board of Governors, as appropriate, as
 7154 necessary for the delivery of an approved educational program.

7155 (c) Review and validation.--The Department of Education
 7156 ~~Office of Educational Facilities and SMART Schools Clearinghouse~~
 7157 shall review and validate the surveys of school districts and
 7158 ~~community colleges, and colleges~~ and the Chancellor of the State
 7159 University System shall review and validate the surveys of
 7160 universities, and any amendments thereto, for compliance with the
 7161 requirements of this chapter and shall recommend those in
 7162 compliance for approval by the State Board of Education or the
 7163 Board of Governors, as appropriate. Annually, the department

PCB SLC 07-16

ORIGINAL

2007

7164 shall perform an in-depth analysis of a representative sample of
 7165 each survey of recommended needs for five districts selected by
 7166 the commissioner from among districts with the largest need-to-
 7167 revenue ratio. For the purpose of this subsection, the need-to-
 7168 revenue ratio is determined by dividing the total 5-year cost of
 7169 projects listed on the district survey by the total 5-year fixed
 7170 capital outlay revenue projections from state and local sources
 7171 as determined by the department. The commissioner may direct
 7172 fixed capital outlay funds to be withheld from districts until
 7173 such time as the survey accurately projects facilities needs.

7174 (d) Periodic update of Florida Inventory of School
 7175 Houses.--School districts shall periodically update their
 7176 inventory of educational facilities as new capacity becomes
 7177 available and as unsatisfactory space is eliminated. The State
 7178 Board of Education shall adopt rules to determine the time frame
 7179 in which districts must provide a periodic update.

7180 (2) Only the district school superintendent, community
 7181 college president, or the university president shall certify to
 7182 the Department of Education ~~Office of Educational Facilities and~~
 7183 ~~SMART Schools Clearinghouse~~ a project's compliance with the
 7184 requirements for expenditure of PECO funds prior to release of
 7185 funds.

7186 (a) Upon request for release of PECO funds for planning
 7187 purposes, certification must be made to the Department of
 7188 Education ~~Office of Educational Facilities and SMART Schools~~
 7189 ~~Clearinghouse~~ that the need for and location of the facility are
 7190 in compliance with the board-approved survey recommendations,
 7191 that the project meets the definition of a PECO project and the
 7192 limiting criteria for expenditures of PECO funding, and that the

PCB SLC 07-16

ORIGINAL

2007

7193 plan is consistent with the local government comprehensive plan.

7194 (b) Upon request for release of construction funds,
 7195 certification must be made to the Department of Education ~~Office~~
 7196 ~~of Educational Facilities and SMART Schools Clearinghouse~~ that
 7197 the need and location of the facility are in compliance with the
 7198 board-approved survey recommendations, that the project meets the
 7199 definition of a PECO project and the limiting criteria for
 7200 expenditures of PECO funding, and that the construction documents
 7201 meet the requirements of the Florida Building Code for
 7202 educational facilities construction or other applicable codes as
 7203 authorized in this chapter.

7204 Section 177. Subsection (2) of section 1013.46, Florida
 7205 Statutes, is amended to read:

7206 1013.46 Advertising and awarding contracts;
 7207 prequalification of contractor.--

7208 (2) Boards shall prequalify bidders for construction
 7209 ~~contracts according to rules prescribed by the State Board of~~
 7210 ~~Education which require the prequalification of bidders of~~
 7211 ~~educational facilities construction.~~ Boards shall require that
 7212 all construction or capital improvement bids be accompanied by
 7213 evidence that the bidder holds an appropriate certificate or
 7214 license or that the prime contractor has a current valid license.

7215 Section 178. Section 1013.47, Florida Statutes, is amended
 7216 to read:

7217 1013.47 Substance of contract; contractors to give bond;
 7218 penalties.--Each board shall develop contracts consistent with
 7219 this chapter and statutes governing public facilities. Such a
 7220 contract must contain the drawings and specifications of the work
 7221 to be done and the material to be furnished, the time limit in

