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

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

48

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

50

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

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

55 (5) EDUCATION GOVERNANCE TRANSFERS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

110 (3)

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

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

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

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

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

b. The provision of equipment and supplies.

c. Scheduling of games and practice times.

d. Travel and per diem allowances.

e. Opportunities to receive coaching and academic tutoring.

f. Assignment and compensation of coaches and tutors.

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

h. Provision of medical and training facilities and services.

i. Provision of housing and dining facilities and services.

j. Publicity.

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

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

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

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

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

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are not limited to:

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

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

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

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

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

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

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

2. Notwithstanding the provisions of s. 216.192, direct the Chief Financial Officer to withhold general revenue funds sufficient to obtain compliance from the school district or Florida College System institution ~~community college~~.

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225 The school district or Florida College System institution
226 ~~community college~~ shall remain ineligible and the funds shall
227 not be paid until the institution comes into compliance or the
228 State Board of Education approves a plan for compliance.

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

231 1000.06 Display of flags.—

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

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

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1000.07 Florida Business and Education Collaborative.—

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

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

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

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

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

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

(b) Broward College, which serves Broward County.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1001.02 General powers of State Board of Education.—

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

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

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

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

(4) The State Board of Education shall:

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

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

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

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

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

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

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

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

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

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

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

407 (a) Personnel.

408 (b) Contracting.

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

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

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

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

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

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

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

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

(f) Budgeting.

(g) Business and financial matters.

(h) Student services.

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

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

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1001.03, Florida Statutes, are amended to read:

1001.03 Specific powers of State Board of Education.—

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

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

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

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

1001.10 Commissioner of Education; general powers and duties.—

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

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

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

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

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

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

1001.11 Commissioner of Education; other duties.—

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

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

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

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

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

1001.20 Department under direction of state board.—

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

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

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s. 20.055.

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

1001.27 State satellite network.—

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

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

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

(c) Develop an implementation plan that provides for designation of a site in each Florida College System institution ~~community college~~ region for inclusion in the initial network. Criteria for selection shall include:

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

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

3. Willingness to complement state support with matching

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561 institutional resources.

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

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

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

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

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

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

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but are not limited to, the duty to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

649 1001.60 Florida College System.—

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

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

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

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

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

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

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

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

685 d. Continue to provide remedial education.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1001.64 Florida College System institution ~~Community college~~ boards of trustees; powers and duties.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1037 College System institution ~~community college~~.

1038 (38) Each board of trustees is authorized to enter into
1039 short-term loans and installment, lease-purchase, and other
1040 financing contracts for a term of not more than 5 years,
1041 including renewals, extensions, and refundings. Payments on
1042 short-term loans and installment, lease-purchase, and other
1043 financing contracts pursuant to this subsection shall be subject
1044 to annual appropriation by the board of trustees. Each board of
1045 trustees is authorized to borrow funds and incur long-term debt,
1046 including promissory notes, installment sales agreements, lease-
1047 purchase agreements, certificates of participation, and other
1048 similar long-term financing arrangements, only as specifically
1049 provided in ss. 1009.22(6) and (9) and 1009.23(11) and (12). At
1050 the option of the board of trustees, bonds issued pursuant to
1051 ss. 1009.22(6) and (9) and 1009.23(11) and (12) may be secured
1052 by a combination of revenues authorized to be pledged to bonds
1053 pursuant to such subsections. Revenue bonds may not be secured
1054 by or paid from, directly or indirectly, tuition, financial aid
1055 fees, the Florida College System ~~Community College~~ Program Fund,
1056 or any other operating revenues of a Florida College System
1057 institution ~~community college~~. Lease-purchase agreements may be
1058 secured by a combination of revenues as specifically authorized
1059 pursuant to ss. 1009.22(7) and 1009.23(10).

1060 (39) Each board of trustees shall prescribe conditions for
1061 direct-support organizations to be certified and to use Florida
1062 College System institution ~~community college~~ property and
1063 services. Conditions relating to certification must provide for
1064 audit review and oversight by the board of trustees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1171 (10) Award degrees.

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

1176 (12) Organize the Florida College System institution

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1001.706 Powers and duties of the Board of Governors.—

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

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

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

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

1275 (19) INSTRUCTIONAL MATERIALS.—

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

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

1284 1002.21 Postsecondary student and parent rights.—

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

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

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

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

1302 1002.33 Charter schools.—

1303 (5) SPONSOR; DUTIES.—

1304 (b) *Sponsor duties*.—

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

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

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

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

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1317 charter school.

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

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

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

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

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

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

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

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

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

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

(18) FACILITIES.—

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

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

1002.34 Charter technical career centers.—

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

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

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

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

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

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developed by the Department of Education which includes:

(a) The name of the proposed center.

(b) The proposed structure of the center, including a list of proposed members of the board of directors or a description of the qualifications for and method of their appointment or election.

(c) The workforce development goals of the center, the curriculum to be offered, and the outcomes and the methods of assessing the extent to which the outcomes are met.

(d) The admissions policy and criteria for evaluating the admission of students.

(e) A description of the staff responsibilities and the proposed qualifications of the teaching staff.

(f) A description of the procedures to be implemented to ensure significant involvement of representatives of business and industry in the operation of the center.

(g) A method for determining whether a student has satisfied the requirements for graduation specified in s. 1003.43 and for completion of a postsecondary certificate or degree.

(h) A method for granting secondary and postsecondary diplomas, certificates, and degrees.

(i) A description of and address for the physical facility in which the center will be located.

(j) A method for resolving conflicts between the governing body of the center and the sponsor and between consortium members, if applicable.

(k) A method for reporting student data as required by law

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and rule.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1609 (11) FUNDING.—

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

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

1622 (12) EMPLOYEES OF A CENTER.—

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

- 1624 1. The Florida Retirement System upon application and

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

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

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

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

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

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

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

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

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

1002.41 Home education programs.—

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

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

1002.45 School district virtual instruction programs.—

(1) PROGRAM.—

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

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

2. "Virtual instruction program" means a program of

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

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

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

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

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

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

(2) PROVIDER QUALIFICATIONS.—

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

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document that it:

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

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

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

4. Possesses prior, successful experience offering online courses to elementary, middle, or high school students;

5. Is accredited by the Southern Association of Colleges and Schools Council on Accreditation and School Improvement, the North Central Association Commission on Accreditation and School Improvement, the Middle States Association of Colleges and Schools Commission on Elementary Schools and Commission on Secondary Schools, the New England Association of Schools and Colleges, the Northwest Association of Accredited Schools, the Western Association of Schools and Colleges, or the Commission on International and Trans-Regional Accreditation; and

6. If the provider is a Florida College System institution ~~community college~~, employs instructors who meet the certification requirements for instructional staff under chapter 1012.

(7) FUNDING.—

(c) A Florida College System institution ~~community college~~

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

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

1003.03 Maximum class size.—

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

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

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

1003.41 Sunshine State Standards.—

(3)

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

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

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

1003.4156 General requirements for middle grades promotion.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1003.435 High school equivalency diploma program.—

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

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

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

1003.49 Graduation and promotion requirements for publicly operated schools.—

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

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

1003.51 Other public educational services.—

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

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

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

1003.52 Educational services in Department of Juvenile Justice programs.—

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

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

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

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

1004.02 Definitions.—As used in this chapter:

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

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

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

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

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

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

1004.03 Program approval.—

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

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

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

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

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

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

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1989 1004.04, Florida Statutes, are amended to read:

1990 1004.04 Public accountability and state approval for
1991 teacher preparation programs.—

1992 (9) FLORIDA COLLEGE SYSTEM INSTITUTIONS ~~COMMUNITY~~
1993 ~~COLLEGES~~.—To the extent practical, postsecondary educational
1994 institutions offering teacher preparation programs shall
1995 establish articulation agreements on a core of liberal arts
1996 courses and introductory professional courses with field
1997 experience components which shall be offered at Florida College
1998 System institutions ~~community colleges~~.

1999 (10) SHORT-TERM EXPERIENCES AS TEACHER ASSISTANTS.—
2000 Postsecondary institutions offering teacher preparation programs
2001 and Florida College System institutions ~~community colleges~~, in
2002 collaboration with school districts, may develop and implement a
2003 program to provide short-term experiences as teacher assistants
2004 prior to beginning a teacher preparation program or alternative
2005 certification program. The program shall serve individuals with
2006 baccalaureate degrees who are interested in the teaching
2007 profession. This experience may be accepted for use in teacher
2008 preparation programs and competency-based alternative
2009 certification programs, where applicable.

2010 (11) PRETEACHER AND TEACHER EDUCATION PILOT PROGRAMS.—
2011 State universities and Florida College System institutions
2012 ~~community colleges~~ may establish preteacher education and
2013 teacher education pilot programs to encourage promising minority
2014 students to prepare for a career in education. These pilot
2015 programs shall be designed to recruit and provide additional
2016 academic, clinical, and counseling support for students whom the

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

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

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

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

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

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2045 career in education.

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

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

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

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

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1004.05 Substance abuse training programs.—

(1) Each state university and Florida College System institution ~~community college~~ may develop courses designed for public school teachers, counselors, physicians, law enforcement personnel, and other professionals to assist them in recognizing symptoms of substance abuse impairment and identifying appropriate service providers for referral and treatment.

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

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

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

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

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

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

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

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

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

2116 1004.085 Textbook affordability.—

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

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

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

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

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

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

(c) That a course instructor or the academic department

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

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

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

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

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

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

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

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which the college or university grants to other employers.

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

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

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

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

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

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

(6) CENTERS OF EXCELLENCE.—

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

1. Any state university.
2. Any private university.
3. The H. Lee Moffitt Cancer Center and Research

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2213 Institute.

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

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

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

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

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

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

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

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

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

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

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

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

1004.648 Florida Energy Systems Consortium.—

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

(d) Develop education and outreach programs to prepare a

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Enterprise Florida-related programs.
2. Technology transfer centers.
3. Economic development centers.
4. Workforce literacy programs.

(e) Providing dual enrollment instruction.

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

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

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

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

(c) Recreational and leisure services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2455 (3) USE OF PROPERTY.—

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

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

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

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

2474 (4) ACTIVITIES; RESTRICTIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) USE OF PROPERTY.—

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

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

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2577 services of the Department of Education.

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

2584 (4) RESTRICTIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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2661 1004.74 Florida School of the Arts.—

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

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

2671 1004.75 Training school consolidation pilot projects.—

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

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2689 (3) FACILITIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1004.77 Centers of technology innovation.—

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

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

(a) Curriculum development.

(b) Faculty development.

(c) Research, testing, and technology transfer.

(d) Instructional equipment and materials identification and development.

(e) Partnerships with industries dependent upon staying current in the related technologies and in the development of

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workforce capabilities.

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

(4) Centers may provide instruction, as follows:

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

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

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

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

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

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

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

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

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

1004.78 Technology transfer centers at Florida College System institutions ~~community colleges~~.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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2969 1004.79 Incubator facilities for small business concerns.—

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

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

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

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

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

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

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

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

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

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

3017 1004.80 Economic development centers.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1004.86 Florida Center for Mathematics and Science
Education Research.—

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

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

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

1004.91 Career-preparatory instruction.—

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

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

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

1004.92 Purpose and responsibilities for career education.—

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

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

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

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

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level position or continue postsecondary study.

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

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

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

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

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

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

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

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

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

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

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

1004.93 Adult general education.—

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

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

(4)

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

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

(6) The commissioner shall recommend the level of funding

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

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

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

1004.94 Adult literacy.—

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

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

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

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

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

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

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

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

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

a. The recruitment and preparation of volunteer tutors.

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

c. Desirable learning environments, including class size.

d. Program evaluation standards.

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

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

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

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

1004.95 Adult literacy centers.—

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

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

1004.97 Florida Literacy Corps.—

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

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

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

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

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

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

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

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limited to:

1. Identification of the school district, Florida College System institution ~~community college~~, public library, or nonprofit organization with which participating students will be working.

2. Demonstration of the need for literacy tutors by the school district, Florida College System institution ~~community college~~, public library, or nonprofit organization.

3. Demonstration of commitment by the public school, Florida College System institution ~~community college~~, public library, or nonprofit organization to provide instruction for tutors.

4. Description of the literacy program.

5. Demonstration of student interest in program participation.

6. Designation of one or more faculty to conduct the Florida Literacy Corps course and identification of the qualifications of such faculty.

(6) Each participating state university and Florida College System institution ~~community college~~ shall submit an annual report to the Commissioner of Education which includes, but is not limited to:

(a) The number of hours of tutoring conducted by participating students.

(b) The number of students enrolled in the courses.

(c) The number of students who successfully complete the courses.

(d) An evaluation of the tutors' effectiveness as judged

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

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

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

3397 1004.98 Workforce literacy programs.—

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

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

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

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

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

1004.99 Florida Ready to Work Certification Program.—

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

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

1005.21 Commission for Independent Education.—

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

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

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

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3445 1006.15, Florida Statutes, is amended to read:

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

3449 (3)

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

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

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

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

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

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

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

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

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

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

(1) If a district school board sponsors an athletic

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

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

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

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

1006.50 Student handbooks.—

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

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within the administrative staff available to respond to student inquiries.

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

1006.51 Student ombudsman office.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1006.62 Expulsion and discipline of students of Florida College System institutions ~~community colleges~~ and state universities.—

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

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of trustees of the institution.

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

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

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

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

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

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

1006.63 Hazing prohibited.—

(8) Public and nonpublic postsecondary educational

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1006.71 Gender equity in intercollegiate athletics.—

(1) GENDER EQUITY PLAN.—

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

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

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

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

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

3727 b. Withhold funds sufficient to obtain compliance.

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

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

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

3739 b. Withhold funds sufficient to obtain compliance.

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

3744 (2) FUNDING.—

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

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

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

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

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

3769 (c) Criteria for determining and assuring equity.

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

3772 1006.72 Licensing electronic library resources.—

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

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

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

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

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

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

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

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

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

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

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

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

1. Four-year college or university, Florida College System institution ~~community college~~ plus university, or military academy degree.

2. Two-year postsecondary degree.

3. Postsecondary career certificate.

4. Immediate employment or entry-level military.

5. A combination of the above.

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

1007.22 Articulation; postsecondary institution coordination and collaboration.—

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

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

1007.23 Statewide articulation agreement.—

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

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

(c) Admission of applied technology diploma program graduates from Florida College System institutions ~~community colleges~~ or career centers;

(d) Admission of associate in science degree and associate in applied science degree graduates from Florida College System institutions ~~community colleges~~;

(2)(a) The articulation agreement must specifically provide that every associate in arts graduate of a Florida College System institution shall have met all general education requirements and must be granted admission to the upper division of a:

1. State university, except for a limited access or teacher certification program or a major program requiring an audition.

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2. Florida College System institution if it offers baccalaureate degree programs, except for a limited access or teacher certification program or a major program requiring an audition.

(b) Florida College System institution associate in arts graduates shall receive priority for admission to the upper division of a Florida College System institution or to a state university over out-of-state students. Orientation programs, catalogs, and student handbooks provided to freshman enrollees and transfer students at Florida College System institutions ~~colleges~~ and state universities must include an explanation of this provision of the articulation agreement.

(3) The articulation agreement must guarantee the statewide articulation of appropriate workforce development programs and courses between school districts and Florida College System institutions ~~community colleges~~ and specifically provide that every applied technology diploma graduate must be granted the same amount of credit upon admission to an associate in science degree or associate in applied science degree program unless it is a limited access program. Preference for admission must be given to graduates who are residents of Florida.

Section 91. Subsection (1), paragraphs (b) and (c) of subsection (2), and subsections (3), (6), and (7) of section 1007.235, Florida Statutes, are amended to read:

1007.235 District interinstitutional articulation agreements.—

(1) District school superintendents and Florida College System institution ~~community college~~ presidents shall jointly

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3921 develop and implement a comprehensive articulated acceleration
3922 program for the students enrolled in their respective school
3923 districts and service areas. Within this general responsibility,
3924 each superintendent and president shall develop a comprehensive
3925 interinstitutional articulation agreement for the school
3926 district and Florida College System institution ~~community~~
3927 ~~college~~ that serves the school district. The district school
3928 superintendent and president shall establish an articulation
3929 committee for the purpose of developing this agreement. Each
3930 state university president is encouraged to designate a
3931 university representative to participate in the development of
3932 the interinstitutional articulation agreements for each school
3933 district within the university service area.

3934 (2) The district interinstitutional articulation agreement
3935 for each school year must be completed before high school
3936 registration for the fall term of the following school year. The
3937 agreement must include, but is not limited to, the following
3938 components:

3939 (b)1. A delineation of courses and programs available to
3940 students eligible to participate in dual enrollment. This
3941 delineation must include a plan for the Florida College System
3942 institution ~~community college~~ to provide guidance services to
3943 participating students on the selection of courses in the dual
3944 enrollment program. The process of Florida College System
3945 institution ~~community college~~ guidance should make maximum use
3946 of the automated advisement system for Florida College System
3947 institutions ~~community colleges~~. The plan must assure that each
3948 dual enrollment student is encouraged to identify a

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postsecondary education objective with which to guide the course selection. At a minimum, each student's plan should include a list of courses that will result in an Applied Technology Diploma, an Associate in Science degree, or an Associate in Arts degree. If the student identifies a baccalaureate degree as the objective, the plan must include courses that will meet the general education requirements and any prerequisite requirements for entrance into a selected baccalaureate degree program.

2. A delineation of the process by which students and their parents are informed about opportunities to participate in articulated acceleration programs.

3. A delineation of the process by which students and their parents exercise their option to participate in an articulated acceleration program.

4. A delineation of high school credits earned for completion of each dual enrollment course.

5. Provision for postsecondary courses that meet the criteria for inclusion in a district articulated acceleration program to be counted toward meeting the graduation requirements of s. 1003.43.

6. An identification of eligibility criteria for student participation in dual enrollment courses and programs.

7. A delineation of institutional responsibilities regarding student screening prior to enrollment and monitoring student performance subsequent to enrollment in dual enrollment courses and programs.

8. An identification of the criteria by which the quality of dual enrollment courses and programs are to be judged and a

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delineation of institutional responsibilities for the maintenance of instructional quality.

9. A delineation of institutional responsibilities for assuming the cost of dual enrollment courses and programs that includes such responsibilities for student instructional materials.

10. An identification of responsibility for providing student transportation if the dual enrollment instruction is conducted at a facility other than the high school campus.

11. A delineation of the process for converting college credit hours earned through dual enrollment and early admission programs to high school credit based on mastery of course outcomes as determined by the Department of Education in accordance with s. 1007.271(6).

12. An identification of the responsibility of the postsecondary educational institution for assigning letter grades for dual enrollment courses and the responsibility of school districts for posting dual enrollment course grades to the high school transcript as assigned by the postsecondary institution awarding the credit.

(c) Mechanisms and strategies for reducing the incidence of postsecondary remediation in math, reading, and writing for first-time-enrolled recent high school graduates, based upon the findings in the postsecondary readiness-for-college report produced pursuant to s. 1008.37. Each articulation committee shall annually analyze and assess the effectiveness of the mechanisms toward meeting the goal of reducing postsecondary remediation needs. Results of the assessment shall be annually

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presented to participating district school boards and Florida College System institution ~~community college~~ boards of trustees and shall include, but not be limited to:

1. Mechanisms currently being initiated.
2. An analysis of problems and corrective actions.
3. Anticipated outcomes.
4. Strategies for the better preparation of students upon graduation from high school.
5. An analysis of costs associated with the implementation of postsecondary remedial education and secondary-level corrective actions.
6. The identification of strategies for reducing costs of the delivery of postsecondary remediation for recent high school graduates, including the consideration and assessment of alternative instructional methods and services such as those produced by private providers.

Wherever possible, public schools and Florida College System institutions ~~community colleges~~ are encouraged to share resources, form partnerships with private industries, and implement innovative strategies and mechanisms such as distance learning, summer student and faculty workshops, parental involvement activities, and the distribution of information over the Internet.

(3) The district interinstitutional articulation agreement shall include a plan that outlines the mechanisms and strategies for improving the preparation of elementary, middle, and high school teachers. Effective collaboration among school districts,

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4033 postsecondary institutions, and practicing educators is
4034 essential to improving teaching in Florida's elementary and
4035 secondary schools and consequently, the retention and success of
4036 students through high school graduation and into postsecondary
4037 education. Professional development programs shall be developed
4038 cooperatively and include curricular content which focuses upon
4039 local and state needs and responds to state, national, and
4040 district policy and program priorities. School districts and
4041 Florida College System institutions ~~community colleges~~ are
4042 encouraged to develop plans which utilize new technologies,
4043 address critical needs in their implementation, and include both
4044 preservice and inservice initiatives.

4045 (6) District school boards and Florida College System
4046 institutions ~~community colleges~~ may enter into additional
4047 interinstitutional articulation agreements with state
4048 universities for the purposes of this section. School districts
4049 may also enter into interinstitutional articulation agreements
4050 with eligible independent colleges and universities pursuant to
4051 s. 1011.62(1)(i).

4052 (7) State universities and Florida College System
4053 institutions ~~community colleges~~ may enter into
4054 interinstitutional articulation agreements with nonpublic
4055 secondary schools pursuant to s. 1007.271(2).

4056 Section 92. Paragraph (c) of subsection (2) and subsection
4057 (5) of section 1007.24, Florida Statutes, are amended to read:

4058 1007.24 Statewide course numbering system.—

4059 (2) The Commissioner of Education, in conjunction with the
4060 Chancellor of the State University System, shall appoint faculty

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committees representing faculties of participating institutions to recommend a single level for each course, including postsecondary career education courses, included in the statewide course numbering system.

(c) A course designated as lower-division may be offered by any Florida College System institution ~~community college~~.

(5) The registration process at each state university and Florida College System institution ~~community college~~ shall include the courses at their designated levels and statewide course number.

Section 93. Subsections (2), (5), (6), (8), (9), and (11) of section 1007.25, Florida Statutes, are amended to read:

1007.25 General education courses; common prerequisites; and other degree requirements.—

(2) The department shall identify postsecondary career education programs offered by Florida College System institutions ~~community colleges~~ and district school boards. The department shall also identify career courses designated as college credit courses applicable toward a career education diploma or degree. Such courses must be identified within the statewide course numbering system.

(5) The department shall identify common prerequisite courses and course substitutions for degree programs across all institutions. Common degree program prerequisites shall be offered and accepted by all state universities and Florida College System institutions ~~community colleges~~, except in cases approved by the State Board of Education for Florida College System institutions ~~community colleges~~ and the Board of

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Governors for state universities. The department shall develop a centralized database containing the list of courses and course substitutions that meet the prerequisite requirements for each baccalaureate degree program.

(6) The boards of trustees of the Florida College System institutions ~~community colleges~~ shall identify their core curricula, which shall include courses required by the State Board of Education. The boards of trustees of the state universities shall identify their core curricula, which shall include courses required by the Board of Governors. The universities and Florida College System institutions ~~community colleges~~ shall work with their school districts to assure that high school curricula coordinate with the core curricula and to prepare students for college-level work. Core curricula for associate in arts programs shall be adopted in rule by the State Board of Education and shall include 36 semester hours of general education courses in the subject areas of communication, mathematics, social sciences, humanities, and natural sciences.

(8) A baccalaureate degree program shall require no more than 120 semester hours of college credit, including 36 semester hours of general education coursework, unless prior approval has been granted by the Board of Governors for baccalaureate degree programs offered by state universities and by the State Board of Education for baccalaureate degree programs offered by Florida College System institutions ~~community colleges~~.

(9) A student who received an associate in arts degree for successfully completing 60 semester credit hours may continue to earn additional credits at a Florida College System institution

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~~community college~~. The university must provide credit toward the student's baccalaureate degree for an additional Florida College System institution ~~community college~~ course if, according to the statewide course numbering, the Florida College System institution ~~community college~~ course is a course listed in the university catalog as required for the degree or as prerequisite to a course required for the degree. Of the courses required for the degree, at least half of the credit hours required for the degree shall be achievable through courses designated as lower division, except in degree programs approved by the State Board of Education for programs offered by Florida College System institutions ~~community colleges~~ and by the Board of Governors for programs offered by state universities.

(11) The Commissioner of Education shall appoint faculty committees representing both Florida College System institution ~~community college~~ and public school faculties to recommend to the commissioner for approval by the State Board of Education a standard program length and appropriate occupational completion points for each postsecondary career certificate program, diploma, and degree offered by a school district or a Florida College System institution ~~community college~~.

Section 94. Paragraph (a) of subsection (3) of section 1007.2615, Florida Statutes, is amended to read:

1007.2615 American Sign Language; findings; foreign-language credits authorized; teacher licensing.—

(3) DUTIES OF COMMISSIONER OF EDUCATION AND STATE BOARD OF EDUCATION; LICENSING OF AMERICAN SIGN LANGUAGE TEACHERS; PLAN FOR POSTSECONDARY EDUCATION PROVIDERS.—

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(a) The Commissioner of Education shall appoint a seven-member task force that includes representatives from two state universities and one private college or university located within this state which currently offer a 4-year deaf education or sign language interpretation program as a part of their respective curricula, two representatives from the Florida American Sign Language Teachers' Association (FASLTA), and two representatives from Florida College System institutions ~~community colleges~~ located within this state which have established Interpreter Training Programs (ITPs). This task force shall develop and submit to the Commissioner of Education a report that contains the most up-to-date information about American Sign Language (ASL) and guidelines for developing and maintaining ASL courses as a part of the curriculum. This information must be made available to any administrator of a public or an independent school upon request of the administrator.

Section 95. Section 1007.262, Florida Statutes, is amended to read:

1007.262 Foreign language competence; equivalence determinations.—The Department of Education shall identify the competencies demonstrated by students upon the successful completion of 2 credits of sequential high school foreign language instruction. For the purpose of determining postsecondary equivalence, the department shall develop rules through which Florida College System institutions ~~community colleges~~ correlate such competencies to the competencies required of students in the colleges' respective courses. Based

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on this correlation, each Florida College System institution
~~community college~~ shall identify the minimum number of
postsecondary credits that students must earn in order to
demonstrate a level of competence in a foreign language at least
equivalent to that of students who have completed 2 credits of
such instruction in high school. The department may also specify
alternative means by which students can demonstrate equivalent
foreign language competence, including means by which a student
whose native language is not English may demonstrate proficiency
in the native language. A student who demonstrates proficiency
in a native language other than English is exempt from a
requirement of completing foreign language courses at the
secondary or Florida College System ~~community college~~ level.

Section 96. Section 1007.263, Florida Statutes, is amended
to read:

1007.263 Florida College System institutions ~~Community~~
~~colleges~~; admissions of students.—Each Florida College System
institution ~~community college~~ board of trustees is authorized to
adopt rules governing admissions of students subject to this
section and rules of the State Board of Education. These rules
shall include the following:

(1) Admissions counseling shall be provided to all
students entering college or career credit programs. Counseling
shall utilize tests to measure achievement of college-level
communication and computation competencies by all students
entering college credit programs or tests to measure achievement
of basic skills for career programs as prescribed in s. 1004.91.

(2) Admission to associate degree programs is subject to

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minimum standards adopted by the State Board of Education and shall require:

(a) A standard high school diploma, a high school equivalency diploma as prescribed in s. 1003.435, previously demonstrated competency in college credit postsecondary coursework, or, in the case of a student who is home educated, a signed affidavit submitted by the student's parent or legal guardian attesting that the student has completed a home education program pursuant to the requirements of s. 1002.41. Students who are enrolled in a dual enrollment or early admission program pursuant to ss. 1007.27 and 1007.271 and secondary students enrolled in college-level instruction creditable toward the associate degree, but not toward the high school diploma, shall be exempt from this requirement.

(b) A demonstrated level of achievement of college-level communication and computation skills.

(c) Any other requirements established by the board of trustees.

(3) Admission to other programs within the Florida College System institution ~~community college~~ shall include education requirements as established by the board of trustees.

(4) A student who has been awarded a special diploma as defined in s. 1003.438 or a certificate of completion as defined in s. 1003.43(10) is eligible to enroll in certificate career education programs.

(5) A student with a documented disability may be eligible for reasonable substitutions, as prescribed in ss. 1007.264 and 1007.265.

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Each board of trustees shall establish policies that notify students about, and place students into, adult basic education, adult secondary education, or other instructional programs that provide students with alternatives to traditional college-preparatory instruction, including private provider instruction. A student is prohibited from enrolling in additional college-level courses until the student scores above the cut-score on all sections of the common placement test.

Section 97. Subsection (2) of section 1007.264, Florida Statutes, is amended to read:

1007.264 Persons with disabilities; admission to postsecondary educational institutions; substitute requirements; rules and regulations.—

(2) The State Board of Education, in consultation with the Board of Governors, shall adopt rules to implement this section for Florida College System institutions ~~community colleges~~ and shall develop substitute admission requirements where appropriate.

Section 98. Subsection (2) of section 1007.265, Florida Statutes, is amended to read:

1007.265 Persons with disabilities; graduation, study program admission, and upper-division entry; substitute requirements; rules and regulations.—

(2) The State Board of Education, in consultation with the Board of Governors, shall adopt rules to implement this section for Florida College System institutions ~~community colleges~~ and shall develop substitute requirements where appropriate.

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Section 99. Subsections (1), (2), (3), (7), (8), and (9) of section 1007.27, Florida Statutes, are amended to read:

1007.27 Articulated acceleration mechanisms.—

(1) It is the intent of the Legislature that a variety of articulated acceleration mechanisms be available for secondary and postsecondary students attending public educational institutions. It is intended that articulated acceleration serve to shorten the time necessary for a student to complete the requirements associated with the conference of a high school diploma and a postsecondary degree, broaden the scope of curricular options available to students, or increase the depth of study available for a particular subject. Articulated acceleration mechanisms shall include, but not be limited to, dual enrollment as provided for in s. 1007.271, early admission, advanced placement, credit by examination, the International Baccalaureate Program, and the Advanced International Certificate of Education Program. Credit earned through the Florida Virtual School shall provide additional opportunities for early graduation and acceleration. Students of Florida public secondary schools enrolled pursuant to this subsection shall be deemed authorized users of the state-funded electronic library resources that are licensed for Florida College System institutions ~~colleges~~ and state universities by the Florida Center for Library Automation and the College Center for Library Automation. Verification of eligibility shall be in accordance with rules established by the State Board of Education and regulations established by the Board of Governors and processes implemented by Florida College System institutions ~~colleges~~ and

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4285 state universities.

4286 (2) The Department of Education shall identify the minimum
4287 scores, maximum credit, and course or courses for which credit
4288 is to be awarded for each College Level Examination Program
4289 (CLEP) general examination, CLEP subject examination, College
4290 Board Advanced Placement Program examination, and International
4291 Baccalaureate examination. In addition, the department shall
4292 identify such courses in the general education core curriculum
4293 of each state university and Florida College System institution
4294 ~~community college~~.

4295 (3) Each Florida College System institution ~~community~~
4296 ~~college~~ and state university must award credit for specific
4297 courses for which competency has been demonstrated by successful
4298 passage of one of the examinations in subsection (2) unless the
4299 award of credit duplicates credit already awarded. Florida
4300 College System institutions ~~Community colleges~~ and state
4301 universities may not exempt students from courses without the
4302 award of credit if competencies have been so demonstrated.

4303 (7) Credit by examination shall be the program through
4304 which secondary and postsecondary students generate
4305 postsecondary credit based on the receipt of a specified minimum
4306 score on nationally standardized general or subject-area
4307 examinations. For the purpose of statewide application, such
4308 examinations and the corresponding minimum scores required for
4309 an award of credit shall be delineated by the State Board of
4310 Education and the Board of Governors in the statewide
4311 articulation agreement required by s. 1007.23(1). The maximum
4312 credit generated by a student pursuant to this subsection shall

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4313 be mitigated by any related postsecondary credit earned by the
4314 student prior to the administration of the examination. This
4315 subsection shall not preclude Florida College System
4316 institutions ~~community colleges~~ and universities from awarding
4317 credit by examination based on student performance on
4318 examinations developed within and recognized by the individual
4319 postsecondary institutions.

4320 (8) The International Baccalaureate Program shall be the
4321 curriculum in which eligible secondary students are enrolled in
4322 a program of studies offered through the International
4323 Baccalaureate Program administered by the International
4324 Baccalaureate Office. The State Board of Education and the Board
4325 of Governors shall specify in the statewide articulation
4326 agreement required by s. 1007.23(1) the cutoff scores and
4327 International Baccalaureate Examinations which will be used to
4328 grant postsecondary credit at Florida College System
4329 institutions ~~community colleges~~ and universities. Any changes to
4330 the articulation agreement, which have the effect of raising the
4331 required cutoff score or of changing the International
4332 Baccalaureate Examinations which will be used to grant
4333 postsecondary credit, shall only apply to students taking
4334 International Baccalaureate Examinations after such changes are
4335 adopted by the State Board of Education and the Board of
4336 Governors. Students shall be awarded a maximum of 30 semester
4337 credit hours pursuant to this subsection. The specific course
4338 for which a student may receive such credit shall be specified
4339 in the statewide articulation agreement required by s.
4340 1007.23(1). Students enrolled pursuant to this subsection shall

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4341 be exempt from the payment of any fees for administration of the
4342 examinations regardless of whether or not the student achieves a
4343 passing score on the examination.

4344 (9) The Advanced International Certificate of Education
4345 Program and the International General Certificate of Secondary
4346 Education (pre-AICE) Program shall be the curricula in which
4347 eligible secondary students are enrolled in programs of study
4348 offered through the Advanced International Certificate of
4349 Education Program or the International General Certificate of
4350 Secondary Education (pre-AICE) Program administered by the
4351 University of Cambridge Local Examinations Syndicate. The State
4352 Board of Education and the Board of Governors shall specify in
4353 the statewide articulation agreement required by s. 1007.23(1)
4354 the cutoff scores and Advanced International Certificate of
4355 Education examinations which will be used to grant postsecondary
4356 credit at Florida College System institutions ~~community colleges~~
4357 and universities. Any changes to the cutoff scores, which
4358 changes have the effect of raising the required cutoff score or
4359 of changing the Advanced International Certification of
4360 Education examinations which will be used to grant postsecondary
4361 credit, shall apply to students taking Advanced International
4362 Certificate of Education examinations after such changes are
4363 adopted by the State Board of Education and the Board of
4364 Governors. Students shall be awarded a maximum of 30 semester
4365 credit hours pursuant to this subsection. The specific course
4366 for which a student may receive such credit shall be determined
4367 by the Florida College System institution ~~community college~~ or
4368 university that accepts the student for admission. Students

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enrolled in either program of study pursuant to this subsection shall be exempt from the payment of any fees for administration of the examinations regardless of whether the student achieves a passing score on the examination.

Section 100. Subsections (3), (4), (6), and (8), paragraph (b) of subsection (10), and subsections (14), (15), and (16) of section 1007.271, Florida Statutes, are amended to read:

1007.271 Dual enrollment programs.—

(3) The Department of Education shall adopt guidelines designed to achieve comparability across school districts of both student qualifications and teacher qualifications for dual enrollment courses. Student qualifications must demonstrate readiness for college-level coursework if the student is to be enrolled in college courses. Student qualifications must demonstrate readiness for career-level coursework if the student is to be enrolled in career courses. In addition to the common placement examination, student qualifications for enrollment in college credit dual enrollment courses must include a 3.0 unweighted grade point average, and student qualifications for enrollment in career certificate dual enrollment courses must include a 2.0 unweighted grade point average. Exceptions to the required grade point averages may be granted if the educational entities agree and the terms of the agreement are contained within the dual enrollment interinstitutional articulation agreement. Florida College System institution ~~Community college~~ boards of trustees may establish additional admissions criteria, which shall be included in the district interinstitutional articulation agreement developed according to s. 1007.235, to

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4397 ensure student readiness for postsecondary instruction.
4398 Additional requirements included in the agreement shall not
4399 arbitrarily prohibit students who have demonstrated the ability
4400 to master advanced courses from participating in dual enrollment
4401 courses. District school boards may not refuse to enter into an
4402 agreement with a local Florida College System institution
4403 ~~community college~~ if that Florida College System institution
4404 ~~community college~~ has the capacity to offer dual enrollment
4405 courses.

4406 (4) Career dual enrollment shall be provided as a
4407 curricular option for secondary students to pursue in order to
4408 earn a series of elective credits toward the high school
4409 diploma. Career dual enrollment shall be available for secondary
4410 students seeking a degree or certificate from a complete career-
4411 preparatory program, and shall not be used to enroll students in
4412 isolated career courses. It is the intent of the Legislature
4413 that career dual enrollment provide a comprehensive academic and
4414 career dual enrollment program within the career center or
4415 Florida College System institution ~~community college~~.

4416 (6) The Commissioner of Education shall appoint faculty
4417 committees representing public school, Florida College System
4418 institution ~~community college~~, and university faculties to
4419 identify postsecondary courses that meet the high school
4420 graduation requirements of s. 1003.43, and to establish the
4421 number of postsecondary semester credit hours of instruction and
4422 equivalent high school credits earned through dual enrollment
4423 pursuant to this section that are necessary to meet high school
4424 graduation requirements. Such equivalencies shall be determined

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solely on comparable course content and not on seat time traditionally allocated to such courses in high school. The Commissioner of Education shall recommend to the State Board of Education those postsecondary courses identified to meet high school graduation requirements, based on mastery of course outcomes, by their course numbers, and all high schools shall accept these postsecondary education courses toward meeting the requirements of s. 1003.43.

(8) Career early admission is a form of career dual enrollment through which eligible secondary students enroll full time in a career center or a Florida College System institution ~~community college~~ in courses that are creditable toward the high school diploma and the certificate or associate degree.

Participation in the career early admission program shall be limited to students who have completed a minimum of 6 semesters of full-time secondary enrollment, including studies undertaken in the ninth grade. Students enrolled pursuant to this section are exempt from the payment of registration, tuition, and laboratory fees.

(10)

(b) Each career center, Florida College System institution ~~community college~~, and state university shall:

1. Delineate courses and programs for dually enrolled home education students. Courses and programs may be added, revised, or deleted at any time.

2. Identify eligibility criteria for home education student participation, not to exceed those required of other dually enrolled students.

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(14) Instructional materials assigned for use within dual enrollment courses shall be made available to dual enrollment students from Florida public high schools free of charge. This subsection shall not be construed to prohibit a Florida College System institution ~~community college~~ from providing instructional materials at no cost to a home education student or student from a private school. Students enrolled in postsecondary instruction not creditable toward a high school diploma shall not be considered dual enrollments and shall be required to assume the cost of instructional materials necessary for such instruction.

(15) Instructional materials purchased by a district school board or Florida College System institution ~~community college~~ board of trustees on behalf of dual enrollment students shall be the property of the board against which the purchase is charged.

(16) Beginning with students entering grade 9 in the 2006-2007 school year, school districts and Florida College System institutions ~~community colleges~~ must weigh dual enrollment courses the same as advanced placement, International Baccalaureate, and Advanced International Certificate of Education courses when grade point averages are calculated. Alternative grade calculation or weighting systems that discriminate against dual enrollment courses are prohibited.

Section 101. Subsection (1) of section 1007.272, Florida Statutes, is amended to read:

1007.272 Joint dual enrollment and advanced placement instruction.—

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(1) Each school district, Florida College System
institution ~~community college~~, and state university may conduct
advanced placement instruction within dual enrollment courses.
Each joint dual enrollment and advanced placement course shall
be incorporated within and subject to the provisions of the
district interinstitutional articulation agreement pursuant to
s. 1007.235. Such agreement shall certify that each joint dual
enrollment and advanced placement course integrates, at a
minimum, the course structure recommended by the College Board
and the structure that corresponds to the common course number.

Section 102. Section 1007.28, Florida Statutes, is amended
to read:

1007.28 Computer-assisted student advising system.—The
Department of Education, in conjunction with the Board of
Governors, shall establish and maintain a single, statewide
computer-assisted student advising system, which must be an
integral part of the process of advising, registering, and
certifying students for graduation and must be accessible to all
Florida students. The state universities and Florida College
System institutions ~~community colleges~~ shall interface
institutional systems with the computer-assisted advising system
required by this section. The State Board of Education and the
Board of Governors shall specify in the statewide articulation
agreement required by s. 1007.23(1) the roles and
responsibilities of the department, the state universities, and
the Florida College System institutions ~~community colleges~~ in
the design, implementation, promotion, development, and analysis
of the system. The system shall consist of a degree audit and an

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4509 articulation component that includes the following
4510 characteristics:

4511 (1) The system shall constitute an integral part of the
4512 process of advising students and assisting them in course
4513 selection. The system shall be accessible to students in the
4514 following ways:

4515 (a) A student must be able to access the system, at any
4516 time, to identify course options that will meet the requirements
4517 of a selected path toward a degree.

4518 (b) A status report from the system shall be generated and
4519 sent with each grade report to each student enrolled in public
4520 postsecondary educational institutions with a declared major.

4521 (2) The system shall be an integral part of the
4522 registration process at public postsecondary educational
4523 institutions. As part of the process, the system shall:

4524 (a) Provide reports that document each student's status
4525 toward completion of a degree.

4526 (b) Verify that a student has completed requirements for
4527 graduation.

4528 (3) The system must provide students information related
4529 to career descriptions and corresponding educational
4530 requirements, admissions requirements, and available sources of
4531 student financial assistance. Such advising must enable students
4532 to examine their interests and aptitudes for the purpose of
4533 curricular and career planning.

4534 (4) The system must provide management information to
4535 decisionmakers, including information relating student
4536 enrollment patterns and course demands to plans for

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corresponding course offerings and information useful in planning the student registration process.

Section 103. Subsections (1), (2), (3), (4), and (5) and paragraphs (a), (b), (c), and (d) of subsection (6) of section 1007.33, Florida Statutes, are amended to read:

1007.33 Site-determined baccalaureate degree access.—

(1)(a) The Legislature recognizes that public and private postsecondary educational institutions play an essential role in improving the quality of life and economic well-being of the state and its residents. The Legislature also recognizes that economic development needs and the educational needs of place-bound, nontraditional students have increased the demand for local access to baccalaureate degree programs. It is therefore the intent of the Legislature to further expand access to baccalaureate degree programs through the use of Florida College System institutions ~~colleges~~.

(b) For purposes of this section, the term "district" refers to the county or counties served by a Florida College System institution pursuant to s. 1000.21(3).

(2) Any Florida College System institution that offers one or more baccalaureate degree programs must:

(a) Maintain as its primary mission:

1. Responsibility for responding to community needs for postsecondary academic education and career degree education as prescribed in s. 1004.65(5).

2. The provision of associate degrees that provide access to a university.

(b) Maintain an open-door admission policy for associate-

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level degree programs and workforce education programs.

(c) Continue to provide outreach to underserved populations.

(d) Continue to provide remedial education.

(e) Comply with all provisions of the statewide articulation agreement which relate to 2-year and 4-year public degree-granting institutions as adopted by the State Board of Education pursuant to s. 1007.23.

(f) Not award graduate credit.

(g) Not participate in intercollegiate athletics beyond the 2-year level.

(3) A Florida College System institution may not terminate its associate in arts or associate in science degree programs as a result of being authorized to offer one or more baccalaureate degree programs. The Legislature intends that the primary responsibility of a Florida College System institution, including a Florida College System institution that offers baccalaureate degree programs, continues to be the provision of associate degrees that provide access to a university.

(4) A Florida College System institution may:

(a) Offer specified baccalaureate degree programs through formal agreements between the Florida College System institution and other regionally accredited postsecondary educational institutions pursuant to s. 1007.22.

(b) Offer baccalaureate degree programs that were authorized by law prior to July 1, 2009.

(c) Beginning July 1, 2009, establish a first or subsequent baccalaureate degree program for purposes of meeting

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district, regional, or statewide workforce needs if approved by the State Board of Education under this section.

Beginning July 1, 2009, the Board of Trustees of the St. Petersburg College is authorized to establish one or more bachelor of applied science degree programs based on an analysis of workforce needs in Pinellas, Pasco, and Hernando Counties and other counties approved by the Department of Education. For each program selected, St. Petersburg College must offer a related associate in science or associate in applied science degree program, and the baccalaureate degree level program must be designed to articulate fully with at least one associate in science degree program. The college is encouraged to develop articulation agreements for enrollment of graduates of related associate in applied science degree programs. The Board of Trustees of the St. Petersburg College is authorized to establish additional baccalaureate degree programs if it determines a program is warranted and feasible based on each of the factors in paragraph (5)(d). Prior to developing or proposing a new baccalaureate degree program, St. Petersburg College shall engage in need, demand, and impact discussions with the state university in its service district and other local and regional, accredited postsecondary providers in its region. Documentation, data, and other information from inter-institutional discussions regarding program need, demand, and impact shall be provided to the college's board of trustees to inform the program approval process. Employment at St. Petersburg College is governed by the same laws that govern

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4621 Florida College System institutions ~~community colleges~~, except
4622 that upper-division faculty are eligible for continuing
4623 contracts upon the completion of the fifth year of teaching.
4624 Employee records for all personnel shall be maintained as
4625 required by s. 1012.81.

4626 (5) The approval process for baccalaureate degree programs
4627 shall require:

4628 (a) Each Florida College System institution to submit a
4629 notice of its intent to propose a baccalaureate degree program
4630 to the Division of Florida Colleges at least 100 days before the
4631 submission of its proposal under paragraph (d). The notice must
4632 include a brief description of the program, the workforce demand
4633 and unmet need for graduates of the program, the geographic
4634 region to be served, and an estimated timeframe for
4635 implementation. Notices of intent may be submitted by a Florida
4636 College System institution at any time throughout the year.

4637 (b) The Division of Florida Colleges to forward the notice
4638 of intent within 10 business days after receiving such notice to
4639 the Chancellor of the State University System, the President of
4640 the Independent Colleges and Universities of Florida, and the
4641 Executive Director of the Council for Independent Education.
4642 State universities shall have 60 days following receipt of the
4643 notice by the Chancellor of the State University System to
4644 submit an alternative proposal to offer the baccalaureate degree
4645 program. If a proposal from a state university is not received
4646 within the 60-day period, the State Board of Education shall
4647 provide regionally accredited private colleges and universities
4648 30 days to submit an alternative proposal. Alternative proposals

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shall be submitted to the Division of Florida Colleges and must be considered by the State Board of Education in making its decision to approve or deny a Florida College System institution's ~~college's~~ proposal.

(c) An alternative proposal submitted by a state university or private college or university to adequately address:

1. The extent to which the workforce demand and unmet need described in the notice of intent will be met.

2. The extent to which students will be able to complete the degree in the geographic region proposed to be served by the Florida College System institution.

3. The level of financial commitment of the college or university to the development, implementation, and maintenance of the specified degree program, including timelines.

4. The extent to which faculty at both the Florida College System institution and the college or university will collaborate in the development and offering of the curriculum.

5. The ability of the Florida College System institution and the college or university to develop and approve the curriculum for the specified degree program within 6 months after an agreement between the Florida College System institution and the college or university is signed.

6. The extent to which the student may incur additional costs above what the student would expect to incur if the program were offered by the Florida College System institution.

(d) Each proposal submitted by a Florida College System institution to, at a minimum, include:

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4677 1. A description of the planning process and timeline for
4678 implementation.

4679 2. An analysis of workforce demand and unmet need for
4680 graduates of the program on a district, regional, or statewide
4681 basis, as appropriate.

4682 3. Identification of the facilities, equipment, and
4683 library and academic resources that will be used to deliver the
4684 program.

4685 4. The program cost analysis of creating a new
4686 baccalaureate degree when compared to alternative proposals and
4687 other program delivery options.

4688 5. The program's admission requirements, academic content,
4689 curriculum, faculty credentials, student-to-teacher ratios, and
4690 accreditation plan.

4691 6. The program's enrollment projections and funding
4692 requirements.

4693 7. A plan of action if the program is terminated.

4694 (e) The Division of Florida Colleges to review the
4695 proposal, notify the Florida College System institution of any
4696 deficiencies in writing within 30 days following receipt of the
4697 proposal, and provide the Florida College System institution
4698 with an opportunity to correct the deficiencies. Within 45 days
4699 following receipt of a completed proposal by the Division of
4700 Florida Colleges, the Commissioner of Education shall recommend
4701 approval or disapproval of the proposal to the State Board of
4702 Education. The State Board of Education shall consider such
4703 recommendation, the proposal, and any alternative proposals at
4704 its next meeting. If the State Board of Education disapproves

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4705 the Florida College System institution's ~~college's~~ proposal, it
4706 shall provide the Florida College System institution with
4707 written reasons for that determination.

4708 (f) The Florida College System institution to obtain from
4709 the Commission on Colleges of the Southern Association of
4710 Colleges and Schools accreditation as a baccalaureate-degree-
4711 granting institution if approved by the State Board of Education
4712 to offer its first baccalaureate degree program.

4713 (g) The Florida College System institution to notify the
4714 Commission on Colleges of the Southern Association of Colleges
4715 and Schools of subsequent degree programs that are approved by
4716 the State Board of Education and to comply with the
4717 association's required substantive change protocols for
4718 accreditation purposes.

4719 (6) (a) Beginning July 1, 2010, and each subsequent July 1,
4720 the Division of Florida Colleges may accept and review
4721 applications from a Florida College System institution to obtain
4722 an exemption from the State Board of Education's approval for
4723 subsequent degrees as required in subsection (5), if the Florida
4724 College System institution is accredited by the Commission on
4725 Colleges of the Southern Association of Colleges and Schools as
4726 a baccalaureate-degree-granting institution and has been
4727 offering baccalaureate degree programs for 3 or more years. The
4728 division shall develop criteria for determining eligibility for
4729 an exemption based upon demonstrated compliance with the
4730 requirements for baccalaureate degrees, primary mission, and
4731 fiscal, including, but not limited to:

4732 1. Obtaining and maintaining appropriate SACS

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4733 accreditation;

4734 2. The maintenance of qualified faculty and institutional
4735 resources;

4736 3. The maintenance of enrollment projections in previously
4737 approved programs;

4738 4. The appropriate management of fiscal resources;

4739 5. Compliance with the primary mission and responsibility
4740 requirements in subsections (2) and (3);

4741 6. The timely submission of the institution's annual
4742 performance accountability report; and

4743 7. Other indicators of success such as program completers,
4744 placements, and surveys of students and employers.

4745 (b) If the Florida College System institution has
4746 demonstrated satisfactory progress in fulfilling the eligibility
4747 criteria in this subsection, the Division of Florida Colleges
4748 may recommend to the State Board of Education that the
4749 institution be exempt from the requirement in subsection (5) for
4750 approval of future baccalaureate degree programs. The State
4751 Board of Education shall review the division's recommendation
4752 and determine if an exemption is warranted. If the State Board
4753 of Education approves the application, the Florida College
4754 System institution is exempt from subsequent program approval
4755 under subsection (5) and such authority is delegated to the
4756 Florida College System institution board of trustees. If the
4757 State Board of Education disapproves of the Florida College
4758 System institution's ~~college's~~ request for an exemption, the
4759 college shall continue to be subject to the State Board of
4760 Education's approval of subsequent baccalaureate degree

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4761 programs.

4762 (c) Prior to developing or proposing a new baccalaureate
4763 degree program, all Florida College System institutions
4764 ~~colleges~~, regardless of an exemption from subsection (5), shall:

4765 1. Engage in need, demand, and impact discussions with the
4766 state university in their service district and other local and
4767 regional, accredited postsecondary providers in their region.

4768 2. Send documentation, data, and other information from
4769 the inter-institutional discussions regarding program need,
4770 demand, and impact required in subparagraph 1. to the college's
4771 board of trustees, the Division of Florida Colleges, and the
4772 Chancellor of the State University System.

4773 3. Base board of trustees approval of the new program upon
4774 the documentation, data, and other information required in this
4775 paragraph and the factors in subsection (5)(d).

4776
4777 The Division of Florida Colleges shall use the documentation,
4778 data, and other information required in this subsection,
4779 including information from the Chancellor of the State
4780 University System, in its compliance review.

4781 (d) The board of trustees of a Florida College System
4782 institution that is exempt from subsection (5) must submit newly
4783 approved programs to the Division of Florida Colleges and SACS
4784 within 30 days after approval.

4785 Section 104. Subsection (1) of section 1007.34, Florida
4786 Statutes, is amended to read:

4787 1007.34 College reach-out program.—

4788 (1) There is established a college reach-out program to

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4789 increase the number of low-income educationally disadvantaged
4790 students in grades 6-12 who, upon high school graduation, are
4791 admitted to and successfully complete postsecondary education.
4792 Participants should be students who otherwise would be unlikely
4793 to seek admission to a Florida College System institution
4794 ~~community college~~, state university, or independent
4795 postsecondary institution without special support and
4796 recruitment efforts. The State Board of Education shall adopt
4797 rules that provide for the following:

4798 (a) Definition of "low-income educationally disadvantaged
4799 student."

4800 (b) Specific criteria and guidelines for selection of
4801 college reach-out participants.

4802 Section 105. Paragraphs (f) and (j) of subsection (6) of
4803 section 1007.35, Florida Statutes, are amended to read:

4804 1007.35 Florida Partnership for Minority and
4805 Underrepresented Student Achievement.—

4806 (6) The partnership shall:

4807 (f) Consider ways to incorporate Florida College System
4808 institutions ~~community colleges~~ in the mission of preparing all
4809 students for postsecondary success.

4810 (j) Provide information to students, parents, teachers,
4811 counselors, administrators, districts, Florida College System
4812 institutions ~~community colleges~~, and state universities
4813 regarding PSAT/NMSQT or PLAN administration, including, but not
4814 limited to:

4815 1. Test administration dates and times.

4816 2. That participation in the PSAT/NMSQT or PLAN is open to

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all grade 10 students.

3. The value of such tests in providing diagnostic feedback on student skills.

4. The value of student scores in predicting the probability of success on AP or other advanced course examinations.

Section 106. Subsections (3) and (4) of section 1008.30, Florida Statutes, are amended to read:

1008.30 Common placement testing for public postsecondary education.—

(3) The State Board of Education shall adopt rules that require high schools to evaluate before the beginning of grade 12 the college readiness of each student who indicates an interest in postsecondary education and scores at Level 2 or Level 3 on the reading portion of the grade 10 FCAT or Level 2, Level 3, or Level 4 on the mathematics assessments under s. 1008.22(3)(c). High schools shall perform this evaluation using results from the corresponding component of the common placement test prescribed in this section, or an equivalent test identified by the State Board of Education. The Department of Education shall purchase or develop the assessments necessary to perform the evaluations required by this subsection and shall work with the school districts to administer the assessments. The State Board of Education shall establish by rule the minimum test scores a student must achieve to demonstrate readiness. Students who demonstrate readiness by achieving the minimum test scores established by the state board and enroll in a Florida College System institution ~~community college~~ within 2 years of

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4845 achieving such scores shall not be required to enroll in
4846 remediation courses as a condition of acceptance to any Florida
4847 College System institution ~~community college~~. The high school
4848 shall use the results of the test to advise the students of any
4849 identified deficiencies and to the maximum extent practicable
4850 provide 12th grade students access to appropriate remedial
4851 instruction prior to high school graduation. The remedial
4852 instruction provided under this subsection shall be a
4853 collaborative effort between secondary and postsecondary
4854 educational institutions. To the extent courses are available,
4855 the Florida Virtual School may be used to provide the remedial
4856 instruction required by this subsection.

4857 (4) (a) Public postsecondary educational institution
4858 students who have been identified as requiring additional
4859 preparation pursuant to subsection (1) shall enroll in college-
4860 preparatory or other adult education pursuant to s. 1004.93 in
4861 Florida College System institutions ~~community colleges~~ to
4862 develop needed college-entry skills. These students shall be
4863 permitted to take courses within their degree program
4864 concurrently in other curriculum areas for which they are
4865 qualified while enrolled in college-preparatory instruction
4866 courses. A student enrolled in a college-preparatory course may
4867 concurrently enroll only in college credit courses that do not
4868 require the skills addressed in the college-preparatory course.
4869 The State Board of Education, in conjunction with the Board of
4870 Governors, shall specify the college credit courses that are
4871 acceptable for students enrolled in each college-preparatory
4872 skill area. A student who wishes to earn an associate in arts or

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4873 a baccalaureate degree, but who is required to complete a
4874 college-preparatory course, must successfully complete the
4875 required college-preparatory studies by the time the student has
4876 accumulated 12 hours of lower-division college credit degree
4877 coursework; however, a student may continue enrollment in
4878 degree-earning coursework provided the student maintains
4879 enrollment in college-preparatory coursework for each subsequent
4880 semester until college-preparatory coursework requirements are
4881 completed, and the student demonstrates satisfactory performance
4882 in degree-earning coursework. A passing score on a standardized,
4883 institutionally developed test must be achieved before a student
4884 is considered to have met basic computation and communication
4885 skills requirements; however, no student shall be required to
4886 retake any test or subtest that was previously passed by said
4887 student. Credit awarded for college-preparatory instruction may
4888 not be counted toward fulfilling the number of credits required
4889 for a degree.

4890 (b) A university board of trustees may contract with a
4891 Florida College System institution ~~community college~~ board of
4892 trustees for the Florida College System institution ~~community~~
4893 ~~college~~ to provide such instruction on the state university
4894 campus. Any state university in which the percentage of incoming
4895 students requiring college-preparatory instruction equals or
4896 exceeds the average percentage of such students for the Florida
4897 ~~community~~ College System may offer college-preparatory
4898 instruction without contracting with a Florida College System
4899 institution ~~community college~~; however, any state university
4900 offering college-preparatory instruction as of January 1, 1996,

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may continue to provide such services.

Section 107. Paragraph (e) of subsection (1) of section 1008.31, Florida Statutes, is amended to read:

1008.31 Florida's K-20 education performance accountability system; legislative intent; mission, goals, and systemwide measures; data quality improvements.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature that:

(e)1. The State Board of Education establish performance measures and set performance standards for individual public schools and Florida College System institutions ~~community colleges~~, with measures and standards based primarily on student achievement.

2. The Board of Governors of the State University System establish performance measures and set performance standards for individual state universities, including actual completion rates.

Section 108. Section 1008.32, Florida Statutes, is amended to read:

1008.32 State Board of Education oversight enforcement authority.—The State Board of Education shall oversee the performance of district school boards and Florida College System institution ~~community college~~ boards of trustees in enforcement of all laws and rules. District school boards and Florida College System institution ~~community college~~ boards of trustees shall be primarily responsible for compliance with law and state board rule.

(1) In order to ensure compliance with law or state board

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rule, the State Board of Education shall have the authority to request and receive information, data, and reports from school districts and Florida College System institutions ~~community colleges~~. District school superintendents and Florida College System institution ~~community college~~ presidents are responsible for the accuracy of the information and data reported to the state board.

(2) The Commissioner of Education may investigate allegations of noncompliance with law or state board rule and determine probable cause. The commissioner shall report determinations of probable cause to the State Board of Education which shall require the district school board or Florida College System institution ~~community college~~ board of trustees to document compliance with law or state board rule.

(3) If the district school board or Florida College System institution ~~community college~~ board of trustees cannot satisfactorily document compliance, the State Board of Education may order compliance within a specified timeframe.