PCB SLC 07-16

ORIGINAL

2007

7222 | which the construction is to be completed, the time and method by
 7223 | which payments are to be made upon the contract, and the penalty
 7224 | to be paid by the contractor for any failure to comply with the
 7225 | terms of the contract. The board may require the contractor to
 7226 | pay a penalty for any failure to comply with the terms of the
 7227 | contract and may provide an incentive for early completion. Upon
 7228 | accepting a satisfactory bid, the board shall enter into a
 7229 | contract with the party or parties whose bid has been accepted.
 7230 | The contractor shall furnish the board with a performance and
 7231 | payment bond as set forth in s. 255.05. A board or other public
 7232 | entity may not require a contractor to secure a surety bond under
 7233 | s. 255.05 from a specific agent or bonding company.
 7234 | Notwithstanding any other provision of this section, if 25
 7235 | percent or more of the costs of any construction project is paid
 7236 | out of a trust fund established pursuant to 31 U.S.C. s.
 7237 | 1243(a)(1), laborers and mechanics employed by contractors or
 7238 | subcontractors on such construction will be paid wages not less
 7239 | than those prevailing on similar construction projects in the
 7240 | locality, as determined by the Secretary of Labor in accordance
 7241 | with the Davis-Bacon Act, as amended. A person, firm, or
 7242 | corporation that constructs any part of any educational plant, or
 7243 | addition thereto, on the basis of any unapproved plans or in
 7244 | violation of any plans approved in accordance with the provisions
 7245 | of this chapter and rules of the State Board of Education or the
 7246 | Board of Governors relating to building standards or
 7247 | specifications is subject to forfeiture of bond and unpaid
 7248 | compensation in an amount sufficient to reimburse the board for
 7249 | any costs that will need to be incurred in making any changes
 7250 | necessary to assure that all requirements are met and is also

PCB SLC 07-16

ORIGINAL

2007

7251 guilty of a misdemeanor of the second degree, punishable as
 7252 provided in s. 775.082 or s. 775.083, for each separate
 7253 violation.

7254 Section 179. Paragraphs (a), (c), and (d) of subsection (1)
 7255 and subsections (2) and (3) of section 1013.52, Florida Statutes,
 7256 are amended to read:

7257 1013.52 Cooperative development and joint use of facilities
 7258 by two or more boards.--

7259 (1) Two or more boards, including district school boards,
 7260 community college boards of trustees, the Board of Trustees for
 7261 the Florida School for the Deaf and the Blind, and university
 7262 boards of trustees, desiring to cooperatively establish a common
 7263 educational facility to accommodate students shall:

7264 (a) Jointly request a formal assessment by the Commissioner
 7265 of Education or the Chancellor of the State University System, as
 7266 appropriate, of the academic program need and the need to build
 7267 new joint-use facilities to house approved programs. Completion
 7268 of the assessment and approval of the project by the State Board
 7269 of Education, the Board of Governors, the Chancellor of the State
 7270 University System, or the Commissioner of Education, as
 7271 appropriate, should be done prior to conducting an educational
 7272 facilities survey.

7273 (c) Adopt and submit to the Commissioner of Education, and
 7274 the Chancellor of the State University System if the joint
 7275 request involves a state university, a joint resolution of the
 7276 participating boards indicating their commitment to the
 7277 utilization of the requested facility and designating the locale
 7278 of the proposed facility. The joint resolution shall contain a
 7279 statement of determination by the participating boards that

PCB SLC 07-16

ORIGINAL

2007

7280 alternate options, including the use of leased, rented, or
 7281 borrowed space, were considered and found less appropriate than
 7282 construction of the proposed facility. The joint resolution shall
 7283 contain assurance that the development of the proposed facility
 7284 has been examined in conjunction with the programs offered by
 7285 neighboring public educational facilities offering instruction at
 7286 the same level. The joint resolution also shall contain assurance
 7287 that each participating board shall provide for continuity of
 7288 educational progression. All joint resolutions shall be submitted
 7289 ~~to the commissioner~~ by August 1 for consideration of funding by
 7290 the subsequent Legislature.

7291 (d) Submit requests for funding of joint-use facilities
 7292 projects involving state universities and community colleges for
 7293 approval by the Commissioner of Education and the Chancellor of
 7294 the State University System. The Commissioner of Education and
 7295 the Chancellor of the State University System shall jointly
 7296 determine the priority for funding these projects in relation to
 7297 the priority of all other capital outlay projects under their
 7298 consideration. To be eligible for funding from the Public
 7299 Education Capital Outlay and Debt Service Trust Fund under the
 7300 provisions of this section, projects involving both state
 7301 universities and community colleges shall appear on the 3-year
 7302 capital outlay priority lists of community colleges and of
 7303 universities required by s. 1013.64. Projects involving a state
 7304 university, community college, and a public school, and in which
 7305 the larger share of the proposed facility is for the use of the
 7306 state university or the community college, shall appear on the 3-
 7307 year capital outlay priority lists of the community colleges or
 7308 of the universities, as applicable.

PCB SLC 07-16

ORIGINAL

2007

7309 (2) An educational plant survey must be conducted within 90
7310 days after submission of the joint resolution and substantiating
7311 data describing the benefits to be obtained, the programs to be
7312 offered, and the estimated cost of the proposed project. Upon
7313 completion of the educational plant survey, the participating
7314 boards may include the recommended projects in their plan as
7315 provided in s. 1013.31. Upon approval of the project by the
7316 commissioner or the Chancellor of the State University System, as
7317 appropriate, 25 percent of the total cost of the project, or the
7318 pro rata share based on space utilization of 25 percent of the
7319 cost, must be included in the department's legislative capital
7320 outlay budget request as provided in s. 1013.60 for educational
7321 plants. The participating boards must include in their joint
7322 resolution a commitment to finance the remaining funds necessary
7323 to complete the planning, construction, and equipping of the
7324 facility. Funds from the Public Education Capital Outlay and Debt
7325 Service Trust Fund may not be expended on any project unless
7326 specifically authorized by the Legislature.

7327 (3) Included in all proposals for joint-use facilities must
7328 be documentation that the proposed new campus or new joint-use
7329 facility has been reviewed by the State Board of Education or the
7330 Board of Governors, as appropriate, and has been formally
7331 requested for authorization by the Legislature.

7332 Section 180. Subsection (2) of section 1013.60, Florida
7333 Statutes, is amended to read:

7334 1013.60 Legislative capital outlay budget request.--

7335 (2) The commissioner shall submit to the Governor and to
7336 the Legislature an integrated, comprehensive budget request for
7337 educational facilities construction and fixed capital outlay

PCB SLC 07-16

ORIGINAL

2007

7338 needs for school districts, community colleges, and universities,
7339 pursuant to the provisions of s. 1013.64 and applicable
7340 provisions of chapter 216. Each community college board of
7341 trustees and each university board of trustees shall submit to
7342 the commissioner a 3-year plan and data required in the
7343 development of the annual capital outlay budget. The information
7344 approved by the Board of Governors must be submitted to the
7345 Commissioner of Education for inclusion in the comprehensive
7346 budget request for educational facilities. No further
7347 disbursements shall be made from the Public Education Capital
7348 Outlay and Debt Service Trust Fund to a board of trustees that
7349 fails to timely submit the required data until such board of
7350 trustees submits the data.

7351 Section 181. Paragraph (a) of subsection (4) of section
7352 1013.64, Florida Statutes, is amended to read:

7353 1013.64 Funds for comprehensive educational plant needs;
7354 construction cost maximums for school district capital
7355 projects.--Allocations from the Public Education Capital Outlay
7356 and Debt Service Trust Fund to the various boards for capital
7357 outlay projects shall be determined as follows:

7358 (4) (a) Community college boards of trustees and university
7359 boards of trustees shall receive funds for projects based on a 3-
7360 year priority list, to be updated annually, which is submitted to
7361 the Legislature in the legislative budget request at least 90
7362 days prior to the legislative session. The State Board of
7363 Education shall submit a 3-year priority list for community
7364 colleges and the Board of Governors shall submit a 3-year
7365 priority list for universities. The lists shall reflect decisions
7366 by the State Board of Education for community colleges and the

PCB SLC 07-16

ORIGINAL

2007

7367 Board of Governors for state universities concerning program
 7368 priorities that implement the statewide plan for program growth
 7369 and quality improvement in education. No remodeling or renovation
 7370 project shall be included on the 3-year priority list unless the
 7371 project has been recommended pursuant to s. 1013.31 or is for the
 7372 purpose of correcting health and safety deficiencies. No new
 7373 construction project shall be included on the first year of the
 7374 3-year priority list unless the educational specifications have
 7375 been approved by the commissioner for a community college project
 7376 or by the Board of Governors for a university project, as
 7377 applicable. The funds requested for a new construction project in
 7378 the first year of the 3-year priority list shall be in
 7379 conformance with the scope of the project as defined in the
 7380 educational specifications. Any new construction project
 7381 requested in the first year of the 3-year priority list which is
 7382 not funded by the Legislature shall be carried forward to be
 7383 listed first in developing the updated 3-year priority list for
 7384 the subsequent year's capital outlay budget. Should the order of
 7385 the priority of the projects change from year to year, a
 7386 justification for such change shall be included with the updated
 7387 priority list.