(4) If the State Board of Education determines that a district school board or Florida College System institution ~~community college~~ board of trustees is unwilling or unable to comply with law or state board rule within the specified time, the state board shall have the authority to initiate any of the following actions:

(a) Report to the Legislature that the school district or Florida College System institution ~~community college~~ has been unwilling or unable to comply with law or state board rule and recommend action to be taken by the Legislature.

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(b) Reduce the discretionary lottery appropriation until the school district or Florida College System institution ~~community college~~ complies with the law or state board rule.

(c) Withhold the transfer of state funds, discretionary grant funds, or any other funds specified as eligible for this purpose by the Legislature until the school district or Florida College System institution ~~community college~~ complies with the law or state board rule.

(d) Declare the school district or Florida College System institution ~~community college~~ ineligible for competitive grants.

(e) Require monthly or periodic reporting on the situation related to noncompliance until it is remedied.

(5) Nothing in this section shall be construed to create a private cause of action or create any rights for individuals or entities in addition to those provided elsewhere in law or rule.

Section 109. Paragraphs (g) and (h) of subsection (7) of section 1008.345, Florida Statutes, are amended to read:

1008.345 Implementation of state system of school improvement and education accountability.—

(7) As a part of the system of educational accountability, the Department of Education shall:

(g) Maintain for the information of the State Board of Education, the Board of Governors, and the Legislature a file of data to reflect achievement of college-level communication and mathematics competencies by students in state universities and Florida College System institutions ~~community colleges~~.

(h) Develop or contract for, and submit to the State Board of Education and the Board of Governors for approval, tests

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which measure and diagnose student achievement of college-level communication and mathematics skills. Any tests and related documents developed are exempt from the provisions of s. 119.07(1). The commissioner shall maintain statewide responsibility for the administration of such tests and may assign administrative responsibilities for the tests to any state university or Florida College System institution ~~community college~~. The state board, upon recommendation of the commissioner, may enter into contracts for such services beginning in one fiscal year and continuing into the next year which are paid from the appropriation for either or both fiscal years.

Section 110. Paragraph (b) of subsection (1) and paragraph (a) of subsection (2) of section 1008.385, Florida Statutes, are amended to read:

1008.385 Educational planning and information systems.—

(1) EDUCATIONAL PLANNING.—

(b) Each district school board shall maintain a continuing system of planning and budgeting designed to aid in identifying and meeting the educational needs of students and the public. Provision shall be made for coordination between district school boards and Florida College System institution ~~community college~~ boards of trustees concerning the planning for career education and adult educational programs. The major emphasis of the system shall be upon locally determined goals and objectives, the state plan for education, and the Sunshine State Standards developed by the Department of Education and adopted by the State Board of Education. The district planning and budgeting system must

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5013 include consideration of student achievement data obtained
5014 pursuant to ss. 1008.22 and 1008.34. The system shall be
5015 structured to meet the specific management needs of the district
5016 and to align the budget adopted by the district school board
5017 with the plan the board has also adopted. Each district school
5018 board shall utilize its system of planning and budgeting to
5019 emphasize a system of school-based management in which
5020 individual school centers become the principal planning units
5021 and to integrate planning and budgeting at the school level.

5022 (2) COMPREHENSIVE MANAGEMENT INFORMATION SYSTEMS.—The
5023 Commissioner of Education shall develop and implement an
5024 integrated information system for educational management. The
5025 system must be designed to collect, via electronic transfer, all
5026 student and school performance data required to ascertain the
5027 degree to which schools and school districts are meeting state
5028 performance standards, and must be capable of producing data for
5029 a comprehensive annual report on school and district
5030 performance. In addition, the system shall support, as feasible,
5031 the management decisions to be made in each division of the
5032 department and at the individual school and district levels.
5033 Similar data elements among divisions and levels shall be
5034 compatible. The system shall be based on an overall conceptual
5035 design; the information needed for such decisions, including
5036 fiscal, student, program, personnel, facility, community,
5037 evaluation, and other relevant data; and the relationship
5038 between cost and effectiveness. The system shall be managed and
5039 administered by the commissioner and shall include a district
5040 subsystem component to be administered at the district level,

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5041 with input from the reports-and-forms control management
5042 committees. Each district school system with a unique management
5043 information system shall assure that compatibility exists
5044 between its unique system and the district component of the
5045 state system so that all data required as input to the state
5046 system is made available via electronic transfer and in the
5047 appropriate input format.

5048 (a) The specific responsibilities of the commissioner
5049 shall include:

5050 1. Consulting with school district representatives in the
5051 development of the system design model and implementation plans
5052 for the management information system for public school
5053 education management;

5054 2. Providing operational definitions for the proposed
5055 system;

5056 3. Determining the information and specific data elements
5057 required for the management decisions made at each educational
5058 level, recognizing that the primary unit for information input
5059 is the individual school and recognizing that time and effort of
5060 instructional personnel expended in collection and compilation
5061 of data should be minimized;

5062 4. Developing standardized terminology and procedures to
5063 be followed at all levels of the system;

5064 5. Developing a standard transmittal format to be used for
5065 collection of data from the various levels of the system;

5066 6. Developing appropriate computer programs to assure
5067 integration of the various information components dealing with
5068 students, personnel, facilities, fiscal, program, community, and

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5069 | evaluation data;

5070 | 7. Developing the necessary programs to provide
5071 | statistical analysis of the integrated data provided in
5072 | subparagraph 6. in such a way that required reports may be
5073 | disseminated, comparisons may be made, and relationships may be
5074 | determined in order to provide the necessary information for
5075 | making management decisions at all levels;

5076 | 8. Developing output report formats which will provide
5077 | district school systems with information for making management
5078 | decisions at the various educational levels;

5079 | 9. Developing a phased plan for distributing computer
5080 | services equitably among all public schools and school districts
5081 | in the state as rapidly as possible. The plan shall describe
5082 | alternatives available to the state in providing such computing
5083 | services and shall contain estimates of the cost of each
5084 | alternative, together with a recommendation for action. In
5085 | developing the plan, the feasibility of shared use of computing
5086 | hardware and software by school districts, Florida College
5087 | System institutions ~~community colleges~~, and universities shall
5088 | be examined. Laws or administrative rules regulating procurement
5089 | of data processing equipment, communication services, or data
5090 | processing services by state agencies shall not be construed to
5091 | apply to local agencies which share computing facilities with
5092 | state agencies;

5093 | 10. Assisting the district school systems in establishing
5094 | their subsystem components and assuring compatibility with
5095 | current district systems;

5096 | 11. Establishing procedures for continuous evaluation of

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5097 system efficiency and effectiveness;

5098 12. Initiating a reports-management and forms-management
5099 system to ascertain that duplication in collection of data does
5100 not exist and that forms and reports for reporting under state
5101 and federal requirements and other forms and reports are
5102 prepared in a logical and uncomplicated format, resulting in a
5103 reduction in the number and complexity of required reports,
5104 particularly at the school level; and

5105 13. Initiating such other actions as are necessary to
5106 carry out the intent of the Legislature that a management
5107 information system for public school management needs be
5108 implemented. Such other actions shall be based on criteria
5109 including, but not limited to:

- 5110 a. The purpose of the reporting requirement;
- 5111 b. The origination of the reporting requirement;
- 5112 c. The date of origin of the reporting requirement; and
- 5113 d. The date of repeal of the reporting requirement.

5114 Section 111. Section 1008.405, Florida Statutes, is
5115 amended to read:

5116 1008.405 Adult student information.—Each school district
5117 and Florida College System institution ~~community college~~ shall
5118 maintain sufficient information for each student enrolled in
5119 workforce education to allow local and state administrators to
5120 locate such student upon the termination of instruction and to
5121 determine the appropriateness of student placement in specific
5122 instructional programs. The State Board of Education shall
5123 adopt, by rule, specific information that must be maintained and
5124 acceptable means of maintaining that information.

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5125 Section 112. Subsections (1) and (2) of section 1008.41,
5126 Florida Statutes, are amended to read:

5127 1008.41 Workforce education; management information
5128 system.—

5129 (1) The Commissioner of Education shall coordinate uniform
5130 program structures, common definitions, and uniform management
5131 information systems for workforce education for all divisions
5132 within the department. In performing these functions, the
5133 commissioner shall designate deadlines after which data elements
5134 may not be changed for the coming fiscal or school year. School
5135 districts and Florida College System institutions ~~community~~
5136 ~~colleges~~ shall be notified of data element changes at least 90
5137 days prior to the start of the subsequent fiscal or school year.
5138 Such systems must provide for:

5139 (a) Individual student reporting.

5140 (b) Compliance with state and federal confidentiality
5141 requirements, except that the department shall have access to
5142 the unemployment insurance wage reports to collect and report
5143 placement information about former students. Such placement
5144 reports must not disclose the individual identities of former
5145 students.

5146 (c) Maximum use of automated technology and records in
5147 existing databases and data systems. To the extent feasible, the
5148 Florida Information Resource Network may be employed for this
5149 purpose.

5150 (d) Annual reports of student enrollment, completion, and
5151 placement by program.

5152 (2) The State Board of Education shall identify, by rule,

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the components to be included in the workforce education management information system. All such components shall be comparable between school districts and Florida College System institutions ~~community colleges~~.

Section 113. Paragraph (b) of subsection (2) of section 1008.42, Florida Statutes, is amended to read:

1008.42 Public information on career education programs.—

(2) The dissemination shall be conducted in accordance with the following procedures:

(b)1. Each district school board shall publish, at a minimum, the most recently available placement rate for each career certificate program conducted by that school district at the secondary school level and at the career degree level. The placement rates for the preceding 3 years shall be published if available, shall be included in each publication that informs the public of the availability of the program, and shall be made available to each school guidance counselor. If a program does not have a placement rate, a publication that lists or describes that program must state that the rate is unavailable.

2. Each Florida College System institution ~~community college~~ shall publish, at a minimum, the most recent placement rate for each career certificate program and for each career degree program in its annual catalog. The placement rates for the preceding 3 years shall be published, if available, and shall be included in any publication that informs the public of the availability of the program. If a program does not have a placement rate, the publication that lists or describes that program must state that the rate is unavailable.

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3. If a school district or a Florida College System institution ~~community college~~ has calculated for a program a placement rate that differs from the rate reported by the department, and if each record of a placement was obtained through a process that was capable of being audited, procedurally sound, and consistent statewide, the district or the Florida College System institution ~~community college~~ may use the locally calculated placement rate in the report required by this section. However, that rate may not be combined with the rate maintained in the computer files of the Department of Education's Florida Education and Training Placement Information Program.

4. An independent career, trade, or business school may not publish a placement rate unless the placement rate was determined as provided by this section.

Section 114. Paragraphs (b) and (c) of subsection (1) and subsections (2) and (3) of section 1008.43, Florida Statutes, are amended to read:

1008.43 Career program reporting requirements.—

(1)

(b) To measure and report program enrollment and completion rates, the Department of Education shall use data in the automated student databases generated by the public schools and Florida College System institutions ~~community colleges~~. To measure and report placement rates and amount of earnings at the time of placement, the department shall use data in the reports produced by the Florida Education and Training Placement Information Program as required in s. 1008.39. If any placement

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information is not available from the Florida Education and Training Placement Information Program, the school district or the Florida College System institution ~~community college~~ may provide placement information collected by the school district or the Florida College System institution ~~community college~~. However, this supplemental information must be verifiable by the department and must not be commingled with the database maintained by the Florida Education and Training Placement Information Program. The State Board of Education shall specify by rule the statistically valid, verifiable, uniform procedures by which school districts and Florida College System institutions ~~community colleges~~ may collect and report placement information to supplement the reports from the Florida Education and Training Placement Information Program.

(c) The State Board of Education shall adopt standards for the department, district school boards, and Florida College System institution ~~community college~~ district boards of trustees to use in program planning, program review, and program evaluation. The standards must include, at a minimum, the completion rates, placement rates, and earnings from employment of former students of career education programs.

(2) The State Board of Education shall adopt procedures for reviewing the career education programs administered by the district school boards and the Florida College System institution ~~community college~~ district boards of trustees when program performance falls below the standards required by this section.

(3) Annually, the department shall compile the reports

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submitted in compliance with the rules adopted under this section and shall produce a statewide report that addresses the extent to which school districts and Florida College System institutions ~~community colleges~~ are meeting the standards established under paragraph (1)(c).

Section 115. Section 1008.45, Florida Statutes, is amended to read:

1008.45 Florida College System institution ~~Community college~~ accountability process.—

(1) It is the intent of the Legislature that a management and accountability process be implemented which provides for the systematic, ongoing improvement and assessment of the improvement of the quality and efficiency of the Florida College System institutions ~~community colleges~~. Accordingly, the State Board of Education and the Florida College System institution ~~community college~~ boards of trustees shall develop and implement an accountability plan to improve and evaluate the instructional and administrative efficiency and effectiveness of the Florida ~~Community~~ College System. This plan shall be designed in consultation with staff of the Governor and the Legislature and must address the following issues:

(a) Graduation rates of A.A. and A.S. degree-seeking students compared to first-time-enrolled students seeking the associate degree.

(b) Minority student enrollment and retention rates.

(c) Student performance, including student performance in college-level academic skills, mean grade point averages for Florida College System institution ~~community college~~ A.A.

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transfer students, and Florida College System institution
~~community college~~ student performance on state licensure
examinations.

(d) Job placement rates of Florida College System
institution ~~community college~~ career students.

(e) Student progression by admission status and program.

(f) Career accountability standards identified in s.
1008.42.

(g) Institutional assessment efforts related to the
requirements of s. III in the Criteria for Accreditation of the
Commission on Colleges of the Southern Association of Colleges
and Schools.

(h) Other measures approved by the State Board of
Education.

(2) The State Board of Education shall submit an annual
report, to coincide with the submission of the agency strategic
plan required by law, providing the results of initiatives taken
during the prior year and the initiatives and related objective
performance measures proposed for the next year.

(3) The State Board of Education shall address within the
annual evaluation of the performance of the executive director,
and the Florida College System institution ~~community college~~
boards of trustees shall address within the annual evaluation of
the presidents, the achievement of the performance goals
established by the accountability process.

Section 116. Section 1009.21, Florida Statutes, is amended
to read:

1009.21 Determination of resident status for tuition

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purposes.—Students shall be classified as residents or nonresidents for the purpose of assessing tuition in postsecondary educational programs offered by charter technical career centers or career centers operated by school districts, in Florida College System institutions ~~community colleges~~, and in state universities.

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

(a) "Dependent child" means any person, whether or not living with his or her parent, who is eligible to be claimed by his or her parent as a dependent under the federal income tax code.

(b) "Initial enrollment" means the first day of class at an institution of higher education.

(c) "Institution of higher education" means any charter technical career center as defined in s. 1002.34, career center operated by a school district as defined in s. 1001.44, Florida College System institution ~~community college~~ as defined in s. 1000.21(3), or state university as defined in s. 1000.21(6).

(d) "Legal resident" or "resident" means a person who has maintained his or her residence in this state for the preceding year, has purchased a home which is occupied by him or her as his or her residence, or has established a domicile in this state pursuant to s. 222.17.

(e) "Nonresident for tuition purposes" means a person who does not qualify for the in-state tuition rate.

(f) "Parent" means the natural or adoptive parent or legal guardian of a dependent child.

(g) "Resident for tuition purposes" means a person who

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5321 qualifies as provided in this section for the in-state tuition
5322 rate.

5323 (2)(a) To qualify as a resident for tuition purposes:

5324 1. A person or, if that person is a dependent child, his
5325 or her parent or parents must have established legal residence
5326 in this state and must have maintained legal residence in this
5327 state for at least 12 consecutive months immediately prior to
5328 his or her initial enrollment in an institution of higher
5329 education.

5330 2. Every applicant for admission to an institution of
5331 higher education shall be required to make a statement as to his
5332 or her length of residence in the state and, further, shall
5333 establish that his or her presence or, if the applicant is a
5334 dependent child, the presence of his or her parent or parents in
5335 the state currently is, and during the requisite 12-month
5336 qualifying period was, for the purpose of maintaining a bona
5337 fide domicile, rather than for the purpose of maintaining a mere
5338 temporary residence or abode incident to enrollment in an
5339 institution of higher education.

5340 (b) However, with respect to a dependent child living with
5341 an adult relative other than the child's parent, such child may
5342 qualify as a resident for tuition purposes if the adult relative
5343 is a legal resident who has maintained legal residence in this
5344 state for at least 12 consecutive months immediately prior to
5345 the child's initial enrollment in an institution of higher
5346 education, provided the child has resided continuously with such
5347 relative for the 5 years immediately prior to the child's
5348 initial enrollment in an institution of higher education, during

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5349 | which time the adult relative has exercised day-to-day care,
5350 | supervision, and control of the child.

5351 | (c) The legal residence of a dependent child whose parents
5352 | are divorced, separated, or otherwise living apart will be
5353 | deemed to be this state if either parent is a legal resident of
5354 | this state, regardless of which parent is entitled to claim, and
5355 | does in fact claim, the minor as a dependent pursuant to federal
5356 | individual income tax provisions.

5357 | (3)(a) An individual shall not be classified as a resident
5358 | for tuition purposes and, thus, shall not be eligible to receive
5359 | the in-state tuition rate until he or she has provided such
5360 | evidence related to legal residence and its duration or, if that
5361 | individual is a dependent child, evidence of his or her parent's
5362 | legal residence and its duration, as may be required by law and
5363 | by officials of the institution of higher education from which
5364 | he or she seeks the in-state tuition rate.

5365 | (b) Except as otherwise provided in this section, evidence
5366 | of legal residence and its duration shall include clear and
5367 | convincing documentation that residency in this state was for a
5368 | minimum of 12 consecutive months prior to a student's initial
5369 | enrollment in an institution of higher education.

5370 | (c) Each institution of higher education shall
5371 | affirmatively determine that an applicant who has been granted
5372 | admission to that institution as a Florida resident meets the
5373 | residency requirements of this section at the time of initial
5374 | enrollment. The residency determination must be documented by
5375 | the submission of written or electronic verification that
5376 | includes two or more of the documents identified in this

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paragraph. No single piece of evidence shall be conclusive.

1. The documents must include at least one of the following:

- a. A Florida voter's registration card.
 - b. A Florida driver's license.
 - c. A State of Florida identification card.
 - d. A Florida vehicle registration.
 - e. Proof of a permanent home in Florida which is occupied as a primary residence by the individual or by the individual's parent if the individual is a dependent child.
 - f. Proof of a homestead exemption in Florida.
 - g. Transcripts from a Florida high school for multiple years if the Florida high school diploma or GED was earned within the last 12 months.
 - h. Proof of permanent full-time employment in Florida for at least 30 hours per week for a 12-month period.
2. The documents may include one or more of the following:
- a. A declaration of domicile in Florida.
 - b. A Florida professional or occupational license.
 - c. Florida incorporation.
 - d. A document evidencing family ties in Florida.
 - e. Proof of membership in a Florida-based charitable or professional organization.
 - f. Any other documentation that supports the student's request for resident status, including, but not limited to, utility bills and proof of 12 consecutive months of payments; a lease agreement and proof of 12 consecutive months of payments; or an official state, federal, or court document evidencing

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5405 | legal ties to Florida.

5406 | (4) With respect to a dependent child, the legal residence
5407 | of the dependent child's parent or parents is prima facie
5408 | evidence of the dependent child's legal residence, which
5409 | evidence may be reinforced or rebutted, relative to the age and
5410 | general circumstances of the dependent child, by the other
5411 | evidence of legal residence required of or presented by the
5412 | dependent child. However, the legal residence of a dependent
5413 | child's parent or parents who are domiciled outside this state
5414 | is not prima facie evidence of the dependent child's legal
5415 | residence if that dependent child has lived in this state for 5
5416 | consecutive years prior to enrolling or reregistering at the
5417 | institution of higher education at which resident status for
5418 | tuition purposes is sought.

5419 | (5) In making a domiciliary determination related to the
5420 | classification of a person as a resident or nonresident for
5421 | tuition purposes, the domicile of a married person, irrespective
5422 | of sex, shall be determined, as in the case of an unmarried
5423 | person, by reference to all relevant evidence of domiciliary
5424 | intent. For the purposes of this section:

5425 | (a) A person shall not be precluded from establishing or
5426 | maintaining legal residence in this state and subsequently
5427 | qualifying or continuing to qualify as a resident for tuition
5428 | purposes solely by reason of marriage to a person domiciled
5429 | outside this state, even when that person's spouse continues to
5430 | be domiciled outside of this state, provided such person
5431 | maintains his or her legal residence in this state.

5432 | (b) A person shall not be deemed to have established or

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5433 maintained a legal residence in this state and subsequently to
5434 have qualified or continued to qualify as a resident for tuition
5435 purposes solely by reason of marriage to a person domiciled in
5436 this state.

5437 (c) In determining the domicile of a married person,
5438 irrespective of sex, the fact of the marriage and the place of
5439 domicile of such person's spouse shall be deemed relevant
5440 evidence to be considered in ascertaining domiciliary intent.

5441 (6) (a) Except as otherwise provided in this section, a
5442 person who is classified as a nonresident for tuition purposes
5443 may become eligible for reclassification as a resident for
5444 tuition purposes if that person or, if that person is a
5445 dependent child, his or her parent presents clear and convincing
5446 documentation that supports permanent legal residency in this
5447 state for at least 12 consecutive months rather than temporary
5448 residency for the purpose of pursuing an education, such as
5449 documentation of full-time permanent employment for the prior 12
5450 months or the purchase of a home in this state and residence
5451 therein for the prior 12 months while not enrolled in an
5452 institution of higher education.

5453 (b) If a person who is a dependent child and his or her
5454 parent move to this state while such child is a high school
5455 student and the child graduates from a high school in this
5456 state, the child may become eligible for reclassification as a
5457 resident for tuition purposes when the parent submits evidence
5458 that the parent qualifies for permanent residency.

5459 (c) If a person who is a dependent child and his or her
5460 parent move to this state after such child graduates from high

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5461 school, the child may become eligible for reclassification as a
5462 resident for tuition purposes after the parent submits evidence
5463 that he or she has established legal residence in the state and
5464 has maintained legal residence in the state for at least 12
5465 consecutive months.

5466 (d) A person who is classified as a nonresident for
5467 tuition purposes and who marries a legal resident of the state
5468 or marries a person who becomes a legal resident of the state
5469 may, upon becoming a legal resident of the state, become
5470 eligible for reclassification as a resident for tuition purposes
5471 upon submitting evidence of his or her own legal residency in
5472 the state, evidence of his or her marriage to a person who is a
5473 legal resident of the state, and evidence of the spouse's legal
5474 residence in the state for at least 12 consecutive months
5475 immediately preceding the application for reclassification.

5476 (7) A person shall not lose his or her resident status for
5477 tuition purposes solely by reason of serving, or, if such person
5478 is a dependent child, by reason of his or her parent's or
5479 parents' serving, in the Armed Forces outside this state.

5480 (8) A person who has been properly classified as a
5481 resident for tuition purposes but who, while enrolled in an
5482 institution of higher education in this state, loses his or her
5483 resident tuition status because the person or, if he or she is a
5484 dependent child, the person's parent or parents establish
5485 domicile or legal residence elsewhere shall continue to enjoy
5486 the in-state tuition rate for a statutory grace period, which
5487 period shall be measured from the date on which the
5488 circumstances arose that culminated in the loss of resident

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tuition status and shall continue for 12 months. However, if the 12-month grace period ends during a semester or academic term for which such former resident is enrolled, such grace period shall be extended to the end of that semester or academic term.

(9) Any person who ceases to be enrolled at or who graduates from an institution of higher education while classified as a resident for tuition purposes and who subsequently abandons his or her domicile in this state shall be permitted to reenroll at an institution of higher education in this state as a resident for tuition purposes without the necessity of meeting the 12-month durational requirement of this section if that person has reestablished his or her domicile in this state within 12 months of such abandonment and continuously maintains the reestablished domicile during the period of enrollment. The benefit of this subsection shall not be accorded more than once to any one person.

(10) The following persons shall be classified as residents for tuition purposes:

(a) Active duty members of the Armed Services of the United States residing or stationed in this state, their spouses, and dependent children, and active drilling members of the Florida National Guard.

(b) Active duty members of the Armed Services of the United States and their spouses and dependents attending a Florida College System institution ~~public community college~~ or state university within 50 miles of the military establishment where they are stationed, if such military establishment is within a county contiguous to Florida.

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(c) United States citizens living on the Isthmus of Panama, who have completed 12 consecutive months of college work at the Florida State University Panama Canal Branch, and their spouses and dependent children.

(d) Full-time instructional and administrative personnel employed by state public schools and institutions of higher education and their spouses and dependent children.

(e) Students from Latin America and the Caribbean who receive scholarships from the federal or state government. Any student classified pursuant to this paragraph shall attend, on a full-time basis, a Florida institution of higher education.

(f) Southern Regional Education Board's Academic Common Market graduate students attending Florida's state universities.

(g) Full-time employees of state agencies or political subdivisions of the state when the student fees are paid by the state agency or political subdivision for the purpose of job-related law enforcement or corrections training.

(h) McKnight Doctoral Fellows and Finalists who are United States citizens.

(i) United States citizens living outside the United States who are teaching at a Department of Defense Dependent School or in an American International School and who enroll in a graduate level education program which leads to a Florida teaching certificate.

(j) Active duty members of the Canadian military residing or stationed in this state under the North American Air Defense (NORAD) agreement, and their spouses and dependent children, attending a Florida College System institution ~~community college~~

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5545 or state university within 50 miles of the military
5546 establishment where they are stationed.

5547 (k) Active duty members of a foreign nation's military who
5548 are serving as liaison officers and are residing or stationed in
5549 this state, and their spouses and dependent children, attending
5550 a Florida College System institution ~~community college~~ or state
5551 university within 50 miles of the military establishment where
5552 the foreign liaison officer is stationed.

5553 (11) Once a student has been classified as a resident for
5554 tuition purposes, an institution of higher education to which
5555 the student transfers is not required to reevaluate the
5556 classification unless inconsistent information suggests that an
5557 erroneous classification was made or the student's situation has
5558 changed. However, the student must have attended the institution
5559 making the initial classification within the prior 12 months,
5560 and the residency classification must be noted on the student's
5561 transcript. The Higher Education Coordinating Council shall
5562 consider issues related to residency determinations and make
5563 recommendations relating to efficiency and effectiveness of
5564 current law.

5565 (12) Each institution of higher education shall establish
5566 a residency appeal committee comprised of at least three members
5567 to consider student appeals of residency determinations, in
5568 accordance with the institution's official appeal process. The
5569 residency appeal committee must render to the student the final
5570 residency determination in writing. The institution must advise
5571 the student of the reasons for the determination.

5572 (13) The State Board of Education and the Board of

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Governors shall adopt rules to implement this section.

Section 117. Subsection (1), paragraphs (a), (b), (e), (f), and (g) of subsection (3), subsections (4) and (5), paragraph (a) of subsection (6), and subsections (7), (8), (9), (10), (11), and (12) of section 1009.22, Florida Statutes, are amended to read:

1009.22 Workforce education postsecondary student fees.—

(1) This section applies to students enrolled in workforce education programs who are reported for funding, except that college credit fees for the Florida College System institutions ~~community colleges~~ are governed by s. 1009.23.

(3)(a) Except as otherwise provided by law, fees for students who are nonresidents for tuition purposes must offset the full cost of instruction. Fee-nonexempt students enrolled in vocational-preparatory instruction shall be charged fees equal to the fees charged for certificate career education instruction. Each Florida College System institution ~~community college~~ that conducts college-preparatory and vocational-preparatory instruction in the same class section may charge a single fee for both types of instruction.

(b) Fees for continuing workforce education shall be locally determined by the district school board or Florida College System institution ~~community college~~ board. Expenditures for the continuing workforce education program provided by the Florida College System institution ~~community college~~ or school district must be fully supported by fees. Enrollments in continuing workforce education courses may not be counted for purposes of funding full-time equivalent enrollment.

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(e) Each district school board and each Florida College System institution ~~community college~~ board of trustees may adopt tuition and out-of-state fees that may vary no more than 5 percent below and 5 percent above the combined total of the standard tuition and out-of-state fees established in paragraph (c).

(f) The maximum increase in resident tuition for any school district or Florida College System institution ~~community college~~ during the 2007-2008 fiscal year shall be 5 percent over the tuition charged during the 2006-2007 fiscal year.

(g) The State Board of Education may adopt, by rule, the definitions and procedures that district school boards and Florida College System institution ~~community college~~ boards of trustees shall use in the calculation of cost borne by students.

(4) A district school board or Florida College System institution ~~community college~~ board that has a service area that borders another state may implement a plan for a differential out-of-state fee.

(5) Each district school board and Florida College System institution ~~community college~~ board of trustees may establish a separate fee for financial aid purposes in an additional amount of up to 10 percent of the student fees collected for workforce education programs. All fees collected shall be deposited into a separate workforce education student financial aid fee trust fund of the school district or Florida College System institution ~~community college~~ to support students enrolled in workforce education programs. Any undisbursed balance remaining in the trust fund and interest income accruing to investments

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5629 from the trust fund shall increase the total funds available for
5630 distribution to workforce education students. Awards shall be
5631 based on student financial need and distributed in accordance
5632 with a nationally recognized system of need analysis approved by
5633 the State Board of Education. Fees collected pursuant to this
5634 subsection shall be allocated in an expeditious manner.

5635 (6)(a) Each district school board and Florida College
5636 System institution ~~community college~~ board of trustees may
5637 establish a separate fee for capital improvements, technology
5638 enhancements, or equipping buildings which may not exceed 5
5639 percent of tuition for resident students or 5 percent of tuition
5640 and out-of-state fees for nonresident students. Funds collected
5641 by Florida College System institutions ~~community colleges~~
5642 through the fee may be bonded only for the purpose of financing
5643 or refinancing new construction and equipment, renovation, or
5644 remodeling of educational facilities. The fee shall be collected
5645 as a component part of the tuition and fees, paid into a
5646 separate account, and expended only to construct and equip,
5647 maintain, improve, or enhance the certificate career education
5648 or adult education facilities of the school district or Florida
5649 College System institution ~~community college~~. Projects funded
5650 through the use of the capital improvement fee must meet the
5651 survey and construction requirements of chapter 1013. Pursuant
5652 to s. 216.0158, each district school board and Florida College
5653 System institution ~~community college~~ board of trustees shall
5654 identify each project, including maintenance projects, proposed
5655 to be funded in whole or in part by such fee. Capital
5656 improvement fee revenues may be pledged by a board of trustees

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5657 as a dedicated revenue source to the repayment of debt,
5658 including lease-purchase agreements, with an overall term of not
5659 more than 7 years, including renewals, extensions, and
5660 refundings, and revenue bonds with a term not exceeding 20 years
5661 and not exceeding the useful life of the asset being financed,
5662 only for the new construction and equipment, renovation, or
5663 remodeling of educational facilities. Bonds authorized pursuant
5664 to this paragraph shall be requested by the Florida College
5665 System institution ~~community college~~ board of trustees and shall
5666 be issued by the Division of Bond Finance in compliance with s.
5667 11(d), Art. VII of the State Constitution and the State Bond
5668 Act. The Division of Bond Finance may pledge fees collected by
5669 one or more Florida College System institutions ~~community~~
5670 ~~colleges~~ to secure such bonds. Any project included in the
5671 approved educational plant survey pursuant to chapter 1013 is
5672 approved pursuant to s. 11(f), Art. VII of the State
5673 Constitution. Bonds issued pursuant to the State Bond Act may be
5674 validated in the manner provided by chapter 75. The complaint
5675 for such validation shall be filed in the circuit court of the
5676 county where the seat of state government is situated, the
5677 notice required to be published by s. 75.06 shall be published
5678 only in the county where the complaint is filed, and the
5679 complaint and order of the circuit court shall be served only on
5680 the state attorney of the circuit in which the action is
5681 pending. A maximum of 15 cents per credit hour may be allocated
5682 from the capital improvement fee for child care centers
5683 conducted by the district school board or Florida College System
5684 institution ~~community college~~ board of trustees. The use of

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capital improvement fees for such purpose shall be subordinate to the payment of any bonds secured by the fees.

(7) Each district school board and Florida College System institution ~~community college~~ board of trustees is authorized to establish a separate fee for technology, not to exceed 5 percent of tuition per credit hour or credit-hour equivalent for resident students and not to exceed 5 percent of tuition and the out-of-state fee per credit hour or credit-hour equivalent for nonresident students. Revenues generated from the technology fee shall be used to enhance instructional technology resources for students and faculty and shall not be included in any award under the Florida Bright Futures Scholarship Program. Fifty percent of technology fee revenues may be pledged by a Florida College System institution ~~community college~~ board of trustees as a dedicated revenue source for the repayment of debt, including lease-purchase agreements, not to exceed the useful life of the asset being financed. Revenues generated from the technology fee may not be bonded.

(8) Each district school board and Florida College System institution ~~community college~~ board of trustees is authorized to establish specific fees for workforce development instruction not reported for state funding purposes or for workforce development instruction not reported as state funded full-time equivalent students. District school boards and Florida College System institution ~~community college~~ boards of trustees are not required to charge any other fee specified in this section for this type of instruction.

(9) Florida College System institution ~~Community college~~

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5713 boards of trustees and district school boards are not authorized
5714 to charge students enrolled in workforce development programs
5715 any fee that is not specifically authorized by statute. In
5716 addition to tuition, out-of-state, financial aid, capital
5717 improvement, and technology fees, as authorized in this section,
5718 Florida College System institution ~~community college~~ boards of
5719 trustees and district school boards are authorized to establish
5720 fee schedules for the following user fees and fines: laboratory
5721 fees; parking fees and fines; library fees and fines; fees and
5722 fines relating to facilities and equipment use or damage; access
5723 or identification card fees; duplicating, photocopying, binding,
5724 or microfilming fees; standardized testing fees; diploma
5725 replacement fees; transcript fees; application fees; graduation
5726 fees; and late fees related to registration and payment. Such
5727 user fees and fines shall not exceed the cost of the services
5728 provided and shall only be charged to persons receiving the
5729 service. Parking fee revenues may be pledged by a Florida
5730 College System institution ~~community college~~ board of trustees
5731 as a dedicated revenue source for the repayment of debt,
5732 including lease-purchase agreements, with an overall term of not
5733 more than 7 years, including renewals, extensions, and
5734 refundings, and revenue bonds with a term not exceeding 20 years
5735 and not exceeding the useful life of the asset being financed.
5736 Florida College System institutions ~~Community colleges~~ shall use
5737 the services of the Division of Bond Finance of the State Board
5738 of Administration to issue any revenue bonds authorized by this
5739 subsection. Any such bonds issued by the Division of Bond
5740 Finance shall be in compliance with the provisions of the State

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Bond Act. Bonds issued pursuant to the State Bond Act may be validated in the manner established in chapter 75. The complaint for such validation shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending.

(10) Each school district and Florida College System ~~institution~~ ~~community college~~ may assess a service charge for the payment of tuition and fees in installments. Such service charge must be approved by the district school board or Florida College System ~~institution~~ ~~community college~~ board of trustees.

(11) Any school district or Florida College System ~~institution~~ ~~community college~~ that reports students who have not paid fees in an approved manner in calculations of full-time equivalent enrollments for state funding purposes shall be penalized at a rate equal to 2 times the value of such enrollments. Such penalty shall be charged against the following year's allocation from workforce education funds or the Florida ~~Community~~ College System Program Fund and shall revert to the General Revenue Fund. The State Board of Education shall specify, as necessary in rule, approved methods of student fee payment. Such methods must include, but need not be limited to, student fee payment; payment through federal, state, or institutional financial aid; and employer fee payments.

(12) Each school district and Florida College System

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5769 institution ~~community college~~ shall report only those students
5770 who have actually enrolled in instruction provided or supervised
5771 by instructional personnel under contract with the district or
5772 Florida College System institution ~~community college~~ in
5773 calculations of actual full-time enrollments for state funding
5774 purposes. A student who has been exempted from taking a course
5775 or who has been granted academic or technical credit through
5776 means other than actual coursework completed at the granting
5777 institution may not be calculated for enrollment in the course
5778 from which the student has been exempted or for which the
5779 student has been granted credit. School districts and Florida
5780 College System institutions ~~community colleges~~ that report
5781 enrollments in violation of this subsection shall be penalized
5782 at a rate equal to 2 times the value of such enrollments. Such
5783 penalty shall be charged against the following year's allocation
5784 from workforce education funds and shall revert to the General
5785 Revenue Fund.

5786 Section 118. Section 1009.23, Florida Statutes, is amended
5787 to read:

5788 1009.23 Florida College System institution ~~Community~~
5789 ~~college~~ student fees.—

5790 (1) Unless otherwise provided, this section applies only
5791 to fees charged for college credit instruction leading to an
5792 associate in arts degree, an associate in applied science
5793 degree, an associate in science degree, or a baccalaureate
5794 degree authorized pursuant to s. 1007.33, for noncollege credit
5795 college-preparatory courses defined in s. 1004.02, and for
5796 educator preparation institute programs defined in s. 1004.85.

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(2)(a) All students shall be charged fees except students who are exempt from fees or students whose fees are waived.

(b) Tuition and out-of-state fees for upper-division courses must reflect the fact that the Florida College System institution ~~community college~~ has a less expensive cost structure than that of a state university. Therefore, the board of trustees shall establish tuition and out-of-state fees for upper-division courses in baccalaureate degree programs approved pursuant to s. 1007.33 consistent with law and proviso language in the General Appropriations Act. However, the board of trustees may not vary tuition and out-of-state fees as provided in subsection (4).

(3)(a) Effective January 1, 2008, for advanced and professional, postsecondary vocational, college preparatory, and educator preparation institute programs, the following tuition and fee rates shall apply:

1. The standard tuition shall be \$51.35 per credit hour for students who are residents for tuition purposes.

2. The standard tuition shall be \$51.35 per credit hour and the out-of-state fee shall be \$154.14 per credit hour for students who are nonresidents for tuition purposes.

(b) Effective January 1, 2008, for baccalaureate degree programs, the following tuition and fee rates shall apply:

1. The tuition shall be \$65.47 per credit hour for students who are residents for tuition purposes.

2. The sum of the tuition and the out-of-state fee per credit hour for students who are nonresidents for tuition purposes shall be no more than 85 percent of the sum of the

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tuition and the out-of-state fee at the state university nearest the Florida College System institution ~~community college~~.

(c) Beginning with the 2008-2009 fiscal year and each year thereafter, the tuition and the out-of-state fee shall increase at the beginning of each fall semester at a rate equal to inflation, unless otherwise provided in the General Appropriations Act. The Office of Economic and Demographic Research shall report the rate of inflation to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the State Board of Education each year prior to March 1. For purposes of this paragraph, the rate of inflation shall be defined as the rate of the 12-month percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics, or its successor for December of the previous year. In the event the percentage change is negative, the tuition and the out-of-state fee per credit hour shall remain at the same levels as the prior fiscal year.

(4) Each Florida College System institution ~~community college~~ board of trustees shall establish tuition and out-of-state fees, which may vary no more than 10 percent below and 15 percent above the combined total of the standard tuition and fees established in subsection (3).

(5) Except as otherwise provided in law, the sum of nonresident student tuition and out-of-state fees must be sufficient to defray the full cost of each program.

(6) A Florida College System institution ~~community college~~

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board of trustees that has a service area that borders another state may implement a plan for a differential out-of-state fee.

(7) Each Florida College System institution ~~community college~~ board of trustees may establish a separate activity and service fee not to exceed 10 percent of the tuition fee, according to rules of the State Board of Education. The student activity and service fee shall be collected as a component part of the tuition and fees. The student activity and service fees shall be paid into a student activity and service fund at the Florida College System institution ~~community college~~ and shall be expended for lawful purposes to benefit the student body in general. These purposes include, but are not limited to, student publications and grants to duly recognized student organizations, the membership of which is open to all students at the Florida College System institution ~~community college~~ without regard to race, sex, or religion. No Florida College System institution ~~community college~~ shall be required to lower any activity and service fee approved by the board of trustees of the Florida College System institution ~~community college~~ and in effect prior to October 26, 2007, in order to comply with the provisions of this subsection.

(8) (a) Each Florida College System institution ~~community college~~ board of trustees is authorized to establish a separate fee for financial aid purposes in an additional amount up to, but not to exceed, 5 percent of the total student tuition or out-of-state fees collected. Each Florida College System institution ~~community college~~ board of trustees may collect up to an additional 2 percent if the amount generated by the total

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financial aid fee is less than \$500,000. If the amount generated is less than \$500,000, a Florida College System institution ~~community college~~ that charges tuition and out-of-state fees at least equal to the average fees established by rule may transfer from the general current fund to the scholarship fund an amount equal to the difference between \$500,000 and the amount generated by the total financial aid fee assessment. No other transfer from the general current fund to the loan, endowment, or scholarship fund, by whatever name known, is authorized.

(b) All funds collected under this program shall be placed in the loan and endowment fund or scholarship fund of the college, by whatever name known. Such funds shall be disbursed to students as quickly as possible. An amount not greater than 40 percent of the fees collected in a fiscal year may be carried forward unexpended to the following fiscal year. However, funds collected prior to July 1, 1989, and placed in an endowment fund may not be considered part of the balance of funds carried forward unexpended to the following fiscal year.

(c) Up to 25 percent or \$600,000, whichever is greater, of the financial aid fees collected may be used to assist students who demonstrate academic merit; who participate in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution; or who are identified as members of a targeted gender or ethnic minority population. The financial aid fee revenues allocated for athletic scholarships and fee exemptions provided pursuant to s. 1009.25(3) for athletes shall be distributed equitably as required by s. 1000.05(3)(d). A minimum of 75 percent of the

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5909 balance of these funds for new awards shall be used to provide
5910 financial aid based on absolute need, and the remainder of the
5911 funds shall be used for academic merit purposes and other
5912 purposes approved by the boards of trustees. Such other purposes
5913 shall include the payment of child care fees for students with
5914 financial need. The State Board of Education shall develop
5915 criteria for making financial aid awards. Each college shall
5916 report annually to the Department of Education on the revenue
5917 collected pursuant to this paragraph, the amount carried
5918 forward, the criteria used to make awards, the amount and number
5919 of awards for each criterion, and a delineation of the
5920 distribution of such awards. The report shall include an
5921 assessment by category of the financial need of every student
5922 who receives an award, regardless of the purpose for which the
5923 award is received. Awards which are based on financial need
5924 shall be distributed in accordance with a nationally recognized
5925 system of need analysis approved by the State Board of
5926 Education. An award for academic merit shall require a minimum
5927 overall grade point average of 3.0 on a 4.0 scale or the
5928 equivalent for both initial receipt of the award and renewal of
5929 the award.

5930 (d) These funds may not be used for direct or indirect
5931 administrative purposes or salaries.

5932 (9) Any Florida College System institution ~~community~~
5933 ~~college~~ that reports students who have not paid fees in an
5934 approved manner in calculations of full-time equivalent
5935 enrollments for state funding purposes shall be penalized at a
5936 rate equal to two times the value of such enrollments. Such

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penalty shall be charged against the following year's allocation from the Florida ~~Community~~ College System Program Fund and shall revert to the General Revenue Fund.

(10) Each Florida College System institution ~~community college~~ board of trustees is authorized to establish a separate fee for technology, which may not exceed 5 percent of tuition per credit hour or credit-hour equivalent for resident students and may not exceed 5 percent of tuition and the out-of-state fee per credit hour or credit-hour equivalent for nonresident students. Revenues generated from the technology fee shall be used to enhance instructional technology resources for students and faculty. The technology fee may apply to both college credit and college-preparatory instruction and shall not be included in any award under the Florida Bright Futures Scholarship Program. Fifty percent of technology fee revenues may be pledged by a Florida College System institution ~~community college~~ board of trustees as a dedicated revenue source for the repayment of debt, including lease-purchase agreements, not to exceed the useful life of the asset being financed. Revenues generated from the technology fee may not be bonded.

(11) (a) Each Florida College System institution ~~community college~~ board of trustees may establish a separate fee for capital improvements, technology enhancements, or equipping student buildings which may not exceed 10 percent of tuition for resident students or 10 percent of the sum of tuition and out-of-state fees for nonresident students. The fee for resident students shall be limited to an increase of \$2 per credit hour over the prior year. Funds collected by Florida College System

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5965 institutions ~~community colleges~~ through the fee may be bonded
5966 only as provided in this subsection for the purpose of financing
5967 or refinancing new construction and equipment, renovation, or
5968 remodeling of educational facilities. The fee shall be collected
5969 as a component part of the tuition and fees, paid into a
5970 separate account, and expended only to construct and equip,
5971 maintain, improve, or enhance the educational facilities of the
5972 Florida College System institution ~~community college~~. Projects
5973 funded through the use of the capital improvement fee shall meet
5974 the survey and construction requirements of chapter 1013.
5975 Pursuant to s. 216.0158, each Florida College System institution
5976 ~~community college~~ shall identify each project, including
5977 maintenance projects, proposed to be funded in whole or in part
5978 by such fee.

5979 (b) Capital improvement fee revenues may be pledged by a
5980 board of trustees as a dedicated revenue source to the repayment
5981 of debt, including lease-purchase agreements, with an overall
5982 term of not more than 7 years, including renewals, extensions,
5983 and refundings, and revenue bonds with a term not exceeding 20
5984 annual maturities and not exceeding the useful life of the asset
5985 being financed, only for financing or refinancing of the new
5986 construction and equipment, renovation, or remodeling of
5987 educational facilities. Bonds authorized pursuant to this
5988 subsection shall be requested by the Florida College System
5989 institution ~~community college~~ board of trustees and shall be
5990 issued by the Division of Bond Finance in compliance with s.
5991 11(d), Art. VII of the State Constitution and the State Bond
5992 Act. The Division of Bond Finance may pledge fees collected by

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5993 one or more Florida College System institutions ~~community~~
5994 ~~colleges~~ to secure such bonds. Any project included in the
5995 approved educational plant survey pursuant to chapter 1013 is
5996 approved pursuant to s. 11(f), Art. VII of the State
5997 Constitution.

5998 (c) Bonds issued pursuant to this subsection may be
5999 validated in the manner provided by chapter 75. Only the initial
6000 series of bonds is required to be validated. The complaint for
6001 such validation shall be filed in the circuit court of the
6002 county where the seat of state government is situated, the
6003 notice required to be published by s. 75.06 shall be published
6004 only in the county where the complaint is filed, and the
6005 complaint and order of the circuit court shall be served only on
6006 the state attorney of the circuit in which the action is
6007 pending.

6008 (d) A maximum of 15 percent may be allocated from the
6009 capital improvement fee for child care centers conducted by the
6010 Florida College System institution ~~community college~~. The use of
6011 capital improvement fees for such purpose shall be subordinate
6012 to the payment of any bonds secured by the fees.

6013 (e) The state does hereby covenant with the holders of the
6014 bonds issued under this subsection that it will not take any
6015 action that will materially and adversely affect the rights of
6016 such holders so long as the bonds authorized by this subsection
6017 are outstanding.

6018 (12) (a) In addition to tuition, out-of-state, financial
6019 aid, capital improvement, student activity and service, and
6020 technology fees authorized in this section, each Florida College

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6021 System institution ~~community college~~ board of trustees is
6022 authorized to establish fee schedules for the following user
6023 fees and fines: laboratory fees, which do not apply to a
6024 distance learning course; parking fees and fines; library fees
6025 and fines; fees and fines relating to facilities and equipment
6026 use or damage; access or identification card fees; duplicating,
6027 photocopying, binding, or microfilming fees; standardized
6028 testing fees; diploma replacement fees; transcript fees;
6029 application fees; graduation fees; and late fees related to
6030 registration and payment. Such user fees and fines shall not
6031 exceed the cost of the services provided and shall only be
6032 charged to persons receiving the service. A Florida College
6033 System institution ~~community college~~ may not charge any fee
6034 except as authorized by law. Parking fee revenues may be pledged
6035 by a Florida College System institution ~~community college~~ board
6036 of trustees as a dedicated revenue source for the repayment of
6037 debt, including lease-purchase agreements, with an overall term
6038 of not more than 7 years, including renewals, extensions, and
6039 refundings, and revenue bonds with a term not exceeding 20 years
6040 and not exceeding the useful life of the asset being financed.
6041 Florida College System institutions ~~Community colleges~~ shall use
6042 the services of the Division of Bond Finance of the State Board
6043 of Administration to issue any revenue bonds authorized by this
6044 subsection. Any such bonds issued by the Division of Bond
6045 Finance shall be in compliance with the provisions of the State
6046 Bond Act. Bonds issued pursuant to the State Bond Act may be
6047 validated in the manner established in chapter 75. The complaint
6048 for such validation shall be filed in the circuit court of the

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6049 county where the seat of state government is situated, the
6050 notice required to be published by s. 75.06 shall be published
6051 only in the county where the complaint is filed, and the
6052 complaint and order of the circuit court shall be served only on
6053 the state attorney of the circuit in which the action is
6054 pending.

6055 (b) The State Board of Education may adopt rules pursuant
6056 to ss. 120.536(1) and 120.54 to administer this subsection.

6057 (13) The State Board of Education shall specify, as
6058 necessary, by rule, approved methods of student fee payment.
6059 Such methods shall include, but not be limited to, student fee
6060 payment; payment through federal, state, or institutional
6061 financial aid; and employer fee payments.

6062 (14) Each Florida College System institution ~~community~~
6063 ~~college~~ board of trustees shall report only those students who
6064 have actually enrolled in instruction provided or supervised by
6065 instructional personnel under contract with the Florida College
6066 System institution ~~community college~~ in calculations of actual
6067 full-time equivalent enrollments for state funding purposes. No
6068 student who has been exempted from taking a course or who has
6069 been granted academic or career credit through means other than
6070 actual coursework completed at the granting institution shall be
6071 calculated for enrollment in the course from which he or she has
6072 been exempted or granted credit. Florida College System
6073 institutions ~~Community colleges~~ that report enrollments in
6074 violation of this subsection shall be penalized at a rate equal
6075 to two times the value of such enrollments. Such penalty shall
6076 be charged against the following year's allocation from the

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6077 Florida Community College System Program Fund and shall revert
6078 to the General Revenue Fund.

6079 (15) Each Florida College System institution ~~community~~
6080 ~~college~~ may assess a service charge for the payment of tuition
6081 and fees in installments and a convenience fee for the
6082 processing of automated or online credit card payments. However,
6083 the amount of the convenience fee may not exceed the total cost
6084 charged by the credit card company to the Florida College System
6085 institution ~~community college~~. Such service charge or
6086 convenience fee must be approved by the Florida College System
6087 institution ~~community college~~ board of trustees.

6088 (16) (a) Each Florida College System institution ~~community~~
6089 ~~college~~ may assess a student who enrolls in a course listed in
6090 the Florida Higher Education Distance Learning Catalog,
6091 established pursuant to s. 1004.09, a per-credit-hour distance
6092 learning course user fee. For purposes of assessing this fee, a
6093 distance learning course is a course in which at least 80
6094 percent of the direct instruction of the course is delivered
6095 using some form of technology when the student and instructor
6096 are separated by time or space, or both.

6097 (b) The amount of the distance learning course user fee
6098 may not exceed the additional costs of the services provided
6099 which are attributable to the development and delivery of the
6100 distance learning course. If a Florida College System
6101 institution ~~community college~~ assesses the distance learning
6102 course user fee, the institution may not assess any other fees
6103 to cover the additional costs. By September 1 of each year, each
6104 board of trustees shall report to the Division of Florida

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Colleges the total amount of revenue generated by the distance learning course user fee for the prior fiscal year and how the revenue was expended.

(c) The link for the catalog must be prominently displayed within the advising and distance learning sections of the institution's website, using a graphic and description provided by the Florida Distance Learning Consortium, to inform students of the catalog.

(17) The State Board of Education shall adopt a rule specifying the definitions and procedures to be used in the calculation of the percentage of cost paid by students. The rule must provide for the calculation of the full cost of educational programs based on the allocation of all funds provided through the general current fund to programs of instruction, and other activities as provided in the annual expenditure analysis. The rule shall be developed in consultation with the Legislature.

Section 119. Subsections (2) and (3) of section 1009.25, Florida Statutes, are amended to read:

1009.25 Fee exemptions.—

(2) The following students are exempt from the payment of tuition and fees, including lab fees, at a school district that provides postsecondary career programs, Florida College System institution ~~community college~~, or state university:

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

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

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

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

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

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

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

(g) A student who is a proprietor, owner, or worker of a company whose business has been at least 50 percent negatively financially impacted by the buyout of property around Lake

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6161 Apopka by the State of Florida. Such student may receive a fee
6162 exemption only if the student has not received compensation
6163 because of the buyout, the student is designated a Florida
6164 resident for tuition purposes, pursuant to s. 1009.21, and the
6165 student has applied for and been denied financial aid, pursuant
6166 to s. 1009.40, which would have provided, at a minimum, payment
6167 of all student fees. The student is responsible for providing
6168 evidence to the postsecondary education institution verifying
6169 that the conditions of this paragraph have been met, including
6170 supporting documentation provided by the Department of Revenue.
6171 The student must be currently enrolled in, or begin coursework
6172 within, a program area by fall semester 2000. The exemption is
6173 valid for a period of 4 years after the date that the
6174 postsecondary education institution confirms that the conditions
6175 of this paragraph have been met.

6176 (3) Each Florida College System institution ~~community~~
6177 ~~college~~ is authorized to grant student fee exemptions from all
6178 fees adopted by the State Board of Education and the Florida
6179 College System institution ~~community college~~ board of trustees
6180 for up to 40 full-time equivalent students at each institution.

6181 Section 120. Subsections (1), (7), (8), and (10) of
6182 section 1009.26, Florida Statutes, are amended to read:

6183 1009.26 Fee waivers.—

6184 (1) School districts and Florida College System
6185 institutions ~~community colleges~~ may waive fees for any fee-
6186 nonexempt student. The total value of fee waivers granted by the
6187 school district or Florida College System institution ~~community~~
6188 ~~college~~ may not exceed the amount established annually in the

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General Appropriations Act. Any student whose fees are waived in excess of the authorized amount may not be reported for state funding purposes. Any school district or Florida College System institution ~~community college~~ that waives fees and requests state funding for a student in violation of the provisions of this section shall be penalized at a rate equal to 2 times the value of the full-time student enrollment reported.

(7) The spouse of a deceased state employee is entitled, when eligible for the payment of student fees by the state as employer pursuant to s. 440.16, in lieu of such payment, to a full waiver of student fees for up to 80 semester hours in any Florida College System institution ~~community college~~.

(8) A state university or Florida College System institution ~~community college~~ shall waive undergraduate tuition for each recipient of a Purple Heart or another combat decoration superior in precedence who:

(a) Is enrolled as a full-time, part-time, or summer-school student in an undergraduate program that terminates in a degree or certificate;

(b) Is currently, and was at the time of the military action that resulted in the awarding of the Purple Heart or other combat decoration superior in precedence, a resident of this state; and

(c) Submits to the state university or the Florida College System institution ~~community college~~ the DD-214 form issued at the time of separation from service as documentation that the student has received a Purple Heart or another combat decoration superior in precedence.

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Such a waiver for a Purple Heart recipient or recipient of another combat decoration superior in precedence shall be applicable for 110 percent of the number of required credit hours of the degree or certificate program for which the student is enrolled.

(10) A state university or Florida College System institution ~~community college~~ may waive tuition and fees for a classroom teacher, as defined in s. 1012.01(2)(a), who is employed full-time by a school district and who meets the academic requirements established by the Florida College System institution ~~community college~~ or state university for up to 6 credit hours per term on a space-available basis in undergraduate courses approved by the Department of Education. Such courses shall be limited to undergraduate courses related to special education, mathematics, or science. The waiver may not be used for courses scheduled during the school district's regular school day. The State Board of Education shall adopt a rule that prescribes the process for the approval of courses by the department.

Section 121. Subsections (1), (2), (3), and (4) of section 1009.265, Florida Statutes, are amended to read:

1009.265 State employee fee waivers.—

(1) As a benefit to the employer and employees of the state, subject to approval by an employee's agency head or the equivalent, each state university and Florida College System institution ~~community college~~ shall waive tuition and fees for state employees to enroll for up to 6 credit hours of courses

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per term on a space-available basis.

(2) The Chief Financial Officer, in cooperation with the Florida College System institutions ~~community colleges~~ and state universities, shall identify and implement ways to ease the administrative burden to Florida College System institutions ~~community colleges~~ and state universities, including, but not limited to, providing easier access to verify state employment.

(3) From funds appropriated by the Legislature for administrative costs to implement this section, Florida College System institutions ~~community colleges~~ and state universities shall be reimbursed on a pro rata basis according to the cost assessment data developed by the Department of Education.

(4) The Auditor General shall include a review of the cost assessment data in conjunction with his or her audit responsibilities for Florida College System institutions ~~community colleges~~, state universities, and the Department of Education.

Section 122. Subsections (1) and (3) of section 1009.27, Florida Statutes, are amended to read:

1009.27 Deferral of fees.—

(1) School districts, Florida College System institutions ~~community colleges~~, and state universities may defer tuition and fees for students receiving financial aid from a federal or state assistance program when the aid is delayed in being transmitted to the student through circumstances beyond the control of the student. The failure to make timely application for the aid is an insufficient reason to receive a deferral of fees.

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(3) Each school district, Florida College System institution ~~community college~~, and state university is responsible for collecting all deferred fees. If a school district, Florida College System institution ~~community college~~, or state university has not collected a deferred fee, the student may not earn state funding for any course for which the student subsequently registers until the fee has been paid.

Section 123. Section 1009.28, Florida Statutes, is amended to read:

1009.28 Fees for repeated enrollment in college-preparatory classes.—A student enrolled in the same college-preparatory class more than twice shall pay 100 percent of the full cost of instruction to support continuous enrollment of that student in the same class, and the student shall not be included in calculations of full-time equivalent enrollments for state funding purposes; however, students who withdraw or fail a class due to extenuating circumstances may be granted an exception only once for each class, provided approval is granted according to policy established by the board of trustees. Each Florida College System institution ~~community college~~ may review and reduce fees paid by students due to continued enrollment in a college-preparatory class on an individual basis contingent upon the student's financial hardship, pursuant to definitions and fee levels established by the State Board of Education.

Section 124. Section 1009.285, Florida Statutes, is amended to read:

1009.285 Fees for repeated enrollment in college-credit courses.—A student enrolled in the same undergraduate college-

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6301 credit course more than twice shall pay tuition at 100 percent
6302 of the full cost of instruction and shall not be included in
6303 calculations of full-time equivalent enrollments for state
6304 funding purposes. However, students who withdraw or fail a class
6305 due to extenuating circumstances may be granted an exception
6306 only once for each class, provided that approval is granted
6307 according to policy established by the Florida College System
6308 institution ~~community college~~ board of trustees or the
6309 university board of trustees. Each Florida College System
6310 institution ~~community college~~ and state university may review
6311 and reduce fees paid by students due to continued enrollment in
6312 a college-credit class on an individual basis contingent upon
6313 the student's financial hardship. For purposes of this section,
6314 first-time enrollment in a class shall mean enrollment in a
6315 class beginning fall semester 1997, and calculations of the full
6316 cost of instruction shall be based on the systemwide average of
6317 the prior year's cost of undergraduate programs for the Florida
6318 College System institutions ~~community colleges~~ and the state
6319 universities. Boards of trustees may make exceptions to this
6320 section for individualized study, elective coursework, courses
6321 that are repeated as a requirement of a major, and courses that
6322 are intended as continuing over multiple semesters, excluding
6323 the repeat of coursework more than two times to increase grade
6324 point average or meet minimum course grade requirements.