7388 Section 182. Subsection (1) of section 1013.65, Florida
 7389 Statutes, is amended to read:

7390 1013.65 Educational and ancillary plant construction funds;
 7391 Public Education Capital Outlay and Debt Service Trust Fund;
 7392 allocation of funds.--

7393 (1) The commissioner, through the department, shall
 7394 administer the Public Education Capital Outlay and Debt Service
 7395 Trust Fund. The commissioner shall allocate or reallocate funds

PCB SLC 07-16

ORIGINAL

2007

7396 as authorized by the Legislature. Copies of each allocation or
 7397 reallocation shall be provided to members of the State Board of
 7398 Education and the Board of Governors and to the chairs of the
 7399 House of Representatives and Senate appropriations committees.
 7400 The commissioner shall provide for timely encumbrances of funds
 7401 for duly authorized projects. Encumbrances may include proceeds
 7402 to be received under a resolution approved by the State Board of
 7403 Education authorizing the issuance of public education capital
 7404 outlay bonds pursuant to s. 9(a)(2), Art. XII of the State
 7405 Constitution, s. 215.61, and other applicable law. The
 7406 commissioner shall provide for the timely disbursement of moneys
 7407 necessary to meet the encumbrance authorizations of the boards.
 7408 Records shall be maintained by the department to identify
 7409 legislative appropriations, allocations, encumbrance
 7410 authorizations, disbursements, transfers, investments, sinking
 7411 funds, and revenue receipts by source. The Department of
 7412 Education shall pay the administrative costs of the Public
 7413 Education Capital Outlay and Debt Service Trust Fund from the
 7414 funds which comprise the trust fund.

7415 Section 183. Paragraph (c) of subsection (2) and subsection
 7416 (3) of section 1013.74, Florida Statutes, are amended, and
 7417 subsection (5) is added to that section, to read:

7418 1013.74 University authorization for fixed capital outlay
 7419 projects.--

7420 (2) The following types of projects may be accomplished
 7421 pursuant to this section:

7422 (c) Construction of projects financed as provided in s.
 7423 1010.62 ~~ss. 1010.60 1010.619 or 1013.71~~;

7424 (3) Other than those projects currently authorized, no

PCB SLC 07-16

ORIGINAL

2007

7425 project proposed by a university which is to be funded from
 7426 Capital Improvement Trust Fund fees or building fees shall be
 7427 submitted to the Board of Governors ~~State Board of Education~~ for
 7428 approval without prior consultation with the student government
 7429 association of that university. The Board of Governors may adopt
 7430 ~~State Board of Education~~ shall promulgate rules which are
 7431 consistent with this requirement.

7432 (5) Projects accomplished pursuant to this section are
 7433 subject to the requirements of s. 1010.62.

7434 Section 184. Subsection (2) of section 1013.78, Florida
 7435 Statutes, is amended to read:

7436 1013.78 Approval required for certain university-related
 7437 facility acquisitions.--

7438 (2) Legislative approval shall not be required for
 7439 renovations, remodeling, replacement of existing facilities, or
 7440 construction of minor projects as defined in s. 1013.64, except
 7441 to the extent required pursuant to s. 1010.62.

7442 Section 185. Sections 186.805 and 1004.54, Florida
 7443 Statutes, are repealed. It is the intent of the Legislature that
 7444 the repeal of ss. 186.805 and 1004.54, Florida Statutes, by this
 7445 act is to remove existing statutory authorization that is no
 7446 longer necessary for the establishment, operation, or maintenance
 7447 of the entities that were established, operated, or regulated
 7448 under those provisions and does not affect the authority of a
 7449 state university or the Board of Governors of the State
 7450 University System under s. 7, Art. IX of the State Constitution
 7451 and s. 1001.705, Florida Statutes, to continue such entities and
 7452 their operation and regulation in accordance with that authority.

7453 Section 186. Sections 741.03055, 741.03056, 1001.75,

PCB SLC 07-16

ORIGINAL

2007

7454 | 1007.261, 1007.31, 1007.32, 1008.51, 1011.4105, 1012.92, 1012.94,

7455 | and 1012.95, Florida Statutes, are repealed.

7456 | Section 187. This act shall take effect July 1, 2007.