6325 Section 125. Subsections (5), (6), and (7) of section
6326 1009.286, Florida Statutes, are amended to read:

6327 1009.286 Additional student payment for hours exceeding
6328 baccalaureate degree program completion requirements at state

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6329 universities.—

6330 (5) Each state university and Florida College System
6331 institution ~~community college~~ shall implement a process for
6332 notifying students regarding the provisions of this section.
6333 Notice must be provided by a state university or a Florida
6334 College System institution ~~community college~~ upon a student's
6335 initial enrollment in the institution. Such notice must be
6336 provided a second time by a state university when a student has
6337 earned the credit hours required to complete the baccalaureate
6338 degree program in which the student is enrolled. The notice must
6339 include a recommendation that each student who intends to earn
6340 credit hours at the institution in excess of the credit hours
6341 required for the baccalaureate degree program in which the
6342 student is enrolled meet with his or her academic advisor.

6343 (6) For purposes of this section, the term "state
6344 university" includes the institutions identified in s.
6345 1000.21(6) and the term "Florida College System institution
6346 ~~community college~~" includes the institutions identified in s.
6347 1000.21(3).

6348 (7) The provisions of this section become effective for
6349 students who enter a Florida College System institution
6350 ~~community college~~ or a state university for the first time in
6351 the 2009-2010 academic year and thereafter.

6352 Section 126. Subsection (1) of section 1009.29, Florida
6353 Statutes, is amended to read:

6354 1009.29 Increased fees for funding financial aid program.—

6355 (1) Student tuition and registration fees at each state
6356 university and Florida College System institution ~~community~~

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6357 ~~college~~ shall include up to \$4.68 per quarter, or \$7.02 per
6358 semester, per full-time student, or the per-student credit hour
6359 equivalents of such amounts. The fees provided for by this
6360 section shall be adjusted from time to time, as necessary, to
6361 comply with the debt service coverage requirements of the
6362 student loan revenue bonds issued pursuant to s. 1009.79. If the
6363 Division of Bond Finance of the State Board of Administration
6364 and the Commissioner of Education determine that such fees are
6365 no longer required as security for revenue bonds issued pursuant
6366 to ss. 1009.78-1009.88, moneys previously collected pursuant to
6367 this section which are held in escrow, after administrative
6368 expenses have been met and up to \$150,000 has been used to
6369 establish a financial aid data processing system for the state
6370 universities incorporating the necessary features to meet the
6371 needs of all 11 universities for application through
6372 disbursement processing, shall be reallocated to the generating
6373 institutions to be used for student financial aid programs,
6374 including, but not limited to, scholarships and grants for
6375 educational purposes. Upon such determination, such fees shall
6376 no longer be assessed and collected.

6377 Section 127. Paragraph (a) of subsection (1) of section
6378 1009.40, Florida Statutes, is amended to read:

6379 1009.40 General requirements for student eligibility for
6380 state financial aid awards and tuition assistance grants.—

6381 (1)(a) The general requirements for eligibility of
6382 students for state financial aid awards and tuition assistance
6383 grants consist of the following:

6384 1. Achievement of the academic requirements of and

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6385 acceptance at a state university or Florida College System
6386 institution ~~community college~~; a nursing diploma school approved
6387 by the Florida Board of Nursing; a Florida college, or
6388 university, ~~or community college~~ which is accredited by an
6389 accrediting agency recognized by the State Board of Education;
6390 any Florida institution the credits of which are acceptable for
6391 transfer to state universities; any career center; or any
6392 private career institution accredited by an accrediting agency
6393 recognized by the State Board of Education.

6394 2. Residency in this state for no less than 1 year
6395 preceding the award of aid or a tuition assistance grant for a
6396 program established pursuant to s. 1009.50, s. 1009.505, s.
6397 1009.51, s. 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s.
6398 1009.57, s. 1009.60, s. 1009.62, s. 1009.68, s. 1009.72, s.
6399 1009.73, s. 1009.77, s. 1009.89, or s. 1009.891. Residency in
6400 this state must be for purposes other than to obtain an
6401 education. Resident status for purposes of receiving state
6402 financial aid awards shall be determined in the same manner as
6403 resident status for tuition purposes pursuant to s. 1009.21.

6404 3. Submission of certification attesting to the accuracy,
6405 completeness, and correctness of information provided to
6406 demonstrate a student's eligibility to receive state financial
6407 aid awards or tuition assistance grants. Falsification of such
6408 information shall result in the denial of any pending
6409 application and revocation of any award or grant currently held
6410 to the extent that no further payments shall be made.
6411 Additionally, students who knowingly make false statements in
6412 order to receive state financial aid awards or tuition

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6413 assistance grants commit a misdemeanor of the second degree
6414 subject to the provisions of s. 837.06 and shall be required to
6415 return all state financial aid awards or tuition assistance
6416 grants wrongfully obtained.

6417 Section 128. Subsection (2) of section 1009.42, Florida
6418 Statutes, is amended to read:

6419 1009.42 Financial aid appeal process.—

6420 (2) The president of each state university and each
6421 Florida College System institution ~~community college~~ shall
6422 establish a procedure for appeal, by students, of grievances
6423 related to the award or administration of financial aid at the
6424 institution.

6425 Section 129. Section 1009.44, Florida Statutes, is amended
6426 to read:

6427 1009.44 Need-based financial aid; no preference to
6428 students receiving other aid.—From the funds collected by state
6429 universities and Florida College System institutions ~~community~~
6430 ~~colleges~~ as a financial aid fee and from other funds
6431 appropriated by the Legislature for financial aid from the
6432 Educational Enhancement Trust Fund, institutions shall expend
6433 those moneys designated as need-based financial aid with no
6434 preference given to students who also qualify for merit-based or
6435 other financial aid awards.

6436 Section 130. Paragraph (a) of subsection (2) and paragraph
6437 (b) of subsection (4) of section 1009.50, Florida Statutes, are
6438 amended to read:

6439 1009.50 Florida Public Student Assistance Grant Program;
6440 eligibility for grants.—

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(2) (a) State student assistance grants through the program may be made only to degree-seeking students who enroll in at least 6 semester hours, or the equivalent per term, and who meet the general requirements for student eligibility as provided in s. 1009.40, except as otherwise provided in this section. The grants shall be awarded annually for the amount of demonstrated unmet need for the cost of education and may not exceed an amount equal to the average prior academic year cost of tuition fees and other registration fees for 30 credit hours at state universities or such other amount as specified in the General Appropriations Act, to any recipient. A demonstrated unmet need of less than \$200 shall render the applicant ineligible for a state student assistance grant. Recipients of the grants must have been accepted at a state university or Florida College System institution ~~community college~~ authorized by Florida law. A student is eligible for the award for 110 percent of the number of credit hours required to complete the program in which enrolled, except as otherwise provided in s. 1009.40(3).

(4)

(b) Payment of Florida public student assistance grants shall be transmitted to the president of the state university or Florida College System institution ~~community college~~, or to his or her representative, in advance of the registration period. Institutions shall notify students of the amount of their awards.

Section 131. Paragraphs (b) and (c) of subsection (2), paragraph (a) of subsection (3), and paragraphs (a) and (b) of subsection (4) of section 1009.505, Florida Statutes, are

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6469 amended to read:

6470 1009.505 Florida Public Postsecondary Career Education
6471 Student Assistance Grant Program.—

6472 (2) For purposes of this section, the term:

6473 (b) "Half-time" means the equivalent in clock hours at a
6474 public postsecondary career certificate program of 6 semester
6475 credit hours at a Florida College System institution ~~community~~
6476 ~~college~~.

6477 (c) "Public postsecondary career certificate program"
6478 means a postsecondary program that consists of 450 or more clock
6479 hours, is offered by a Florida College System institution
6480 ~~community college~~ authorized by Florida law or by a career
6481 center operated by a district school board under s. 1001.44, and
6482 terminates in a career certificate.

6483 (3)(a) Student assistance grants through the program may
6484 be made only to certificate-seeking students enrolled at least
6485 half-time in a public postsecondary career certificate program
6486 who meet the general requirements for student eligibility as
6487 provided in s. 1009.40, except as otherwise provided in this
6488 section. The grants shall be awarded annually to any recipient
6489 for the amount of demonstrated unmet need for the cost of
6490 education and may not exceed the average annual cost of tuition
6491 and registration fees or such other amount as specified in the
6492 General Appropriations Act. A demonstrated unmet need of less
6493 than \$200 shall render the applicant ineligible for a grant
6494 under this section. Recipients of the grants must have been
6495 accepted at a Florida College System institution ~~community~~
6496 ~~college~~ authorized by Florida law or a career center operated by

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a district school board under s. 1001.44. A student is eligible for the award for 110 percent of the number of clock hours required to complete the program in which enrolled.

(4) (a) The funds appropriated for the Florida Public Postsecondary Career Education Student Assistance Grant Program shall be distributed to eligible Florida College System institutions ~~community colleges~~ and district school boards in accordance with a formula approved by the department.

(b) Payment of Florida public postsecondary career education student assistance grants shall be transmitted to the president of the Florida College System institution ~~community college~~ or to the district school superintendent, or to the designee thereof, in advance of the registration period. Institutions shall notify students of the amount of their awards.

Section 132. Subsection (1) of section 1009.533, Florida Statutes, is amended to read:

1009.533 Florida Bright Futures Scholarship Program; eligible postsecondary education institutions.—A student is eligible for an award or the renewal of an award from the Florida Bright Futures Scholarship Program if the student meets the requirements for the program as described in this act and is enrolled in a postsecondary education institution that meets the description in any one of the following subsections:

(1) A Florida public university, Florida College System institution ~~community college~~, or career center.

Section 133. Subsection (2) of section 1009.535, Florida Statutes, is amended to read:

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1009.535 Florida Medallion Scholars award.—

(2) A Florida Medallion Scholar is eligible for an award equal to the amount required to pay 75 percent of tuition and fees if the student is enrolled in a state university or a baccalaureate degree program authorized pursuant to s. 1007.33. A Florida Medallion Scholar is eligible for an award equal to the amount required to pay 100 percent of tuition and fees for college credit courses leading to an associate degree if the student is enrolled in a Florida College System institution ~~community college~~. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay 75 percent of the tuition and fees of a public postsecondary education institution at the comparable level.

Section 134. Paragraph (d) of subsection (2) and paragraph (c) of subsection (3) of section 1009.55, Florida Statutes, are amended to read:

1009.55 Rosewood Family Scholarship Program.—

(2) The Rosewood Family Scholarship Program shall be administered by the Department of Education. The State Board of Education shall adopt rules for administering this program which shall at a minimum provide for the following:

(d) Payment of an award shall be transmitted in advance of the registration period each semester on behalf of the student to the president of the university or Florida College System institution ~~community college~~, or his or her representative, or to the director of the career center which the recipient is attending.

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(3) Beginning with the 1994-1995 academic year, the department is authorized to make awards for undergraduate study to students who:

(c) Enroll as certificate-seeking or degree-seeking students at a state university, Florida College System institution ~~community college~~, or career center authorized by law.

Section 135. Paragraph (b) of subsection (2) of section 1009.56, Florida Statutes, is amended to read:

1009.56 Seminole and Miccosukee Indian Scholarships.—

(2) The department shall award scholarships to students who:

(b) Are enrolled at a state university or Florida College System institution ~~community college~~ authorized by Florida law; a nursing diploma school approved by the Board of Nursing; any Florida college, or university, ~~or community college~~ which is accredited by an accrediting association whose standards are comparable to the minimum standards required to operate an institution at that level in Florida, as determined by rules of the Commission for Independent Education; or any Florida institution the credits of which are acceptable for transfer to state universities;

Section 136. Section 1009.60, Florida Statutes, is amended to read:

1009.60 Minority teacher education scholars program.—There is created the minority teacher education scholars program, which is a collaborative performance-based scholarship program for African-American, Hispanic-American, Asian-American, and

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6581 Native American students. The participants in the program
6582 include Florida's Florida College System institutions ~~community~~
6583 ~~colleges~~ and its public and private universities that have
6584 teacher education programs.

6585 (1) The minority teacher education scholars program shall
6586 provide an annual scholarship in an amount that shall be
6587 prorated based on available appropriations and may not exceed
6588 \$4,000 for each approved minority teacher education scholar who
6589 is enrolled in one of Florida's public or private universities
6590 in the junior year and is admitted into a teacher education
6591 program.

6592 (2) To assist each participating education institution in
6593 the recruitment and retention of minority teacher scholars, the
6594 administrators of the Florida Fund for Minority Teachers, Inc.,
6595 shall implement a systemwide training program. The training
6596 program must include an annual conference or series of
6597 conferences for students who are in the program or who are
6598 identified by a high school or a Florida College System
6599 institution ~~community college~~ as likely candidates for the
6600 program. The training program must also include research about
6601 and dissemination concerning successful activities or programs
6602 that recruit minority students for teacher education and retain
6603 them through graduation, certification, and employment. Staff
6604 employed by the corporation may work with each participating
6605 education institution to assure that local faculty and
6606 administrators receive the benefit of all available research and
6607 resources to increase retention of their minority teacher
6608 education scholars.

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(3) The total amount appropriated annually for new scholarships in the program must be divided by \$4,000 and by the number of participating colleges and universities. Each participating institution has access to the same number of scholarships and may award all of them to eligible minority students. If a college or university does not award all of its scholarships by the date set by the program administration at the Florida Fund for Minority Teachers, Inc., the remaining scholarships must be transferred to another institution that has eligible students. If the total amount appropriated for new scholarships is insufficient to award \$4,000 to each eligible student, the amount of the scholarship shall be prorated based on available appropriations.

(4) A student may receive a scholarship from the program for 3 consecutive years if the student remains enrolled full-time in the program and makes satisfactory progress toward a baccalaureate degree with a major in education.

(5) If a minority teacher education scholar graduates and is employed as a teacher by a Florida district school board, the scholar is not required to repay the scholarship amount so long as the scholar teaches in a Florida public school. A scholar may repay the entire scholarship amount by remaining employed as a Florida public school teacher for 1 year for each year he or she received the scholarship.

(6) If a minority teacher education scholar does not graduate within 3 years, or if the scholar graduates but does not teach in a Florida public school, the scholar must repay the total amount awarded, plus annual interest of 8 percent.

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(a) Interest begins accruing the first day of the 13th month after the month in which the recipient completes an approved teacher education program or after the month in which enrollment as a full-time student is terminated. Interest does not accrue during any period of deferment or eligible teaching service.

(b) The repayment period begins the first day of the 13th month after the month in which the recipient completes an approved teacher education program or after the month in which enrollment as a full-time student is terminated.

(c) The terms and conditions of the scholarship repayment must be contained in a promissory note and a repayment schedule. The loan must be paid within 10 years after the date of graduation or termination of full-time enrollment, including any periods of deferment. A shorter repayment period may be granted. The minimum monthly repayment is \$50 or the unpaid balance, unless otherwise approved, except that the monthly payment may not be less than the accruing interest. The recipient may prepay any part of the scholarship without penalty.

(d) The holder of the promissory note may grant a deferment of repayment for a recipient who is a full-time student, who is unable to secure a teaching position that would qualify as repayment, who becomes disabled, or who experiences other hardships. Such a deferment may be granted for a total of 24 months.

(e) If a student defaults on the scholarship, the entire unpaid balance, including interest accrued, becomes due and payable at the option of the holder of the promissory note, or

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when the recipient is no longer able to pay or no longer intends to pay. The recipient is responsible for paying all reasonable attorney's fees and other costs and charges necessary for administration of the collection process.

Section 137. Subsection (3) of section 1009.605, Florida Statutes, is amended to read:

1009.605 Florida Fund for Minority Teachers, Inc.—

(3) A board of directors shall administer the corporation. The Governor shall appoint to the board at least 15 but not more than 25 members, who shall serve terms of 3 years, except that 4 of the initial members shall serve 1-year terms and 4 shall serve 2-year terms. At least 4 members must be employed by Florida College System institutions ~~public community colleges~~ and at least 11 members must be employed by public or private postsecondary institutions that operate colleges of education. At least one member must be a financial aid officer employed by a postsecondary education institution operating in Florida. Administrative costs for support of the Board of Directors and the Florida Fund for Minority Teachers may not exceed 5 percent of funds allocated for the program. The board shall:

(a) Hold meetings to implement this section.

(b) Select a chairperson annually.

(c) Make rules for its own government.

(d) Appoint an executive director to serve at its pleasure. The executive director shall be the chief administrative officer and agent of the board.

(e) Maintain a record of its proceedings.

(f) Delegate to the chairperson the responsibility for

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6693 signing final orders.

6694 (g) Carry out the training program as required for the
6695 minority teacher education scholars program. No more than 5
6696 percent of the funds appropriated for the minority teacher
6697 education scholars program may be expended for administration,
6698 including administration of the required training program.

6699 Section 138. Subsection (3) of section 1009.65, Florida
6700 Statutes, is amended to read:

6701 1009.65 Medical Education Reimbursement and Loan Repayment
6702 Program.—

6703 (3) The Department of Health may adopt any rules necessary
6704 for the administration of the Medical Education Reimbursement
6705 and Loan Repayment Program. The department may also solicit
6706 technical advice regarding conduct of the program from the
6707 Department of Education and Florida universities and Florida
6708 College System institutions ~~community colleges~~. The Department
6709 of Health shall submit a budget request for an amount sufficient
6710 to fund medical education reimbursement, loan repayments, and
6711 program administration.

6712 Section 139. Paragraphs (a) and (b) of subsection (4) of
6713 section 1009.67, Florida Statutes, are amended to read:

6714 1009.67 Nursing scholarship program.—

6715 (4) Credit for repayment of a scholarship shall be as
6716 follows:

6717 (a) For each full year of scholarship assistance, the
6718 recipient agrees to work for 12 months in a faculty position in
6719 a college of nursing or Florida College System institution
6720 ~~community college~~ nursing program in this state or at a health

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care facility in a medically underserved area as approved by the Department of Health. Scholarship recipients who attend school on a part-time basis shall have their employment service obligation prorated in proportion to the amount of scholarship payments received.

(b) Eligible health care facilities include nursing homes and hospitals in this state, state-operated medical or health care facilities, public schools, county health departments, federally sponsored community health centers, colleges of nursing in universities in this state, and Florida College System institution ~~community college~~ nursing programs in this state, family practice teaching hospitals as defined in s. 395.805, or specialty children's hospitals as described in s. 409.9119. The recipient shall be encouraged to complete the service obligation at a single employment site. If continuous employment at the same site is not feasible, the recipient may apply to the department for a transfer to another approved health care facility.

Section 140. Paragraph (a) of subsection (4) of section 1009.70, Florida Statutes, is amended to read:

1009.70 Florida Education Fund.—

(4) The Florida Education Fund shall be administered by a board of directors, which is hereby established.

(a) The board of directors shall consist of 12 members, to be appointed as follows:

1. Two laypersons appointed by the Governor;

2. Two laypersons appointed by the President of the Senate;

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3. Two laypersons appointed by the Speaker of the House of Representatives; and

4. Two representatives of state universities, two representatives of Florida College System institutions ~~public community colleges~~, and two representatives of independent colleges or universities appointed by the State Board of Education.

The board of directors may appoint to the board an additional five members from the private sector for the purpose of assisting in the procurement of private contributions. Such members shall serve as voting members of the board.

Section 141. Paragraph (a) of subsection (5) of section 1009.72, Florida Statutes, is amended to read:

1009.72 Jose Marti Scholarship Challenge Grant Program.—

(5)(a) In order to be eligible to receive a scholarship pursuant to this section, an applicant shall:

1. Be a Hispanic-American, or a person of Spanish culture with origins in Mexico, South America, Central America, or the Caribbean, regardless of race.

2. Be a citizen of the United States and meet the general requirements for student eligibility as provided in s. 1009.40, except as otherwise provided in this section.

3. Be accepted at a state university, ~~or~~ Florida College System institution, ~~community college~~ or any Florida college or university that is accredited by an association whose standards are comparable to the minimum standards required to operate a postsecondary education institution at that level in Florida.

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4. Enroll as a full-time undergraduate or graduate student.

5. Earn a 3.0 unweighted grade point average on a 4.0 scale, or the equivalent for high school subjects creditable toward a diploma. If an applicant applies as a graduate student, he or she shall have earned a 3.0 cumulative grade point average for undergraduate college-level courses.

Section 142. Paragraph (a) of subsection (1) and paragraph (a) of subsection (8) of section 1009.77, Florida Statutes, are amended to read:

1009.77 Florida Work Experience Program.—

(1) There is established the Florida Work Experience Program to be administered by the Department of Education. The purpose of the program is to introduce eligible students to work experience that will complement and reinforce their educational program and career goals and provide a self-help student aid program that reduces student loan indebtedness. Additionally, the program's opportunities for employment at a student's school will serve as a retention tool because students employed on campus are more likely to complete their postsecondary education. The program shall be available to:

(a) Any student attending a state university or Florida College System institution ~~community college~~ authorized by Florida law;

(8) A student is eligible to participate in the Florida Work Experience Program if the student:

(a) Is enrolled:

1. At an eligible college or university as no less than a

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half-time undergraduate student in good standing;

2. In an eligible postsecondary career certificate program as no less than a half-time student in good standing. Eligible programs must be approved by the Department of Education and must consist of no less than 450 clock hours of instruction. Such programs must be offered by a career center operated by a district school board under s. 1001.44 or by a Florida College System institution ~~community college~~; or

3. At an educator preparation institute established under s. 1004.85 as no less than a half-time student in good standing.

However, a student may be employed during the break between two consecutive terms or employed, although not enrolled, during a term if the student was enrolled at least half time during the preceding term and preregisters as no less than a half-time student for the subsequent academic term. A student who attends an institution that does not provide preregistration shall provide documentation of intent to enroll as no less than a half-time student for the subsequent academic term.

Section 143. Subsection (3) of section 1009.89, Florida Statutes, is amended to read:

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

(3) The department shall issue through the program a William L. Boyd, IV, Florida resident access grant to any full-time degree-seeking undergraduate student registered at an independent nonprofit college or university which is located in and chartered by the state; which is accredited by the

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

Section 144. Subsection (3) of section 1009.891, Florida Statutes, is amended to read:

1009.891 The Access to Better Learning and Education Grant Program.—

(3) The department shall issue an access grant to any full-time student seeking a baccalaureate degree who is registered at a for-profit college or university that is located in and chartered by the state and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or who is registered at a nonprofit college or university that is chartered out of the state, that has been located in the state for 10 years or more, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, the Middle States Association of Colleges and Schools, the North Central Association of Colleges and Schools, or the New England

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6861 Association of Colleges and Schools; that grants baccalaureate
6862 degrees; that is not a state university or Florida College
6863 System institution ~~state community college~~; and that has a
6864 secular purpose, if the receipt of state aid by students at the
6865 institution would not have the primary effect of advancing or
6866 impeding religion or result in an excessive entanglement between
6867 the state and any religious sect. Institutions eligible for the
6868 Access to Better Learning and Education Grant Program in the
6869 initial year of funding shall include only those for-profit
6870 colleges or universities identified in this subsection.
6871 Nonprofit colleges or universities identified in this subsection
6872 shall be eligible for financial support in the second year of
6873 funding.

6874 Section 145. Paragraph (h) of subsection (3) of section
6875 1009.97, Florida Statutes, is amended to read:

6876 1009.97 General provisions.—

6877 (3) DEFINITIONS.—As used in ss. 1009.97-1009.984, the
6878 term:

6879 (h) "State postsecondary institution" means any Florida
6880 College System institution ~~public community college~~ or state
6881 university.

6882 Section 146. Paragraph (e) of subsection (4) of section
6883 1009.971, Florida Statutes, is amended to read:

6884 1009.971 Florida Prepaid College Board.—

6885 (4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND DUTIES.—The
6886 board shall have the powers and duties necessary or proper to
6887 carry out the provisions of ss. 1009.97-1009.984, including, but
6888 not limited to, the power and duty to:

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6889 (e) Establish agreements or other transactions with
6890 federal, state, and local agencies, including state universities
6891 and Florida College System institutions ~~community colleges~~.

6892 Section 147. Subsection (2), paragraph (e) of subsection
6893 (5), and subsection (6) of section 1009.98, Florida Statutes,
6894 are amended to read:

6895 1009.98 Stanley G. Tate Florida Prepaid College Program.—

6896 (2) PREPAID COLLEGE PLANS.—At a minimum, the board shall
6897 make advance payment contracts available for two independent
6898 plans to be known as the Florida College System institution
6899 ~~community college~~ plan and the university plan. The board may
6900 also make advance payment contracts available for a dormitory
6901 residence plan. The board may restrict the number of
6902 participants in the Florida College System institution ~~community~~
6903 ~~college~~ plan, university plan, and dormitory residence plan,
6904 respectively. However, any person denied participation solely on
6905 the basis of such restriction shall be granted priority for
6906 participation during the succeeding year.

6907 (a)1. Through the Florida College System institution
6908 ~~community college~~ plan, the advance payment contract may provide
6909 prepaid registration fees for a specified number of
6910 undergraduate semester credit hours not to exceed the average
6911 number of hours required for the conference of an associate
6912 degree. Qualified beneficiaries shall bear the cost of any
6913 laboratory fees associated with enrollment in specific courses.
6914 Each qualified beneficiary shall be classified as a resident for
6915 tuition purposes, pursuant to s. 1009.21, regardless of his or
6916 her actual legal residence.

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6917 2. Effective July 1, 1998, the board may provide advance
6918 payment contracts for additional fees delineated in s. 1009.23,
6919 not to exceed the average number of hours required for the
6920 conference of an associate degree, in conjunction with advance
6921 payment contracts for registration fees. Florida College System
6922 institution ~~Community college~~ plan contracts purchased prior to
6923 July 1, 1998, shall be limited to the payment of registration
6924 fees as defined in s. 1009.97.

6925 3. Effective July 1, 2009, the board may offer an advance
6926 payment contract for the Florida College System institution
6927 ~~community college~~ plan covering prepaid registration fees and
6928 the fees authorized in s. 1009.23. Such a contract may be
6929 offered in specific increments for use toward an associate
6930 degree. The total number of hours purchased for a qualified
6931 beneficiary may not exceed the average number of hours required
6932 for the conference of an associate degree.

6933 (b)1. Through the university plan, the advance payment
6934 contract may provide prepaid registration fees for a specified
6935 number of undergraduate semester credit hours not to exceed the
6936 average number of hours required for the conference of a
6937 baccalaureate degree. Qualified beneficiaries shall bear the
6938 cost of any laboratory fees associated with enrollment in
6939 specific courses. Each qualified beneficiary shall be classified
6940 as a resident for tuition purposes pursuant to s. 1009.21,
6941 regardless of his or her actual legal residence.

6942 2. Effective July 1, 1998, the board may provide advance
6943 payment contracts for additional fees delineated in s.
6944 1009.24(9)-(12), for a specified number of undergraduate

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semester credit hours not to exceed the average number of hours required for the conference of a baccalaureate degree, in conjunction with advance payment contracts for registration fees. Such contracts shall provide prepaid coverage for the sum of such fees, to a maximum of 45 percent of the cost of registration fees. University plan contracts purchased prior to July 1, 1998, shall be limited to the payment of registration fees as defined in s. 1009.97.

3. Effective July 1, 2007, the board may provide advance payment contracts for the tuition differential authorized in s. 1009.24(16) for a specified number of undergraduate semester credit hours, which may not exceed the average number of hours required for the conference of a baccalaureate degree, in conjunction with advance payment contracts for registration fees.

4. Effective July 1, 2009, the board may offer an advance payment contract for the university plan covering prepaid registration fees, the fees authorized in s. 1009.24(9)-(12), and the tuition differential authorized in s. 1009.24(16). Such a contract may be offered in specific increments for use toward a baccalaureate degree. The total number of hours purchased for a qualified beneficiary may not exceed the average number of hours required for the conference of a baccalaureate degree.

(c) The cost of participation in contracts authorized under paragraph (a) or paragraph (b) shall be based primarily on the current and projected fees included in the plan within the Florida College System or the State University System, respectively, the number of credit hours or semesters included

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6973 in the plan, and the number of years expected to elapse between
6974 the purchase of the plan on behalf of a qualified beneficiary
6975 and the exercise of the benefits provided in the plan by such
6976 beneficiary.

6977 (d) Through the dormitory residence plan, the advance
6978 payment contract may provide prepaid housing fees for a maximum
6979 of 10 semesters of full-time undergraduate enrollment in a state
6980 university. Dormitory residence plans shall be purchased in
6981 increments of 2 semesters. The cost of participation in the
6982 dormitory residence plan shall be based primarily on the average
6983 current and projected housing fees within the State University
6984 System and the number of years expected to elapse between the
6985 purchase of the plan on behalf of a qualified beneficiary and
6986 the exercise of the benefits provided in the plan by such
6987 beneficiary. Qualified beneficiaries shall have the highest
6988 priority in the assignment of housing within university
6989 residence halls. Qualified beneficiaries shall bear the cost of
6990 any additional elective charges such as laundry service or long-
6991 distance telephone service. Each state university may specify
6992 the residence halls or other university-held residences eligible
6993 for inclusion in the plan. In addition, any state university may
6994 request immediate termination of a dormitory residence contract
6995 based on a violation or multiple violations of rules of the
6996 residence hall or other university-held residences. In the event
6997 that sufficient housing is not available for all qualified
6998 beneficiaries, the board shall refund the purchaser or qualified
6999 beneficiary an amount equal to the fees charged for dormitory
7000 residence during that semester. If a qualified beneficiary fails

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7001 to be admitted to a state university or chooses to attend a
7002 Florida College System institution ~~community college~~ that
7003 operates one or more dormitories or residency opportunities, or
7004 has one or more dormitories or residency opportunities operated
7005 by the Florida College System institution ~~community college~~
7006 direct-support organization, the qualified beneficiary may
7007 transfer or cause to have transferred to the Florida College
7008 System institution ~~community college~~, or Florida College System
7009 institution ~~community college~~ direct-support organization, the
7010 fees associated with dormitory residence. Dormitory fees
7011 transferred to the Florida College System institution ~~community~~
7012 ~~college~~ or Florida College System institution ~~community college~~
7013 direct-support organization may not exceed the maximum fees
7014 charged for state university dormitory residence for the
7015 purposes of this section, or the fees charged for Florida
7016 College System institution ~~community college~~ or Florida College
7017 System institution ~~community college~~ direct-support organization
7018 dormitories or residency opportunities, whichever is less.

7019 (5) REFUNDS.—

7020 (e) A refund may not be authorized through an advance
7021 payment contract for any school year partially attended but not
7022 completed. For purposes of this section, a school year partially
7023 attended but not completed shall mean any one semester whereby
7024 the student is still enrolled at the conclusion of the official
7025 drop-add period but withdraws before the end of such semester.
7026 If a beneficiary does not complete a Florida College System
7027 institution ~~community college~~ plan or university plan for
7028 reasons other than specified in paragraph (c), the purchaser

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shall receive a refund of the amount paid into the fund for the remaining unattended years of the advance payment contract pursuant to rules promulgated by the board.

(6) CONFIDENTIALITY OF ACCOUNT INFORMATION.—Information that identifies the purchasers or beneficiaries of any plan promulgated under this section and their advance payment account activities is exempt from the provisions of s. 119.07(1).

However, the board may authorize the program's records administrator to release such information to a Florida College System institution ~~community college~~, college, or university in which a beneficiary may enroll or is enrolled. Florida College System institutions ~~Community colleges~~, colleges, and universities shall maintain such information as exempt from the provisions of s. 119.07(1).

Section 148. Subsection (6) of section 1009.981, Florida Statutes, is amended to read:

1009.981 Florida College Savings Program.—

(6) CONFIDENTIALITY OF ACCOUNT INFORMATION.—Information that identifies the benefactors or the designated beneficiary of any account initiated under this section is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, the board may authorize the release of such information to a Florida College System institution ~~community college~~, college, or university in which a designated beneficiary may enroll or is enrolled. Florida College System institutions ~~Community colleges~~, colleges, and universities shall maintain the confidentiality of such information.

Section 149. Paragraph (a) of subsection (1) and

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subsection (4) of section 1010.01, Florida Statutes, are amended to read:

1010.01 Uniform records and accounts.—

(1)(a) The financial records and accounts of each school district, Florida College System institution ~~community college~~, and other institution or agency under the supervision of the State Board of Education shall be prepared and maintained as prescribed by law and rules of the State Board of Education.

(4) Required financial accounts and reports shall include provisions that are unique to each of the following: K-12 school districts, Florida College System institutions ~~community colleges~~, and state universities, and shall provide for the data to be reported to the National Center of Educational Statistics and other governmental and professional educational data information services as appropriate.

Section 150. Subsection (1) of section 1010.02, Florida Statutes, is amended to read:

1010.02 Financial accounting and expenditures.—

(1) All funds accruing to a school district or a Florida College System institution ~~community college~~ must be received, accounted for, and expended in accordance with law and rules of the State Board of Education.

Section 151. Section 1010.03, Florida Statutes, is amended to read:

1010.03 Delinquent accounts.—District school boards, Florida College System institution ~~community college~~ boards of trustees, and university boards of trustees:

(1) Shall exert every effort to collect all delinquent

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accounts.

(2) May charge off or settle such accounts as may prove uncollectible.

(3) May employ the services of a collection agency when deemed advisable in collecting delinquent accounts.

(4) May adopt rules, as necessary, to implement the provisions of this section, including setoff procedures, payroll deductions, and restrictions on release of transcripts, awarding of diplomas, and access to other resources and services of the school district, Florida College System institution ~~community college~~, or university.

Section 152. Paragraph (a) of subsection (1), subsections (2) and (3), and paragraph (a) of subsection (4) of section 1010.04, Florida Statutes, are amended to read:

1010.04 Purchasing.—

(1)(a) Purchases and leases by school districts and Florida College System institutions ~~community colleges~~ shall comply with the requirements of law and rules of the State Board of Education.

(2) Each district school board, Florida College System institution ~~community college~~ board of trustees, and each university board of trustees shall adopt rules to be followed in making purchases.

(3) In districts in which the county purchasing agent is authorized by law to make purchases for the benefit of other governmental agencies within the county, the district school board and Florida College System institution ~~community college~~ board of trustees shall have the option to purchase from the

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7113 current county contracts at the unit price stated therein if
7114 such purchase is to the economic advantage of the district
7115 school board or the Florida College System institution ~~community~~
7116 ~~college~~ board of trustees; subject to confirmation of the items
7117 of purchase to the standards and specifications prescribed by
7118 the school district or Florida College System institution
7119 ~~community college~~.

7120 (4) (a) The State Board of Education may, by rule, provide
7121 for alternative procedures for school districts and Florida
7122 College System institutions ~~community colleges~~ for bidding or
7123 purchasing in cases in which the character of the item requested
7124 renders competitive bidding impractical.

7125 Section 153. Section 1010.06, Florida Statutes, is amended
7126 to read:

7127 1010.06 Indirect cost limitation.—State funds appropriated
7128 by the Legislature to the Division of Public Schools within the
7129 Department of Education may not be used to pay indirect costs to
7130 a university, Florida College System institution ~~community~~
7131 ~~college~~, school district, or any other entity.

7132 Section 154. Subsection (1) and paragraph (a) of
7133 subsection (2) of section 1010.07, Florida Statutes, are amended
7134 to read:

7135 1010.07 Bonds or insurance required.—

7136 (1) Each district school board, Florida College System
7137 institution ~~community college~~ board of trustees, and university
7138 board of trustees shall ensure that each official and employee
7139 responsible for handling, expending, or authorizing the
7140 expenditure of funds shall be appropriately bonded or insured to

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7141 protect the board and the funds involved.

7142 (2) (a) Contractors paid from school district or Florida
7143 College System institution ~~community college~~ funds shall give
7144 bond for the faithful performance of their contracts in such
7145 amount and for such purposes as prescribed by s. 255.05 or by
7146 rules of the State Board of Education relating to the type of
7147 contract involved. It shall be the duty of the district school
7148 board or Florida College System institution ~~community college~~
7149 board of trustees to require from construction contractors a
7150 bond adequate to protect the board and the board's funds
7151 involved.

7152 Section 155. Section 1010.08, Florida Statutes, is amended
7153 to read:

7154 1010.08 Promotion and public relations; funding.—Each
7155 district school board and Florida College System institution
7156 ~~community college~~ board of trustees may budget and use a portion
7157 of the funds accruing to it from auxiliary enterprises and
7158 undesignated gifts for promotion and public relations as
7159 prescribed by rules of the State Board of Education. Such funds
7160 may be used to provide hospitality to business guests in the
7161 district or elsewhere. However, such hospitality expenses may
7162 not exceed the amount authorized for such contingency funds as
7163 prescribed by rules of the State Board of Education.

7164 Section 156. Subsection (1) of section 1010.09, Florida
7165 Statutes, is amended to read:

7166 1010.09 Direct-support organizations.—

7167 (1) School district and Florida College System institution
7168 ~~community college~~ direct-support organizations shall be

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7169 organized and conducted under the provisions of ss. 1001.453 and
7170 1004.70 and rules of the State Board of Education, as
7171 applicable.

7172 Section 157. Section 1010.11, Florida Statutes, is amended
7173 to read:

7174 1010.11 Electronic transfer of funds.—Pursuant to the
7175 provisions of s. 215.85, each district school board, Florida
7176 College System institution ~~community college~~ board of trustees,
7177 and university board of trustees shall adopt written policies
7178 prescribing the accounting and control procedures under which
7179 any funds under their control are allowed to be moved by
7180 electronic transaction for any purpose including direct deposit,
7181 wire transfer, withdrawal, investment, or payment. Electronic
7182 transactions shall comply with the provisions of chapter 668.

7183 Section 158. Section 1010.22, Florida Statutes, is amended
7184 to read:

7185 1010.22 Cost accounting and reporting for workforce
7186 education.—

7187 (1) Each school district and each Florida College System
7188 institution ~~community college~~ shall account for expenditures of
7189 all state, local, federal, and other funds in the manner
7190 prescribed by the State Board of Education.

7191 (2) Each school district and each Florida College System
7192 institution ~~community college~~ shall report expenditures for
7193 workforce education in accordance with requirements prescribed
7194 by the State Board of Education.

7195 (3) The Department of Education, in cooperation with
7196 school districts and Florida College System institutions

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~~community colleges~~, shall develop and maintain a database of valid comparable information on workforce education which will meet both state and local needs.

Section 159. Section 1010.23, Florida Statutes, is amended to read:

1010.23 Cost accounting and reporting for Florida College System institutions ~~community colleges~~. Florida College System institutions ~~Community colleges~~ shall provide an annual report on the cost of operations as provided in s. 1011.84.

Section 160. Section 1010.30, Florida Statutes, is amended to read:

1010.30 Audits required.—School districts, Florida College System institutions ~~community colleges~~, and other institutions and agencies under the supervision of the State Board of Education and state universities under the supervision of the Board of Governors are subject to the audit provisions under ss. 11.45 and 218.39.

Section 161. Section 1010.33, Florida Statutes, is amended to read:

1010.33 Financial and performance audits.—Each district school board and Florida College System institution ~~community college~~ board of trustees, and university board of trustees is authorized to have an audit of their accounts and records by an independent certified public accountant retained by them and paid from their public funds. These audits are in addition to those required by ss. 11.45 and 218.39.

Section 162. Section 1010.34, Florida Statutes, is amended to read:

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1010.34 Audits of direct-support organizations.—Audits of school district, Florida College System institution ~~community college~~, and state university direct-support organizations are subject to the audit provisions of ss. 1001.453(4), 1004.28(5), and 1004.70(6), as applicable.

Section 163. Section 1010.58, Florida Statutes, is amended to read:

1010.58 Procedure for determining number of instruction units for Florida College System institutions ~~community colleges~~.—The number of instruction units for Florida College System institutions ~~community colleges~~ shall be determined from the full-time equivalent students in the Florida College System institution ~~community college~~, provided that full-time equivalent students may not be counted more than once in determining instruction units. Instruction units for Florida College System institutions ~~community colleges~~ shall be computed as follows:

(1) One unit for each 12 full-time equivalent students at a Florida College System institution ~~community college~~ for the first 420 students and one unit for each 15 full-time equivalent students for all over 420 students, in other than career education programs as defined by rules of the State Board of Education, and one unit for each 10 full-time equivalent students in career education programs and compensatory education programs as defined by rules of the State Board of Education. Full-time equivalent students enrolled in a Florida College System institution ~~community college~~ shall be defined by rules of the State Board of Education.

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7253 (2) For each 8 instruction units in a Florida College
7254 System institution ~~community college~~, 1 instruction unit or
7255 proportionate fraction of a unit shall be allowed for
7256 administrative and special instructional services, and for each
7257 20 instruction units, 1 instruction unit or proportionate
7258 fraction of a unit shall be allowed for student personnel
7259 services.

7260 Section 164. Subsection (1), paragraph (a) of subsection
7261 (2), and paragraph (a) of subsection (3) of section 1011.01,
7262 Florida Statutes, are amended to read:

7263 1011.01 Budget system established.—

7264 (1) The State Board of Education shall prepare and submit
7265 a coordinated K-20 education annual legislative budget request
7266 to the Governor and the Legislature on or before the date
7267 provided by the Governor and the Legislature. The board's
7268 legislative budget request must clearly define the needs of
7269 school districts, Florida College System institutions ~~community~~
7270 ~~colleges~~, universities, other institutions, organizations,
7271 programs, and activities under the supervision of the board and
7272 that are assigned by law or the General Appropriations Act to
7273 the Department of Education.

7274 (2) (a) There shall be established in each school district
7275 and Florida College System institution ~~community college~~ a
7276 budget system as prescribed by law and rules of the State Board
7277 of Education.

7278 (3) (a) Each district school board and each Florida College
7279 System institution ~~community college~~ board of trustees shall
7280 prepare, adopt, and submit to the Commissioner of Education for

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7281 review an annual operating budget. Operating budgets shall be
7282 prepared and submitted in accordance with the provisions of law,
7283 rules of the State Board of Education, the General
7284 Appropriations Act, and for district school boards in accordance
7285 with the provisions of ss. 200.065 and 1011.64.

7286 Section 165. Section 1011.011, Florida Statutes, is
7287 amended to read:

7288 1011.011 Legislative capital outlay budget request.—The
7289 State Board of Education shall submit an integrated,
7290 comprehensive budget request for educational facilities
7291 construction and fixed capital outlay needs for school
7292 districts, Florida College System institutions ~~community~~
7293 ~~colleges~~, and, in conjunction with the Board of Governors,
7294 universities pursuant to this section and s. 1013.46 and
7295 applicable provisions of chapter 216.

7296 Section 166. Subsection (1) of section 1011.012, Florida
7297 Statutes, is amended to read:

7298 1011.012 Annual capital outlay budget.—

7299 (1) Each district school board, Florida College System
7300 institution ~~community college~~ board of trustees, and university
7301 board of trustees shall, each year, adopt a capital outlay
7302 budget for the ensuing year in order that the capital outlay
7303 needs of the board for the entire year may be well understood by
7304 the public. This capital outlay budget shall be a part of the
7305 annual budget and shall be based upon and in harmony with the
7306 educational plant and ancillary facilities plan. This budget
7307 shall designate the proposed capital outlay expenditures by
7308 project for the year from all fund sources. The board may not

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7309 expend any funds on any project not included in the budget, as
7310 amended.

7311 Section 167. Section 1011.30, Florida Statutes, is amended
7312 to read:

7313 1011.30 Budgets for Florida College System institutions
7314 ~~community colleges~~.—Each Florida College System institution
7315 ~~community college~~ president shall recommend to the Florida
7316 College System institution ~~community college~~ board of trustees a
7317 budget of income and expenditures at such time and in such form
7318 as the State Board of Education may prescribe. Upon approval of
7319 a budget by the Florida College System institution ~~community~~
7320 ~~college~~ board of trustees, such budget shall be transmitted to
7321 the Department of Education for review and approval. Rules of
7322 the State Board of Education shall prescribe procedures for
7323 effecting budget amendments subsequent to the final approval of
7324 a budget for a given year.

7325 Section 168. Section 1011.31, Florida Statutes, is amended
7326 to read:

7327 1011.31 Current loans to Florida College System
7328 institution ~~community college~~ boards of trustees.—

7329 (1) At any time the current funds on hand are insufficient
7330 to pay obligations created by a Florida College System
7331 institution ~~community college~~ board of trustees in accordance
7332 with the approved budget of the Florida College System
7333 institution ~~community college~~, the Florida College System
7334 institution ~~community college~~ board of trustees may request
7335 approval by the Commissioner of Education of a proposal to
7336 negotiate a current loan, with provisions for the repayment of

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7337 such loan during the fiscal year in which the loan is made, in
7338 order to meet these obligations.

7339 (2) The Commissioner of Education shall approve such
7340 proposal when, in his or her opinion, the proposal is reasonable
7341 and just, the expenditure is necessary, and revenues sufficient
7342 to meet the requirements of the loan can reasonably be
7343 anticipated.

7344 Section 169. Section 1011.32, Florida Statutes, is amended
7345 to read:

7346 1011.32 Florida College System Institution ~~Community~~
7347 ~~College~~ Facility Enhancement Challenge Grant Program.—

7348 (1) The Legislature recognizes that the Florida College
7349 System institutions ~~community colleges~~ do not have sufficient
7350 physical facilities to meet the current demands of their
7351 instructional and community programs. It further recognizes
7352 that, to strengthen and enhance Florida College System
7353 institutions ~~community colleges~~, it is necessary to provide
7354 facilities in addition to those currently available from
7355 existing revenue sources. It further recognizes that there are
7356 sources of private support that, if matched with state support,
7357 can assist in constructing much needed facilities and strengthen
7358 the commitment of citizens and organizations in promoting
7359 excellence at each Florida College System institution ~~community~~
7360 ~~college~~. Therefore, it is the intent of the Legislature to
7361 establish a program to provide the opportunity for each Florida
7362 College System institution ~~community college~~ through its direct-
7363 support organization to receive and match challenge grants for
7364 instructional and community-related capital facilities within

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7365 the Florida College System institution ~~community college~~.

7366 (2) There is established the Florida College System
7367 Institution ~~Community College~~ Facility Enhancement Challenge
7368 Grant Program for the purpose of assisting the Florida College
7369 System institutions ~~community colleges~~ in building high priority
7370 instructional and community-related capital facilities
7371 consistent with s. 1004.65, including common areas connecting
7372 such facilities. The direct-support organizations that serve the
7373 Florida College System institutions ~~community colleges~~ shall
7374 solicit gifts from private sources to provide matching funds for
7375 capital facilities. For the purposes of this section, private
7376 sources of funds shall not include any federal or state
7377 government funds that a Florida College System institution
7378 ~~community college~~ may receive.

7379 (3) The Florida College System Institution ~~Community~~
7380 ~~College~~ Capital Facilities Matching Program shall provide funds
7381 to match private contributions for the development of high
7382 priority instructional and community-related capital facilities,
7383 including common areas connecting such facilities, within the
7384 Florida College System institutions ~~community colleges~~.

7385 (4) Within the direct-support organization of each Florida
7386 College System institution ~~community college~~ there must be
7387 established a separate capital facilities matching account for
7388 the purpose of providing matching funds from the direct-support
7389 organization's unrestricted donations or other private
7390 contributions for the development of high priority instructional
7391 and community-related capital facilities, including common areas
7392 connecting such facilities. The Legislature shall appropriate

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7393 funds for distribution to a Florida College System institution
7394 ~~community college~~ after matching funds are certified by the
7395 direct-support organization and Florida College System
7396 institution ~~community college~~. The Public Education Capital
7397 Outlay and Debt Service Trust Fund shall not be used as the
7398 source of the state match for private contributions.

7399 (5) A project may not be initiated unless all private
7400 funds for planning, construction, and equipping the facility
7401 have been received and deposited in the direct-support
7402 organization's matching account for this purpose. However, this
7403 requirement does not preclude the Florida College System
7404 institution ~~community college~~ or direct-support organization
7405 from expending available funds from private sources to develop a
7406 prospectus, including preliminary architectural schematics or
7407 models, for use in its efforts to raise private funds for a
7408 facility and for site preparation, planning, and construction.
7409 The Legislature may appropriate the state's matching funds in
7410 one or more fiscal years for the planning, construction, and
7411 equipping of an eligible facility. Each Florida College System
7412 institution ~~community college~~ shall notify all donors of private
7413 funds of a substantial delay in the availability of state
7414 matching funds for this program.

7415 (6) To be eligible to participate in the Florida College
7416 System Institution ~~Community College~~ Facility Enhancement
7417 Challenge Grant Program, a Florida College System institution
7418 ~~community college~~, through its direct-support organization,
7419 shall raise a contribution equal to one-half of the total cost
7420 of a facilities construction project from private sources which

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7421 shall be matched by a state appropriation equal to the amount
7422 raised for a facilities construction project, subject to the
7423 General Appropriations Act.

7424 (7) If the state's share of the required match is
7425 insufficient to meet the requirements of subsection (6), the
7426 Florida College System institution ~~community college~~ shall
7427 renegotiate the terms of the contribution with the donors. If
7428 the project is terminated, each private donation, plus accrued
7429 interest, reverts to the direct-support organization for
7430 remittance to the donor.

7431 (8) By October 15 of each year, the State Board of
7432 Education shall transmit to the Governor and the Legislature a
7433 list of projects that meet all eligibility requirements to
7434 participate in the Florida College System Institution ~~Community~~
7435 ~~College~~ Facility Enhancement Challenge Grant Program and a
7436 budget request that includes the recommended schedule necessary
7437 to complete each project.

7438 (9) In order for a project to be eligible under this
7439 program, it must be survey recommended under the provisions of
7440 s. 1013.31 and included in the Florida College System
7441 institution's ~~community college's~~ 5-year capital improvement
7442 plan, and it must receive approval from the State Board of
7443 Education or the Legislature.

7444 (10) A Florida College System institution ~~community~~
7445 ~~college~~ project may not be removed from the approved 3-year PECO
7446 priority list because of its successful participation in this
7447 program until approved by the Legislature and provided for in
7448 the General Appropriations Act. When such a project is completed

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and removed from the list, all other projects shall move up on the 3-year PECO priority list.

(11) Any private matching funds for a project which are unexpended after the project is completed shall revert to the Florida College System institution's ~~community college's~~ direct-support organization capital facilities matching account. The balance of any unexpended state matching funds shall be returned to the fund from which those funds were appropriated.

(12) The surveys, architectural plans, facility, and equipment shall be the property of the participating Florida College System institution ~~community college~~. A facility constructed under this section may be named in honor of a donor at the option of the Florida College System institution ~~community college~~ district board of trustees. A facility may not be named after a living person without prior approval by the State Board of Education.

Section 170. Paragraph (d) of subsection (3) of section 1011.51, Florida Statutes, is amended to read:

1011.51 Independent postsecondary endowment grants.—

(3) The matching endowment grants made available under this section shall be made available to any independent nonprofit college or university which:

(d) Is not a state university or Florida College System institution ~~community college~~.

Section 171. Paragraphs (i) and (j) of subsection (1) of section 1011.62, Florida Statutes, are amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each

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district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

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

(i) *Calculation of full-time equivalent membership with respect to dual enrollment instruction.*—Students enrolled in dual enrollment instruction pursuant to s. 1007.271 may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. Instructional time for dual enrollment may vary from 900 hours; however, the school district may only report the student for a maximum of 1.0 full-time equivalent student membership, as provided in s. 1011.61(4). Dual enrollment full-time equivalent student membership shall be calculated in an amount equal to the hours of instruction that would be necessary to earn the full-time equivalent student membership for an equivalent course if it were taught in the school district. Students in dual enrollment courses may also be calculated as the proportional shares of full-time equivalent enrollments they generate for a Florida College System institution ~~community college~~ or university conducting the dual enrollment instruction. Early admission students shall be considered dual enrollments for funding purposes. Students may be enrolled in dual enrollment instruction provided by an

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7505 eligible independent college or university and may be included
7506 in calculations of full-time equivalent student memberships for
7507 basic programs for grades 9 through 12 by a district school
7508 board. However, those provisions of law which exempt dual
7509 enrolled and early admission students from payment of
7510 instructional materials and tuition and fees, including
7511 laboratory fees, shall not apply to students who select the
7512 option of enrolling in an eligible independent institution. An
7513 independent college or university which is located and chartered
7514 in Florida, is not for profit, is accredited by the Commission
7515 on Colleges of the Southern Association of Colleges and Schools
7516 or the Accrediting Council for Independent Colleges and Schools,
7517 and confers degrees as defined in s. 1005.02 shall be eligible
7518 for inclusion in the dual enrollment or early admission program.
7519 Students enrolled in dual enrollment instruction shall be exempt
7520 from the payment of tuition and fees, including laboratory fees.
7521 No student enrolled in college credit mathematics or English
7522 dual enrollment instruction shall be funded as a dual enrollment
7523 unless the student has successfully completed the relevant
7524 section of the entry-level examination required pursuant to s.
7525 1008.30.

7526 (j) *Coenrollment*.—If a high school student wishes to earn
7527 high school credits from a Florida College System institution
7528 ~~community college~~ and enrolls in one or more adult secondary
7529 education courses at the Florida College System institution
7530 ~~community college~~, the Florida College System institution
7531 ~~community college~~ shall be reimbursed for the costs incurred
7532 because of the high school student's coenrollment as provided in

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the General Appropriations Act.

Section 172. Paragraph (d) of subsection (1) of section 1011.68, Florida Statutes, is amended to read:

1011.68 Funds for student transportation.—The annual allocation to each district for transportation to public school programs, including charter schools as provided in s. 1002.33(17)(b), of students in membership in kindergarten through grade 12 and in migrant and exceptional student programs below kindergarten shall be determined as follows:

(1) Subject to the rules of the State Board of Education, each district shall determine the membership of students who are transported:

(d) By reason of being career, dual enrollment, or students with disabilities transported from one school center to another to participate in an instructional program or service; or students with disabilities, transported from one designation to another in the state, provided one designation is a school center and provided the student's individual educational plan (IEP) identifies the need for the instructional program or service and transportation to be provided by the school district. A "school center" is defined as a public school center, Florida College System institution ~~community college~~, state university, or other facility rented, leased, or owned and operated by the school district or another public agency. A "dual enrollment student" is defined as a public school student in membership in both a public secondary school program and a Florida College System institution ~~community college~~ or a state university program under a written agreement to partially

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fulfill ss. 1003.435 and 1007.23 and earning full-time equivalent membership under s. 1011.62(1)(i).

Section 173. Subsection (3) of section 1011.75, Florida Statutes, is amended to read:

1011.75 Gifted education exemplary program grants.—

(3) Pursuant to policies and rules to be adopted by the State Board of Education, each district school board, two or more district school boards in cooperation, or a public school principal through the district school board may submit to the commissioner a proposed program designed to effectuate an exemplary program for education for the gifted in a school, district, or group of districts. Consideration for funding shall be given to proposed programs of district school boards that are developed with the cooperation of a Florida College System institution ~~community college~~ or public or private college or university for the purpose of providing advanced accelerated instruction for public school students pursuant to s. 1003.435. In order to be approved, a program proposal must include:

(a) Clearly stated goals and objectives expressed, to the maximum extent possible, in measurable terms.

(b) Information concerning the number of students, teachers, and other personnel to be involved in the program.

(c) The estimated cost of the program and the number of years for which it is to be funded.

(d) Provisions for evaluation of the program and for its integration into the general curriculum and financial program of the school district or districts at the end of the funded period.

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(e) Such other information and provisions as the commissioner requires.

Section 174. Subsection (2), paragraph (a) of subsection (5), and subsections (6), (7), (8), (9), and (10) of section 1011.80, Florida Statutes, are amended to read:

1011.80 Funds for operation of workforce education programs.—

(2) Any workforce education program may be conducted by a Florida College System institution ~~community college~~ or a school district, except that college credit in an associate in applied science or an associate in science degree may be awarded only by a Florida College System institution ~~community college~~. However, if an associate in applied science or an associate in science degree program contains within it an occupational completion point that confers a certificate or an applied technology diploma, that portion of the program may be conducted by a school district career center. Any instruction designed to articulate to a degree program is subject to guidelines and standards adopted by the State Board of Education pursuant to s. 1007.25.

(5) State funding and student fees for workforce education instruction shall be established as follows:

(a) Expenditures for the continuing workforce education programs provided by the Florida College System institutions ~~community colleges~~ or school districts must be fully supported by fees. Enrollments in continuing workforce education courses shall not be counted for purposes of funding full-time equivalent enrollment.

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7617 (6) (a) A school district or a Florida College System
7618 institution ~~community college~~ that provides workforce education
7619 programs shall receive funds in accordance with distributions
7620 for base and performance funding established by the Legislature
7621 in the General Appropriations Act. If the General Appropriations
7622 Act does not provide for the distribution of funds, the
7623 following methodology shall apply:

7624 1. Base funding shall be allocated based on weighted
7625 enrollment and shall not exceed 90 percent of the allocation.
7626 The Department of Education shall develop a funding process for
7627 school district workforce education programs that is comparable
7628 with Florida College System institution ~~community college~~
7629 workforce programs.

7630 2. Performance funding shall be at least 10 percent of the
7631 allocation, based on the previous fiscal year's achievement of
7632 output and outcomes in accordance with formulas adopted pursuant
7633 to subsection (10). Performance funding must incorporate
7634 payments for at least three levels of placements that reflect
7635 wages and workforce demand. Payments for completions must not
7636 exceed 60 percent of the payments for placement. School
7637 districts and Florida College System institutions ~~community~~
7638 ~~colleges~~ shall be awarded funds pursuant to this paragraph based
7639 on performance output data and performance outcome data
7640 available in that year.

7641 (b) A program is established to assist school districts
7642 and Florida College System institutions ~~community colleges~~ in
7643 responding to the needs of new and expanding businesses and
7644 thereby strengthening the state's workforce and economy. The

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7645 program may be funded in the General Appropriations Act. A
7646 school district or Florida College System institution ~~community~~
7647 ~~college~~ may expend funds under the program without regard to
7648 performance criteria set forth in subparagraph (a)2. The
7649 district or Florida College System institution ~~community college~~
7650 shall use the program to provide customized training for
7651 businesses which satisfies the requirements of s. 288.047.
7652 Business firms whose employees receive the customized training
7653 must provide 50 percent of the cost of the training. Balances
7654 remaining in the program at the end of the fiscal year shall not
7655 revert to the general fund, but shall be carried over for 1
7656 additional year and used for the purpose of serving incumbent
7657 worker training needs of area businesses with fewer than 100
7658 employees. Priority shall be given to businesses that must
7659 increase or upgrade their use of technology to remain
7660 competitive.

7661 (7) A school district or Florida College System
7662 institution ~~community college~~ that receives workforce education
7663 funds must use the money to benefit the workforce education
7664 programs it provides. The money may be used for equipment
7665 upgrades, program expansions, or any other use that would result
7666 in workforce education program improvement. The district school
7667 board or Florida College System institution ~~community college~~
7668 board of trustees may not withhold any portion of the
7669 performance funding for indirect costs.

7670 (8) The State Board of Education and Workforce Florida,
7671 Inc., shall provide the Legislature with recommended formulas,
7672 criteria, timeframes, and mechanisms for distributing

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7673 performance funds. The commissioner shall consolidate the
7674 recommendations and develop a consensus proposal for funding.
7675 The Legislature shall adopt a formula and distribute the
7676 performance funds to the State Board of Education for Florida
7677 College System institutions ~~community colleges~~ and school
7678 districts through the General Appropriations Act. These
7679 recommendations shall be based on formulas that would discourage
7680 low-performing or low-demand programs and encourage through
7681 performance-funding awards:

7682 (a) Programs that prepare people to enter high-wage
7683 occupations identified by the Workforce Estimating Conference
7684 created by s. 216.136 and other programs as approved by
7685 Workforce Florida, Inc. At a minimum, performance incentives
7686 shall be calculated for adults who reach completion points or
7687 complete programs that lead to specified high-wage employment
7688 and to their placement in that employment.

7689 (b) Programs that successfully prepare adults who are
7690 eligible for public assistance, economically disadvantaged,
7691 disabled, not proficient in English, or dislocated workers for
7692 high-wage occupations. At a minimum, performance incentives
7693 shall be calculated at an enhanced value for the completion of
7694 adults identified in this paragraph and job placement of such
7695 adults upon completion. In addition, adjustments may be made in
7696 payments for job placements for areas of high unemployment.

7697 (c) Programs that are specifically designed to be
7698 consistent with the workforce needs of private enterprise and
7699 regional economic development strategies, as defined in
7700 guidelines set by Workforce Florida, Inc. Workforce Florida,

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7701 Inc., shall develop guidelines to identify such needs and
7702 strategies based on localized research of private employers and
7703 economic development practitioners.

7704 (d) Programs identified by Workforce Florida, Inc., as
7705 increasing the effectiveness and cost efficiency of education.

7706 (9) School districts shall report full-time equivalent
7707 students by discipline category for the programs specified in
7708 subsection (1). There shall be an annual cost analysis for the
7709 school district workforce education programs that reports cost
7710 by discipline category consistent with the reporting for full-
7711 time equivalent students. The annual financial reports submitted
7712 by the school districts must accurately report on the student
7713 fee revenues by fee type according to the programs specified in
7714 subsection (1). The Department of Education shall develop a plan
7715 for comparable reporting of program, student, facility,
7716 personnel, and financial data between the Florida College System
7717 institutions ~~community colleges~~ and the school district
7718 workforce education programs.

7719 (10) A high school student dually enrolled under s.
7720 1007.271 in a workforce education program operated by a Florida
7721 College System institution ~~community college~~ or school district
7722 career center generates the amount calculated for workforce
7723 education funding, including any payment of performance funding,
7724 and the proportional share of full-time equivalent enrollment
7725 generated through the Florida Education Finance Program for the
7726 student's enrollment in a high school. If a high school student
7727 is dually enrolled in a Florida College System institution
7728 ~~community college~~ program, including a program conducted at a

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7729 high school, the Florida College System institution ~~community~~
7730 ~~college~~ earns the funds generated for workforce education
7731 funding, and the school district earns the proportional share of
7732 full-time equivalent funding from the Florida Education Finance
7733 Program. If a student is dually enrolled in a career center
7734 operated by the same district as the district in which the
7735 student attends high school, that district earns the funds
7736 generated for workforce education funding and also earns the
7737 proportional share of full-time equivalent funding from the
7738 Florida Education Finance Program. If a student is dually
7739 enrolled in a workforce education program provided by a career
7740 center operated by a different school district, the funds must
7741 be divided between the two school districts proportionally from
7742 the two funding sources. A student may not be reported for
7743 funding in a dual enrollment workforce education program unless
7744 the student has completed the basic skills assessment pursuant
7745 to s. 1004.91.

7746 Section 175. Section 1011.801, Florida Statutes, is
7747 amended to read:

7748 1011.801 Workforce Development Capitalization Incentive
7749 Grant Program.—The Legislature recognizes that the need for
7750 school districts and Florida College System institutions
7751 ~~community colleges~~ to be able to respond to emerging local or
7752 statewide economic development needs is critical to the
7753 workforce development system. The Workforce Development
7754 Capitalization Incentive Grant Program is created to provide
7755 grants to school districts and Florida College System
7756 institutions ~~community colleges~~ on a competitive basis to fund

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7757 some or all of the costs associated with the creation or
7758 expansion of workforce development programs that serve specific
7759 employment workforce needs.

7760 (1) Funds awarded for a workforce development
7761 capitalization incentive grant may be used for instructional
7762 equipment, laboratory equipment, supplies, personnel, student
7763 services, or other expenses associated with the creation or
7764 expansion of a workforce development program. Expansion of a
7765 program may include either the expansion of enrollments in a
7766 program or expansion into new areas of specialization within a
7767 program. No grant funds may be used for recurring instructional
7768 costs or for institutions' indirect costs.

7769 (2) The State Board of Education shall accept applications
7770 from school districts or Florida College System institutions
7771 ~~community colleges~~ for workforce development capitalization
7772 incentive grants. Applications from school districts or Florida
7773 College System institutions ~~community colleges~~ shall contain
7774 projected enrollments and projected costs for the new or
7775 expanded workforce development program. The State Board of
7776 Education, in consultation with the Workforce Florida, Inc.,
7777 shall review and rank each application for a grant according to
7778 subsection (3) and shall submit to the Legislature a list in
7779 priority order of applications recommended for a grant award.

7780 (3) The State Board of Education shall give highest
7781 priority to programs that train people to enter high-skill,
7782 high-wage occupations identified by the Workforce Estimating
7783 Conference and other programs approved by Workforce Florida,
7784 Inc.; programs that train people to enter occupations under the

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welfare transition program; or programs that train for the workforce adults who are eligible for public assistance, economically disadvantaged, disabled, not proficient in English, or dislocated workers. The State Board of Education shall consider the statewide geographic dispersion of grant funds in ranking the applications and shall give priority to applications from education agencies that are making maximum use of their workforce development funding by offering high-performing, high-demand programs.

Section 176. Section 1011.81, Florida Statutes, is amended to read:

1011.81 Florida College System ~~Community College~~ Program Fund.—

(1) There is established a Florida College System ~~Community College~~ Program Fund. This fund shall comprise all appropriations made by the Legislature for the support of the current operating program and shall be apportioned and distributed to the Florida College System institution ~~community college~~ districts of the state on the basis of procedures established by law and rules of the State Board of Education. The annual apportionment for each Florida College System institution ~~community college~~ district shall be distributed monthly in payments as nearly equal as possible.

(2) None of the funds made available in the Florida College System ~~Community College~~ Program Fund, or funds made available to Florida College System institutions ~~community colleges~~ outside the Florida College System ~~Community College~~ Program Fund, may be used to implement, organize, direct,

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coordinate, or administer, or to support the implementation, organization, direction, coordination, or administration of, activities related to, or involving, travel to a terrorist state. For purposes of this section, "terrorist state" is defined as any state, country, or nation designated by the United States Department of State as a state sponsor of terrorism.

Section 177. Section 1011.82, Florida Statutes, is amended to read:

1011.82 Requirements for participation in Florida College System ~~Community College~~ Program Fund.—Each Florida College System ~~institution~~ ~~community college~~ district which participates in the state appropriations for the Florida College System ~~Community College~~ Program Fund shall provide evidence of its effort to maintain an adequate Florida College System ~~institution~~ ~~community college~~ program which shall:

(1) Meet the minimum standards prescribed by the State Board of Education in accordance with s. 1001.02(6).

(2) Effectively fulfill the mission of the Florida College System ~~institutions~~ ~~community colleges~~ in accordance with s. 1004.65.

Section 178. Section 1011.83, Florida Statutes, is amended to read:

1011.83 Financial support of Florida College System ~~institutions~~ ~~community colleges~~.—

(1) Each Florida College System ~~institution~~ ~~community college~~ that has been approved by the Department of Education and meets the requirements of law and rules of the State Board

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of Education shall participate in the Florida College System
~~Community College~~ Program Fund. However, funds to support
workforce education programs conducted by Florida College System
institutions ~~community colleges~~ shall be provided pursuant to s.
1011.80.

(2) A student in a baccalaureate degree program approved
pursuant to s. 1007.33 who is not classified as a resident for
tuition purposes pursuant to s. 1009.21 may not be included in
calculations of full-time equivalent enrollments for state
funding purposes.

Section 179. Section 1011.84, Florida Statutes, is amended
to read:

1011.84 Procedure for determining state financial support
and annual apportionment of state funds to each Florida College
System institution ~~community college~~ district.—The procedure for
determining state financial support and the annual apportionment
to each Florida College System institution ~~community college~~
district authorized to operate a Florida College System
institution ~~community college~~ under the provisions of s. 1001.61
shall be as follows:

(1) DETERMINING THE AMOUNT TO BE INCLUDED IN THE FLORIDA
COLLEGE SYSTEM ~~COMMUNITY COLLEGE~~ PROGRAM FUND FOR THE CURRENT
OPERATING PROGRAM.—

(a) The Department of Education shall determine annually
from an analysis of operating costs, prepared in the manner
prescribed by rules of the State Board of Education, the costs
per full-time equivalent student served in courses and fields of
study offered in Florida College System institutions ~~community~~

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7869 ~~colleges~~. This information and current college operating budgets
7870 shall be submitted to the Executive Office of the Governor with
7871 the legislative budget request prior to each regular session of
7872 the Legislature.

7873 (b) The allocation of funds for Florida College System
7874 institutions ~~community colleges~~ shall be based on advanced and
7875 professional disciplines, college-preparatory programs, and
7876 other programs for adults funded pursuant to s. 1011.80.

7877 (c) The category of lifelong learning is for students
7878 enrolled pursuant to s. 1004.93. A student shall also be
7879 reported as a lifelong learning student for his or her
7880 enrollment in any course that he or she has previously taken,
7881 unless it is a credit course in which the student earned a grade
7882 of D or F.

7883 (d) If an adult student has been determined to be a
7884 disabled student eligible for an approved educational program
7885 for disabled adults provided pursuant to s. 1004.93 and rules of
7886 the State Board of Education and is enrolled in a class with
7887 curriculum frameworks developed for the program, state funding
7888 for that student shall be provided at a level double that of a
7889 student enrolled in a special adult general education program
7890 provided by a Florida College System institution ~~community~~
7891 ~~college~~.

7892 (e) All state inmate education provided by Florida College
7893 System institutions ~~community colleges~~ shall be reported by
7894 program, FTE expenditure, and revenue source. These enrollments,
7895 expenditures, and revenues shall be reported and projected
7896 separately. Instruction of state inmates shall not be included

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7897 in the full-time equivalent student enrollment for funding
7898 through the Florida College System ~~Community College~~ Program
7899 Fund.

7900 (f) When a public educational institution has been fully
7901 funded by an external agency for direct instructional costs of
7902 any course or program, the FTE generated shall not be reported
7903 for state funding.

7904 (g) The State Board of Education shall adopt rules to
7905 implement s. 9(d)(8)f., Art. XII of the State Constitution.
7906 These rules shall provide for the use of the funds available
7907 under s. 9(d)(8)f., Art. XII by an individual Florida College
7908 System institution ~~community college~~ for operating expense in
7909 any fiscal year during which the State Board of Education has
7910 determined that all major capital outlay needs have been met.
7911 Highest priority for the use of these funds for purposes other
7912 than financing approved capital outlay projects shall be for the
7913 proper maintenance and repair of existing facilities for
7914 projects approved by the State Board of Education. However, in
7915 any fiscal year in which funds from this source are authorized
7916 for operating expense other than approved maintenance and repair
7917 projects, the allocation of Florida College System institution
7918 ~~community college~~ program funds shall be reduced by an amount
7919 equal to the sum used for such operating expense for that
7920 Florida College System institution ~~community college~~ that year,
7921 and that amount shall not be released or allocated among the
7922 other Florida College System institutions ~~community colleges~~
7923 that year.

7924 (2) DETERMINING THE AMOUNT TO BE INCLUDED FOR CAPITAL

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OUTLAY AND DEBT SERVICE.—The amount included for capital outlay and debt service shall be as determined and provided in s. 18, Art. XII of the State Constitution of 1885, as adopted by s. 9(d), Art. XII of the 1968 revised State Constitution and State Board of Education rules.

(3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.—

(a) By December 15 of each year, the Department of Education shall estimate the annual enrollment of each Florida College System institution ~~community college~~ for the current fiscal year and for the 3 subsequent fiscal years. These estimates shall be based upon prior years' enrollments, upon the initial fall term enrollments for the current fiscal year for each college, and upon each college's estimated current enrollment and demographic changes in the respective Florida College System institution ~~community college~~ districts. Upper-division enrollment shall be estimated separately from lower-division enrollment.

(b) The apportionment to each Florida College System institution ~~community college~~ from the Florida College System Community College Program Fund shall be determined annually in the General Appropriations Act. In determining each college's apportionment, the Legislature shall consider the following components:

1. Base budget, which includes the state appropriation to the Florida College System ~~Community College~~ Program Fund in the current year plus the related student tuition and out-of-state fees assigned in the current General Appropriations Act.

2. The cost-to-continue allocation, which consists of

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7953 incremental changes to the base budget, including salaries,
7954 price levels, and other related costs allocated through a
7955 funding model approved by the Legislature which may recognize
7956 differing economic factors arising from the individual
7957 educational approaches of the various Florida College System
7958 institutions ~~community colleges~~, including, but not limited to:

7959 a. Direct Instructional Funding, including class size,
7960 faculty productivity factors, average faculty salary, ratio of
7961 full-time to part-time faculty, costs of programs, and
7962 enrollment factors.

7963 b. Academic Support, including small colleges factor,
7964 multicampus factor, and enrollment factor.

7965 c. Student Services Support, including headcount of
7966 students as well as FTE count and enrollment factors.

7967 d. Library Support, including volume and other
7968 materials/audiovisual requirements.

7969 e. Special Projects.

7970 f. Operations and Maintenance of Plant, including square
7971 footage and utilization factors.

7972 g. District Cost Differential.

7973 3. Students enrolled in a recreation and leisure program
7974 and students enrolled in a lifelong learning program who may not
7975 be counted as full-time equivalent enrollments for purposes of
7976 enrollment workload adjustments.

7977 4. Operating costs of new facilities adjustments, which
7978 shall be provided, from funds available, for each new facility
7979 that is owned by the college and is recommended in accordance
7980 with s. 1013.31.

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7981 5. New and improved program enhancements, which shall be
7982 determined by the Legislature.

7983
7984 Student fees in the base budget plus student fee revenues
7985 generated by increases in fee rates shall be deducted from the
7986 sum of the components determined in subparagraphs 1.-5. The
7987 amount remaining shall be the net annual state apportionment to
7988 each college.

7989 (c) No Florida College System institution ~~community~~
7990 ~~college~~ shall commit funds for the employment of personnel or
7991 resources in excess of those required to continue the same level
7992 of support for either the previously approved enrollment or the
7993 revised enrollment, whichever is lower.

7994 (d) The apportionment to each Florida College System
7995 institution ~~community college~~ district for capital outlay and
7996 debt service shall be the amount determined in accordance with
7997 subsection (2). This amount, less any amount determined as
7998 necessary for administrative expense by the State Board of
7999 Education and any amount necessary for debt service on bonds
8000 issued by the State Board of Education, shall be transmitted to
8001 the Florida College System institution ~~community college~~ board
8002 of trustees to be expended in a manner prescribed by rules of
8003 the State Board of Education.

8004 (e) If at any time the unencumbered balance in the general
8005 fund of the Florida College System institution ~~community college~~
8006 board of trustees approved operating budget goes below 5
8007 percent, the president shall provide written notification to the
8008 State Board of Education.

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(f) Expenditures for apprenticeship programs shall be reported separately.

(g) Expenditures for upper-division enrollment in a Florida College System institution ~~community college~~ that grants baccalaureate degrees shall be reported separately from expenditures for lower-division enrollment, in accordance with law and State Board of Education rule.

(4) EXPENDITURE OF ALLOCATED FUNDS.—Any funds allocated herein to any Florida College System institution ~~community college~~ shall be expended only for the purpose of supporting that Florida College System institution ~~community college~~.

(5) REPORT OF REMEDIAL EDUCATION.—Each Florida College System institution ~~community college~~ board of trustees shall report the volume and cost of remedial education activities as a separate item in its annual cost accounting system.

Section 180. Section 1011.85, Florida Statutes, is amended to read:

1011.85 Dr. Philip Benjamin Matching Grant Program for Florida College System Institutions ~~Community Colleges~~.—

(1) There is created the Dr. Philip Benjamin Matching Grant Program for Florida College System Institutions ~~Community Colleges~~ as a single matching gifts program that encompasses the goals originally set out in the Academic Improvement Program, the Scholarship Matching Program, and the Health Care Education Quality Enhancement Challenge Grant. The program shall be administered according to rules of the State Board of Education and used to encourage private support in enhancing Florida College System institutions ~~community colleges~~ by providing the

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8037 Florida ~~community~~ College System with the opportunity to receive
8038 and match challenge grants. Funds received prior to the
8039 effective date of this act for each of the three programs shall
8040 be retained in the separate account for which it was designated.

8041 (2) Each Florida College System institution ~~community~~
8042 ~~college~~ board of trustees receiving state appropriations under
8043 this program shall approve each gift to ensure alignment with
8044 the unique mission of the Florida College System institution
8045 ~~community college~~. The board of trustees must link all requests
8046 for a state match to the goals and mission statement. The
8047 Florida College System Institution ~~Community College~~ Foundation
8048 Board receiving state appropriations under this program shall
8049 approve each gift to ensure alignment with its goals and mission
8050 statement.

8051 (3) Upon approval by the Florida College System
8052 institution ~~community college~~ board of trustees and the State
8053 Board of Education, the ordering of donations for priority
8054 listing of unmatched gifts should be determined by the
8055 submitting Florida College System institution ~~community college~~.

8056 (4) Each year, eligible contributions received by a
8057 Florida College System institution's ~~community college's~~
8058 foundation or the State Board of Education by February 1 shall
8059 be eligible for state matching funds.

8060 (a) Each Florida College System institution ~~community~~
8061 ~~college~~ board of trustees and, when applicable, the Florida
8062 College System Institution ~~Community College~~ Foundation Board,
8063 receiving state appropriations under this program shall also
8064 certify in an annual report to the State Board of Education the

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8065 receipt of eligible cash contributions that were previously
8066 unmatched by the state. The State Board of Education shall adopt
8067 rules providing all Florida College System institutions
8068 ~~community colleges~~ with an opportunity to apply for excess funds
8069 before the awarding of such funds.

8070 (b) Florida College System institutions ~~Community colleges~~
8071 must submit to the State Board of Education an annual
8072 expenditure report tracking the use of all matching funds.

8073 (c) The audit of each foundation receiving state funds
8074 from this program must include a certification of accuracy in
8075 the amount reported for matching funds.

8076 (5) The matching ratio for donations that are specifically
8077 designated to support scholarships, including scholarships for
8078 first-generation-in-college students, student loans, or need-
8079 based grants shall be \$1 of state funds to \$1 of local private
8080 funds.

8081 (6) Otherwise, funds shall be proportionately allocated to
8082 the Florida College System institutions ~~community colleges~~ on
8083 the basis of matching each \$6 of local or private funds with \$4
8084 of state funds. To be eligible, a minimum of \$4,500 must be
8085 raised from private sources.

8086 (7) The Florida College System institution ~~community~~
8087 ~~college~~ board of trustees, in conjunction with the donor, shall
8088 make the determination of whether scholarships established
8089 pursuant to this program are endowed.

8090 (8)(a) Funds sufficient to provide the match shall be
8091 transferred from the state appropriations to the local Florida
8092 College System institution ~~community college~~ foundation or the

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8093 statewide Florida College System institution ~~community college~~
8094 foundation upon notification that a proportionate amount has
8095 been received and deposited by a Florida College System
8096 institution ~~community college~~ in its own trust fund.

8097 (b) If state funds appropriated for the program are
8098 insufficient to match contributions, the amount allocated shall
8099 be reduced in proportion to its share of the total eligible
8100 contributions. However, in making proportional reductions, every
8101 Florida College System institution ~~community college~~ shall
8102 receive a minimum of \$75,000 in state matching funds if its
8103 eligible contributions would have generated an amount at least
8104 equal to \$75,000. All unmet contributions shall be eligible for
8105 state matching funds in subsequent fiscal years.

8106 (9) Each Florida College System institution ~~community~~
8107 ~~college~~ entity shall establish its own matching grant program
8108 fund as a depository for the private contributions and matching
8109 state funds provided under this section. Florida College System
8110 institution ~~Community college~~ foundations are responsible for
8111 the maintenance, investment, and administration of their
8112 matching grant program funds.

8113 (10) The State Board of Education may receive submissions
8114 of requests for matching funds and documentation relating to
8115 those requests, may approve requests for matching funds, and may
8116 allocate such funds to the Florida College System institutions
8117 ~~community colleges~~.

8118 (11) The board of trustees of the Florida College System
8119 institution ~~community college~~ and the State Board of Education
8120 are responsible for determining the uses for the proceeds of

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their respective trust funds. Such use of the proceeds shall include, but not be limited to, expenditure of the funds for:

(a) Scientific and technical equipment.

(b) Scholarships, loans, or need-based grants.

(c) Other activities that will benefit future students as well as students currently enrolled at the Florida College System institution ~~community college~~, will improve the quality of education at the Florida College System institution ~~community college~~, or will enhance economic development in the community.

(12) Each Florida College System institution ~~community college~~ shall notify all donors of private funds of a substantial delay in the availability of state matching funds for this program.

Section 181. Subsection (1) of section 1011.86, Florida Statutes, is amended to read:

1011.86 Educational leadership enhancement grants.—

(1) State universities and Florida College System institutions ~~community colleges~~ may submit proposals for educational leadership enhancement grants to the Commissioner of Education. Proposals shall be funded competitively.

Section 182. Subsection (1) and paragraph (b) of subsection (6) of section 1012.01, Florida Statutes, are amended to read:

1012.01 Definitions.—As used in this chapter, the following terms have the following meanings:

(1) SCHOOL OFFICERS.—The officers of the state system of public K-12 and Florida College System institution ~~community college~~ education shall be the Commissioner of Education and the

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members of the State Board of Education; for each district school system, the officers shall be the district school superintendent and members of the district school board; and for each Florida College System institution ~~community college~~, the officers shall be the Florida College System institution ~~community college~~ president and members of the Florida College System institution ~~community college~~ board of trustees.

(6) EDUCATIONAL SUPPORT EMPLOYEES.—"Educational support employees" means K-12 employees whose job functions are neither administrative nor instructional, yet whose work supports the educational process.

(b) Technicians are individuals whose occupations require a combination of knowledge and manual skill which can be obtained through about 2 years of post-high school education, such as is offered in many career centers and Florida College System institutions ~~community colleges~~, or through equivalent on-the-job training.

Section 183. Paragraph (c) of subsection (1) of section 1012.35, Florida Statutes, is amended to read:

1012.35 Substitute teachers.—

(1) Each district school board shall adopt rules prescribing the compensation of, and the procedure for employment of, substitute teachers.

(c) The required training programs for substitute teachers may be provided by Florida College System institutions ~~community colleges~~, colleges of education, district school boards, educational consortia, or commercial vendors.

Section 184. Paragraph (e) of subsection (3) and paragraph

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(e) of subsection (6) of section 1012.56, Florida Statutes, are amended to read:

1012.56 Educator certification requirements.—

(3) MASTERY OF GENERAL KNOWLEDGE.—Acceptable means of demonstrating mastery of general knowledge are:

(e) Documentation of two semesters of successful teaching in a Florida College System institution ~~community college~~, state university, or private college or university that awards an associate or higher degree and is an accredited institution or an institution of higher education identified by the Department of Education as having a quality program.

(6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION COMPETENCE.—Acceptable means of demonstrating mastery of professional preparation and education competence are:

(e) Documentation of two semesters of successful teaching in a Florida College System institution ~~community college~~, state university, or private college or university that awards an associate or higher degree and is an accredited institution or an institution of higher education identified by the Department of Education as having a quality program;

Section 185. Paragraph (a) of subsection (1) of section 1012.80, Florida Statutes, is amended to read:

1012.80 Participation by employees in disruptive activities at public postsecondary educational institutions; penalties.—

(1)(a) Any person who accepts the privilege extended by the laws of this state of employment at any Florida College System institution ~~community college~~ shall, by working at such

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institution, be deemed to have given his or her consent to the policies of that institution, the policies of the State Board of Education, and the laws of this state. Such policies shall include prohibition against disruptive activities at Florida College System institutions ~~community colleges~~.

Section 186. Section 1012.81, Florida Statutes, is amended to read:

1012.81 Personnel records.—Rules of the State Board of Education shall prescribe the content and custody of limited-access records which a Florida College System institution ~~community college~~ may maintain on its employees. Such records shall be limited to information reflecting evaluations of employee performance and shall be open to inspection only by the employee and by officials of the college who are responsible for supervision of the employee. Such limited-access employee records are confidential and exempt from the provisions of s. 119.07(1). Except as required for use by the president in the discharge of his or her official responsibilities, the custodian of limited-access employee records may release information from such records only upon authorization in writing from the employee or the president or upon order of a court of competent jurisdiction.

Section 187. Section 1012.82, Florida Statutes, is amended to read:

1012.82 Teaching faculty; minimum teaching hours per week.—Each full-time member of the teaching faculty at any Florida College System institution ~~community college~~ who is paid wholly from funds appropriated from the Florida College System

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8233 ~~community college~~ Program Fund or from funds appropriated for
8234 Florida College System institution ~~community college~~
8235 baccalaureate degree programs shall teach a minimum of 15
8236 classroom contact hours per week at such institution. However,
8237 the required classroom contact hours per week may be reduced
8238 upon approval of the president of the institution in direct
8239 proportion to specific duties and responsibilities assigned the
8240 faculty member by his or her departmental chair or other
8241 appropriate college administrator. Such specific duties may
8242 include specific research duties, specific duties associated
8243 with developing television, video tape, or other specifically
8244 assigned innovative teaching techniques or devices, or assigned
8245 responsibility for off-campus student internship or work-study
8246 programs. A "classroom contact hour" consists of a regularly
8247 scheduled classroom activity of not less than 50 minutes in a
8248 course of instruction which has been approved by the Florida
8249 College System institution ~~community college~~ board of trustees.
8250 Any full-time faculty member who is paid partly from Florida
8251 College System institution ~~community college~~ program funds and
8252 partly from other funds or appropriations shall teach a minimum
8253 number of classroom contact hours per week in such proportion to
8254 15 classroom contact hours as his or her salary paid from
8255 Florida College System institution ~~community college~~ program
8256 funds bears to his or her total salary. Any full-time faculty
8257 member who is paid partly from funds appropriated for Florida
8258 College System institution ~~community college~~ baccalaureate
8259 degree programs and partly from other funds or appropriations
8260 shall teach a minimum number of classroom contact hours per week

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8261 in such proportion to 15 classroom contact hours as his or her
8262 salary paid from funds appropriated for Florida College System
8263 institution ~~community college~~ baccalaureate degree programs
8264 bears to his or her total salary.

8265 Section 188. Section 1012.83, Florida Statutes, is amended
8266 to read:

8267 1012.83 Contracts with administrative and instructional
8268 staff.—

8269 (1) Each person employed in an administrative or
8270 instructional capacity in a Florida College System institution
8271 ~~community college~~ shall be entitled to a contract as provided by
8272 rules of the State Board of Education.

8273 (2) A Florida College System institution ~~community college~~
8274 board of trustees may not enter into an employment contract that
8275 requires the Florida College System institution ~~community~~
8276 ~~college~~ to pay an employee an amount from appropriated state
8277 funds in excess of 1 year of the employee's annual salary for
8278 termination, buyout, or any other type of contract settlement.
8279 This subsection does not prohibit the payment of leave and
8280 benefits accrued by the employee in accordance with the Florida
8281 College System institution's ~~community college's~~ leave and
8282 benefits policies before the contract terminates.

8283 Section 189. Subsection (1) of section 1012.84, Florida
8284 Statutes, is amended to read:

8285 1012.84 Exemption from county civil service commissions.—

8286 (1) Any Florida College System institution ~~community~~
8287 ~~college~~ located in a county which has either a budget commission
8288 or a civil service commission is exempt from the regulation,

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supervision, and control of any such commission.

Section 190. Section 1012.85, Florida Statutes, is amended to read:

1012.85 Payment of costs of civil actions against officers, employees, or agents of Florida College System institution ~~community college~~ board of trustees.—

(1) Whenever any civil action has been brought against any officer of the Florida College System institution ~~community college~~ board of trustees, including a board member, or any person employed by or agent of the Florida College System institution ~~community college~~ board of trustees, of any Florida College System institution ~~community college~~ for any act or omission arising out of and in the course of the performance of his or her duties and responsibilities, the Florida College System institution ~~community college~~ board of trustees may defray all costs of defending such action, including reasonable attorney's fees and expenses together with costs of appeal, if any, and may save harmless and protect such person from any financial loss resulting therefrom; and the Florida College System institution ~~community college~~ board of trustees may be self-insured, to enter into risk management programs, or to purchase insurance for whatever coverage it may choose, or to have any combination thereof, to cover all such losses and expenses. However, any attorney's fees paid from public funds for any officer, employee, or agent who is found to be personally liable by virtue of acting outside the scope of his or her employment or acting in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard

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of human rights, safety, or property may be recovered by the state, county, municipality, or political subdivision in a civil action against such officer, employee, or agent.

(2) Failure by a Florida College System institution ~~community college~~ board of trustees to perform any act authorized by this section shall not constitute a cause of action against a Florida College System institution ~~community college~~ or its trustees, officers, employees, or agents.

Section 191. Section 1012.855, Florida Statutes, is amended to read:

1012.855 Employment of Florida College System institution ~~community college~~ personnel; discrimination in granting salary prohibited.—

(1)(a) Employment of all personnel in each Florida College System institution ~~community college~~ shall be upon recommendation of the president, subject to rejection for cause by the Florida College System institution ~~community college~~ board of trustees; to the rules of the State Board of Education relative to certification, tenure, leaves of absence of all types, including sabbaticals, remuneration, and such other conditions of employment as the State Board of Education deems necessary and proper; and to policies of the Florida College System institution ~~community college~~ board of trustees not inconsistent with law.

(b) Any internal auditor employed by a Florida College System institution ~~community college~~ shall be hired by the Florida College System institution ~~community college~~ board of trustees and shall report directly to the board.

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8345 (2) Each Florida College System institution ~~community~~
8346 ~~college~~ board of trustees shall undertake a program to eradicate
8347 any discrimination on the basis of gender, race, or physical
8348 handicap in the granting of salaries to employees.

8349 Section 192. Subsections (1), (2), (3), (5), and (6) of
8350 section 1012.86, Florida Statutes, are amended to read:

8351 1012.86 Florida College System institution ~~Community~~
8352 ~~college~~ employment equity accountability program.—

8353 (1) Each Florida College System institution ~~community~~
8354 ~~college~~ shall include in its annual equity update a plan for
8355 increasing the representation of women and minorities in senior-
8356 level administrative positions and in full-time faculty
8357 positions, and for increasing the representation of women and
8358 minorities who have attained continuing-contract status.
8359 Positions shall be defined in the personnel data element
8360 directory of the Department of Education. The plan must include
8361 specific measurable goals and objectives, specific strategies
8362 and timelines for accomplishing these goals and objectives, and
8363 comparable national standards as provided by the Department of
8364 Education. The goals and objectives shall be based on meeting or
8365 exceeding comparable national standards and shall be reviewed
8366 and recommended by the State Board of Education as appropriate.
8367 Such plans shall be maintained until appropriate representation
8368 has been achieved and maintained for at least 3 consecutive
8369 reporting years.

8370 (2) (a) On or before May 1 of each year, each Florida
8371 College System institution ~~community college~~ president shall
8372 submit an annual employment accountability plan to the

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Commissioner of Education and the State Board of Education. The accountability plan must show faculty and administrator employment data according to requirements specified on the federal Equal Employment Opportunity (EE0-6) report.

(b) The plan must show the following information for those positions including, but not limited to:

1. Job classification title.

2. Gender.

3. Ethnicity.

4. Appointment status.

5. Salary information. At each Florida College System institution ~~community college~~, salary information shall also include the salary ranges in which new hires were employed compared to the salary ranges for employees with comparable experience and qualifications.

6. Other comparative information including, but not limited to, composite information regarding the total number of positions within the particular job title classification for the Florida College System institution ~~community college~~ by race, gender, and salary range compared to the number of new hires.

7. A statement certifying diversity and balance in the gender and ethnic composition of the selection committee for each vacancy, including a brief description of guidelines used for ensuring balanced and diverse membership on selection and review committees.

(c) The annual employment accountability plan shall also include an analysis and an assessment of the Florida College System institution's ~~community college's~~ attainment of annual

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goals and of long-range goals for increasing the number of women and minorities in faculty and senior-level administrative positions, and a corrective action plan for addressing underrepresentation.

(d) Each Florida College System institution's ~~community college's~~ employment accountability plan must also include:

1. The requirements for receiving a continuing contract.
2. A brief description of the process used to grant continuing-contract status.
3. A brief description of the process used to annually apprise each eligible faculty member of progress toward attainment of continuing-contract status.

(3) Florida College System institution ~~Community college~~ presidents and the heads of each major administrative division shall be evaluated annually on the progress made toward meeting the goals and objectives of the Florida College System institution's ~~community college's~~ employment accountability plan.

(a) The Florida College System institution ~~community college~~ presidents, or the presidents' designees, shall annually evaluate each department chairperson, dean, provost, and vice president in achieving the annual and long-term goals and objectives. A summary of the results of such evaluations shall be reported annually by the Florida College System institution ~~community college~~ president to the Florida College System institution ~~community college~~ board of trustees. Annual budget allocations by the Florida College System institution ~~community college~~ board of trustees for positions and funding must take

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8429 into consideration these evaluations.

8430 (b) Florida College System institution ~~Community college~~
8431 boards of trustees shall annually evaluate the performance of
8432 the Florida College System institution ~~community college~~
8433 presidents in achieving the annual and long-term goals and
8434 objectives. A summary of the results of such evaluations shall
8435 be reported to the Commissioner of Education and the State Board
8436 of Education as part of the Florida College System institution's
8437 ~~community college's~~ annual employment accountability plan, and
8438 to the Legislature as part of the annual equity progress report
8439 submitted by the State Board of Education.

8440 (5) Each Florida College System institution ~~community~~
8441 ~~college~~ shall develop a budgetary incentive plan to support and
8442 ensure attainment of the goals developed pursuant to this
8443 section. The plan shall specify, at a minimum, how resources
8444 shall be allocated to support the achievement of goals and the
8445 implementation of strategies in a timely manner. After prior
8446 review and approval by the Florida College System institution
8447 ~~community college~~ president and the Florida College System
8448 institution ~~community college~~ board of trustees, the plan shall
8449 be submitted as part of the annual employment accountability
8450 plan submitted by each Florida College System institution
8451 ~~community college~~ to the State Board of Education.

8452 (6) Subject to available funding, the Legislature shall
8453 provide an annual appropriation to the State Board of Education
8454 to be allocated to Florida College System institution ~~community~~
8455 ~~college~~ presidents, faculty, and administrative personnel to
8456 further enhance equity initiatives and related priorities that

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support the mission of colleges and departments in recognition of the attainment of the equity goals and objectives.

Section 193. Section 1012.865, Florida Statutes, is amended to read:

1012.865 Sick leave.—Each Florida College System institution ~~community college~~ board of trustees shall adopt rules whereby any full-time employee who is unable to perform his or her duties at the Florida College System institution ~~community college~~ on account of personal sickness, accident disability, or extended personal illness, or because of illness or death of the employee's father, mother, brother, sister, husband, wife, child, or other close relative or member of the employee's own household, and who consequently has to be absent from work shall be granted leave of absence for sickness by the president or by the president's designated representative. The following provisions shall govern sick leave:

(1) DEFINITIONS.—As used in this section, unless the context otherwise requires, the term:

(a) "Educational support employee" means any person employed by a Florida College System institution ~~community college~~ as an education or administrative paraprofessional; a member of the operations, maintenance, or comparable department; or a secretary, clerical, or comparable level support employee.

(b) "Instructional staff" shall be used synonymously with the word "teacher" or "faculty" and includes faculty members, librarians, counselors, and other comparable members engaged in an instructional capacity in the Florida College System institution ~~community college~~.

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8485 (2) EXTENT OF LEAVE WITH COMPENSATION.—

8486 (a) Each full-time employee shall earn 1 day of sick leave
8487 with compensation for each calendar month or major fraction of a
8488 calendar month of service, not to exceed 12 days for each fiscal
8489 year. Such leave shall be taken only when necessary because of
8490 sickness as herein prescribed. Such sick leave shall be
8491 cumulative from year to year. Accumulated sick leave may be
8492 transferred from another Florida College System institution
8493 ~~community college~~, the Florida Department of Education, a state
8494 university, a Florida district school board, or a state agency,
8495 provided that at least one-half of the sick leave accumulated at
8496 any time must have been established in the college in which such
8497 employee is currently employed.

8498 (b) A Florida College System institution ~~community college~~
8499 board of trustees may establish rules and prescribe procedures
8500 whereby a full-time employee may, at the beginning date of
8501 employment in any year, be credited with 12 days of sick leave
8502 with compensation in excess of the number of days the employee
8503 has earned. Upon termination of employment, the employee's final
8504 compensation shall be adjusted in an amount necessary to ensure
8505 that sick leave with compensation does not exceed the days of
8506 earned sick leave as provided herein.

8507 (c) A Florida College System institution ~~community college~~
8508 board of trustees may establish rules and prescribe standards to
8509 permit a full-time employee to be absent no more than 4 days for
8510 personal reasons. However, such absences for personal reasons
8511 shall be charged only to accrued sick leave, and leave for
8512 personal reasons shall be noncumulative.

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(d) A Florida College System institution ~~community college~~ board of trustees may establish rules to provide terminal pay for accumulated sick leave to full-time instructional staff and educational support employees or to the employee's beneficiary if service is terminated by death. However, such terminal pay may not exceed an amount determined as follows:

1. During the first 3 years of service, the daily rate of pay multiplied by 35 percent times the number of days of accumulated sick leave.

2. During the next 3 years of service, the daily rate of pay multiplied by 40 percent times the number of days of accumulated sick leave.

3. During the next 3 years of service, the daily rate of pay multiplied by 45 percent times the number of days of accumulated sick leave.

4. During the 10th year of service, the daily rate of pay multiplied by 50 percent times the number of days of accumulated sick leave.

5. During the next 20 years of service, the daily rate of pay multiplied by 50 percent plus up to an additional 2.5 percent per year for each year of service beyond 10 years, times the number of days of accumulated sick leave.

If an employee receives terminal pay benefits based on unused sick leave credit, all unused sick leave credit shall become invalid; however, if an employee terminates his or her employment without receiving terminal pay benefits and is reemployed, his or her sick leave credit shall be reinstated.

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(e) A Florida College System institution ~~community college~~ board of trustees may, by rule, provide for terminal pay for accumulated unused sick leave to be paid to any full-time employee of a Florida College System institution ~~community college~~ other than instructional staff or educational support employees. If termination of employment is by death of the employee, any terminal pay to which the employee may have been entitled shall be made to the employee's beneficiary.

1. For unused sick leave accumulated before July 1, 2001, terminal pay shall be made pursuant to rules or policies of the board of trustees which were in effect on June 30, 2001.

2. For unused sick leave accumulated on or after July 1, 2001, terminal payment may not exceed an amount equal to one-fourth of the employee's unused sick leave or 60 days of the employee's pay, whichever amount is less.

3. If the employee had an accumulated sick leave balance of 60 days or more on June 30, 2001, sick leave earned after that date may not be accumulated for terminal pay purposes until the accumulated leave balance as of June 30, 2001, is less than 60 days.

(3) CLAIM MUST BE FILED.—Any full-time employee who finds it necessary to be absent from his or her duties because of illness as defined in this section shall notify the Florida College System institution ~~community college~~ president or a college official designated by the president, if possible before the opening of college on the day on which the employee must be absent or during the day, except when he or she is absent for emergency reasons recognized by the Florida College System

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8569 institution ~~community college~~ board of trustees as valid. Any
8570 employee shall, before claiming and receiving compensation for
8571 the time absent from his or her duties while absent because of
8572 sick leave as prescribed in this section, make and file a
8573 written certificate which shall set forth the day or days
8574 absent, that such absence was necessary, and that he or she is
8575 entitled or not entitled to receive pay for such absence in
8576 accordance with the provisions of this section. The Florida
8577 College System institution ~~community college~~ board of trustees
8578 may adopt rules under which the president may require a
8579 certificate of illness from a licensed physician or from the
8580 county health officer.

8581 (4) COMPENSATION.—Any full-time employee who has unused
8582 sick leave credit shall receive full-time compensation for the
8583 time justifiably absent on sick leave; however, no compensation
8584 may be allowed beyond that provided in subsection (6).

8585 (5) EXPENDITURE AUTHORIZED.—Florida College System
8586 institution ~~Community college~~ boards of trustees may expend
8587 public funds for payment to employees on account of sickness.
8588 The expending and excluding of such funds shall be in compliance
8589 with rules adopted by the Department of Management Services
8590 pursuant to chapter 650.

8591 (6) SICK LEAVE POOL.—Notwithstanding any other provision
8592 of this section, a Florida College System institution ~~community~~
8593 ~~college~~ board of trustees may, by rule, based upon the
8594 maintenance of reliable and accurate records by the Florida
8595 College System institution ~~community college~~ showing the amount
8596 of sick leave which has been accumulated and is unused by

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employees in accordance with this section, establish a plan allowing participating full-time employees of the Florida College System institution ~~community college~~ to pool sick leave accrued and allowing any sick leave thus pooled to be disbursed to any participating employee who is in need of sick leave in excess of that amount he or she has personally accrued. Such rules shall include, but not be limited to, the following provisions:

(a) Participation in the sick leave pool shall at all times be voluntary on the part of employees.

(b) Any full-time employee shall be eligible for participation in the sick leave pool after 1 year of employment with the Florida College System institution ~~community college~~, provided such employee has accrued a minimum amount of unused sick leave, which minimum shall be established by rule.

(c) Any sick leave pooled pursuant to this section shall be removed from the personally accumulated sick leave balance of the employee donating such leave.

(d) Participating employees shall make equal contributions to the sick leave pool. There shall be established a maximum amount of sick leave which may be contributed to the pool by an employee. After the initial contribution which an employee makes upon electing to participate, no further contributions shall be required except as may be necessary to replenish the pool. Any such further contribution shall be equally required of all employees participating in the pool.

(e) Any sick leave time drawn from the pool by a participating employee must be used for that employee's personal

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illness, accident, or injury.

(f) A participating employee will not be eligible to use sick leave from the pool until all of his or her sick leave has been depleted. There shall be established a maximum number of days for which an employee may draw sick leave from the sick leave pool.

(g) A participating employee who uses sick leave from the pool will not be required to recontribute such sick leave to the pool, except as otherwise provided herein.

(h) A participating employee who chooses to no longer participate in the sick leave pool will not be eligible to withdraw any sick leave already contributed to the pool.

(i) Alleged abuse of the use of the sick leave pool shall be investigated, and, on a finding of wrongdoing, the employee shall repay all of the sick leave credits drawn from the sick leave pool and shall be subject to such other disciplinary action as is determined by the board to be appropriate. Rules adopted for the administration of this program shall provide for the investigation of the use of sick leave utilized by the participating employee in the sick leave pool.

Section 194. Section 1012.87, Florida Statutes, is amended to read:

1012.87 Retirement annuities.—Each Florida College System institution ~~community college~~ board of trustees may purchase annuities for its Florida College System institution ~~community college~~ personnel who have 25 or more years of creditable service and who have reached age 55 and have applied for retirement under the Florida Retirement System. No such annuity

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8653 may provide for more than the total difference in retirement
8654 income between the retirement benefit based on average monthly
8655 compensation and creditable service as of the member's early
8656 retirement date and the early retirement benefit. Florida
8657 College System institution ~~Community college~~ boards of trustees
8658 may also purchase annuities for members of the Florida
8659 Retirement System who have out-of-state teaching service in
8660 another state or country which is documented as valid by the
8661 appropriate educational entity. Such annuities may be based on
8662 no more than 5 years of out-of-state teaching service and may
8663 equal, but not exceed, the benefits that would be payable under
8664 the Florida Retirement System if credit for out-of-state
8665 teaching was authorized under that system. Each Florida College
8666 System institution ~~community college~~ board of trustees may
8667 invest funds, purchase annuities, or provide local supplemental
8668 retirement programs for purposes of providing retirement
8669 annuities for Florida College System institution ~~community~~
8670 ~~college~~ personnel. All such retirement annuities shall comply
8671 with s. 14, Art. X of the State Constitution.

8672 Section 195. Section 1012.875, Florida Statutes, is
8673 amended to read:

8674 1012.875 State Community College System Optional
8675 Retirement Program.—Each Florida College System institution
8676 ~~community college~~ may implement an optional retirement program,
8677 if such program is established therefor pursuant to s.
8678 1001.64(20), under which annuity or other contracts providing
8679 retirement and death benefits may be purchased by, and on behalf
8680 of, eligible employees who participate in the program, in

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8681 accordance with s. 403(b) of the Internal Revenue Code. Except
8682 as otherwise provided herein, this retirement program, which
8683 shall be known as the State Community College System Optional
8684 Retirement Program, may be implemented and administered only by
8685 an individual Florida College System institution ~~community~~
8686 ~~college~~ or by a consortium of Florida College System
8687 institutions ~~community colleges~~.

8688 (1) As used in this section, the term:

8689 (a) "Activation" means the date upon which an optional
8690 retirement program is first made available by the program
8691 administrator to eligible employees.

8692 (b) "College" means Florida College System institutions
8693 ~~community colleges~~ as defined in s. 1000.21.

8694 (c) "Department" means the Department of Management
8695 Services.

8696 (d) "Program administrator" means the individual college
8697 or consortium of colleges responsible for implementing and
8698 administering an optional retirement program.

8699 (e) "Program participant" means an eligible employee who
8700 has elected to participate in an available optional retirement
8701 program as authorized by this section.

8702 (2) Participation in the optional retirement program
8703 provided by this section is limited to employees who satisfy the
8704 criteria set forth in s. 121.051(2)(c).

8705 (3)(a) With respect to any employee who is eligible to
8706 participate in the optional retirement program by reason of
8707 qualifying employment commencing before the program's
8708 activation:

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1. The employee may elect to participate in the optional retirement program in lieu of participation in the Florida Retirement System. To become a program participant, the employee must file with the personnel officer of the college, within 90 days after the program's activation, a written election on a form provided by the Florida Retirement System and a completed application for an individual contract or certificate.

2. An employee's participation in the optional retirement program commences on the first day of the next full calendar month following the filing of the election and completed application with the program administrator and receipt of such election by the department. An employee's membership in the Florida Retirement System terminates on this same date.

3. Any such employee who fails to make an election to participate in the optional retirement program within 60 days after its activation has elected to retain membership in the Florida Retirement System.

(b) With respect to any employee who becomes eligible to participate in an optional retirement program by reason of qualifying employment commencing on or after the program's activation:

1. The employee may elect to participate in the optional retirement program in lieu of participation in the Florida Retirement System. To become a program participant, the employee must file with the personnel officer of the college, within 90 days after commencing qualifying employment as provided in s. 121.051(2)(c)4., a written election on a form provided by the Florida Retirement System and a completed application for an

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individual contract or certificate.

2. An employee's participation in the optional retirement program commences retroactive to the first day of qualifying employment following the filing of the election and completed application with the program administrator and receipt of such election by the department. An employee's membership in the Florida Retirement System terminates on this same date.

3. Any such employee who fails to make an election to participate in the optional retirement program within 90 days after commencing qualifying employment has elected to retain membership in the Florida Retirement System.

(c) Any employee who, on or after an optional retirement program's activation, becomes eligible to participate in the program by reason of a change in status due to the subsequent designation of the employee's position as one of those referenced in subsection (2), or due to the employee's appointment, promotion, transfer, or reclassification to a position referenced in subsection (2), must be notified by the college of the employee's eligibility to participate in the optional retirement program in lieu of participation in the Florida Retirement System. These eligible employees are subject to the provisions of paragraph (b) and may elect to participate in the optional retirement program in the same manner as those employees described in paragraph (b), except that the 90-day election period commences upon the date notice of eligibility is received by the employee and participation in the program begins the first day of the first full calendar month that the change in status becomes effective.

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(d) Program participants must be fully and immediately vested in the optional retirement program upon issuance of an optional retirement program contract.

(e) The election by an eligible employee to participate in the optional retirement program is irrevocable for so long as the employee continues to meet the eligibility requirements set forth in this section and in s. 121.051(2)(c), except as provided in paragraph (i) or as provided in s. 121.051(2)(c)3.

(f) If a program participant becomes ineligible to continue participating in the optional retirement program pursuant to the criteria referenced in subsection (2), the employee becomes a member of the Florida Retirement System if eligible. The college must notify the department of an employee's change in eligibility status within 30 days after the event that makes the employee ineligible to continue participation in the optional retirement program.

(g) An eligible employee who is a member of the Florida Retirement System at the time of election to participate in the optional retirement program retains all retirement service credit earned under the Florida Retirement System at the rate earned. Additional service credit in the Florida Retirement System may not be earned while the employee participates in the optional retirement program, nor is the employee eligible for disability retirement under the Florida Retirement System. An eligible employee may transfer from the Florida Retirement System to his or her accounts under the State Community College Optional Retirement Program a sum representing the present value of his or her service credit accrued under the defined benefit

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8793 program of the Florida Retirement System for the period between
8794 his or her first eligible transfer date from the defined benefit
8795 plan to the optional retirement program and the actual date of
8796 such transfer as provided in s. 121.051(2)(c)7. Upon such
8797 transfer, all such service credit previously earned under the
8798 defined benefit program of the Florida Retirement System during
8799 this period shall be nullified for purposes of entitlement to a
8800 future benefit under the defined benefit program of the Florida
8801 Retirement System.

8802 (h) A program participant may not simultaneously
8803 participate in any other state-administered retirement system,
8804 plan, or class.

8805 (i) Except as provided in s. 121.052(6)(d), a program
8806 participant who is or who becomes dually employed in two or more
8807 positions covered by the Florida Retirement System, one of which
8808 is eligible for an optional retirement program pursuant to this
8809 section and one of which is not, is subject to the dual
8810 employment provisions of chapter 121.

8811 (4)(a) Each college must contribute on behalf of each
8812 program participant an amount equal to 10.43 percent of the
8813 participant's gross monthly compensation. The college shall
8814 deduct an amount approved by the district board of trustees of
8815 the college to provide for the administration of the optional
8816 retirement program. Payment of this contribution must be made
8817 either directly by the college or through the program
8818 administrator to the designated company contracting for payment
8819 of benefits to the program participant.

8820 (b) Each college must contribute on behalf of each program

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8821 participant an amount equal to the unfunded actuarial accrued
8822 liability portion of the employer contribution which would be
8823 required if the program participant were a member of the Regular
8824 Class of the Florida Retirement System. Payment of this
8825 contribution must be made directly by the college to the
8826 department for deposit in the Florida Retirement System Trust
8827 Fund.

8828 (c) Each program participant who has been issued an
8829 optional retirement program contract may contribute by way of
8830 salary reduction or deduction a percentage of the program
8831 participant's gross compensation, but this percentage may not
8832 exceed the corresponding percentage contributed by the Florida
8833 College System institution ~~community college~~ to the optional
8834 retirement program. Payment of this contribution may be made
8835 either directly by the college or through the program
8836 administrator to the designated company contracting for payment
8837 of benefits to the program participant.

8838 (d) Contributions to an optional retirement program by a
8839 college or a program participant are in addition to, and have no
8840 effect upon, contributions required now or in future by the
8841 federal Social Security Act.

8842 (e) The college may accept for deposit into participant
8843 account or accounts contributions in the form of rollovers or
8844 direct trustee-to-trustee transfers by or on behalf of
8845 participants who are reasonably determined by the college to be
8846 eligible for rollover or transfer to the optional retirement
8847 program pursuant to the Internal Revenue Code, if such
8848 contributions are made in accordance with the applicable

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requirements of the college. Accounting for such contributions shall be in accordance with any applicable requirements of the Internal Revenue Code and the college.

(5) (a) The benefits to be provided to program participants must be provided through contracts, including individual contracts or individual certificates issued for group annuity or other contracts, which may be fixed, variable, or both, in accordance with s. 403(b) of the Internal Revenue Code. Each individual contract or certificate must state the type of contract on its face page, and must include at least a statement of ownership, the contract benefits, distribution options, limitations, expense charges, and surrender charges, if any.

(b) Benefits are payable under the optional retirement program to program participants or their beneficiaries, and the benefits must be paid only by the designated company in accordance with the terms of the contracts applicable to the program participant. Benefits shall accrue in individual accounts that are participant-directed, portable, and funded by employer contributions and the earnings thereon. Benefits funded by employer contributions are payable in accordance with the following terms and conditions:

1. Benefits shall be payable only to a participant, to his or her beneficiaries, or to his or her estate, as designated by the participant.

2. Benefits shall be paid by the provider company or companies in accordance with the law, the provisions of the contract, and any applicable employer rule or policy.

3. In the event of a participant's death, moneys

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8877 accumulated by, or on behalf of, the participant, less
8878 withholding taxes remitted to the Internal Revenue Service, if
8879 any, shall be distributed to the participant's designated
8880 beneficiary or beneficiaries, or to the participant's estate, as
8881 if the participant retired on the date of death as provided in
8882 paragraph (d). No other death benefits shall be available for
8883 survivors of participants under the optional retirement program
8884 except for such benefits, or coverage for such benefits, as are
8885 separately afforded by the employer at the employer's
8886 discretion.

8887 (c) Upon receipt by the provider company of a properly
8888 executed application for distribution of benefits, the total
8889 accumulated benefits shall be payable to the participant as:

- 8890 1. A lump-sum distribution to the participant;
- 8891 2. A lump-sum direct rollover distribution whereby all
8892 accrued benefits, plus interest and investment earnings, are
8893 paid from the participant's account directly to an eligible
8894 retirement plan as defined in s. 402(c)(8)(B) of the Internal
8895 Revenue Code, on behalf of the participant;
- 8896 3. Periodic distributions;
- 8897 4. A partial lump-sum payment whereby a portion of the
8898 accrued benefit is paid to the participant and the remaining
8899 amount is transferred to an eligible retirement plan, as defined
8900 in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of
8901 the participant; or
- 8902 5. Such other distribution options as are provided for in
8903 the participant's optional retirement program contract.

8904 (d) Survivor benefits shall be payable as:

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1. A lump-sum distribution payable to the beneficiaries or to the deceased participant's estate;

2. An eligible rollover distribution on behalf of the surviving spouse or beneficiary of a deceased participant whereby all accrued benefits, plus interest and investment earnings, are paid from the deceased participant's account directly to an eligible retirement plan, as described in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the surviving spouse;

3. Such other distribution options as are provided for in the participant's optional retirement program contract; or

4. A partial lump-sum payment whereby a portion of the accrued benefits are paid to the deceased participant's surviving spouse or other designated beneficiaries, less withholding taxes remitted to the Internal Revenue Service, if any, and the remaining amount is transferred directly to an eligible retirement plan, as described in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the surviving spouse. The proportions must be specified by the participant or the surviving beneficiary.

Nothing in this paragraph abrogates other applicable provisions of state or federal law providing payment of death benefits.

(e) The benefits payable to any person under the optional retirement program, and any contribution accumulated under the program, are not subject to assignment, execution, attachment, or to any legal process whatsoever.

(6)(a) The optional retirement program authorized by this

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8933 section must be implemented and administered by the program
8934 administrator under s. 403(b) of the Internal Revenue Code. The
8935 program administrator has the express authority to contract with
8936 a third party to fulfill any of the program administrator's
8937 duties.

8938 (b) The program administrator shall solicit competitive
8939 bids or issue a request for proposal and select no more than
8940 four companies from which optional retirement program contracts
8941 may be purchased under the optional retirement program. In
8942 making these selections, the program administrator shall
8943 consider the following factors:

- 8944 1. The financial soundness of the company.
- 8945 2. The extent of the company's experience in providing
8946 annuity or other contracts to fund retirement programs.
- 8947 3. The nature and extent of the rights and benefits
8948 provided to program participants in relation to the premiums
8949 paid.
- 8950 4. The suitability of the rights and benefits provided to
8951 the needs of eligible employees and the interests of the college
8952 in the recruitment and retention of employees.

8953
8954 In lieu of soliciting competitive bids or issuing a request for
8955 proposals, the program administrator may authorize the purchase
8956 of annuity contracts under the optional retirement program from
8957 those companies currently selected by the department to offer
8958 such contracts through the State University System Optional
8959 Retirement Program, as set forth in s. 121.35.

8960 (c) Optional retirement program annuity contracts must be

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approved in form and content by the program administrator in order to qualify. The program administrator may use the same annuity contracts currently used within the State University System Optional Retirement Program, as set forth in s. 121.35.

(d) The provision of each annuity contract applicable to a program participant must be contained in a written program description that includes a report of pertinent financial and actuarial information on the solvency and actuarial soundness of the program and the benefits applicable to the program participant. The company must furnish the description annually to the program administrator, and to each program participant upon commencement of participation in the program and annually thereafter.

(e) The program administrator must ensure that each program participant is provided annually with an accounting of the total contributions and the annual contributions made by and on the behalf of the program participant.

Section 196. Section 1012.88, Florida Statutes, is amended to read:

1012.88 Florida College System institution ~~Community college~~ police.—

(1) Each Florida College System institution ~~community college~~ is permitted and empowered to employ police officers for the Florida College System institution ~~community college~~, who must be designated Florida College System institution ~~community college~~ police.

(2) Each Florida College System institution ~~community college~~ police officer is a law enforcement officer of the state

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8989 and a conservator of the peace who has the authority to arrest,
8990 in accordance with the laws of this state, any person for a
8991 violation of state law or applicable county or municipal
8992 ordinance if that violation occurs on or in any property or
8993 facilities of the Florida College System institution ~~community~~
8994 ~~college~~ by which he or she is employed or any property or
8995 facilities of a direct-support organization of such Florida
8996 College System institution ~~community college~~. A Florida College
8997 System institution ~~community college~~ police officer may also
8998 arrest a person off campus for a violation committed on campus
8999 after a hot pursuit of that person that began on any such
9000 property or facilities. A Florida College System institution
9001 ~~community college~~ police officer may bear arms in the
9002 performance of his or her duties and carry out a search pursuant
9003 to a search warrant on the campus where he or she is employed.
9004 Florida College System institution ~~Community college~~ police,
9005 upon request of the sheriff or local police authority, may serve
9006 subpoenas or other legal process and may make arrests of persons
9007 against whom arrest warrants have been issued or against whom
9008 charges have been made for violations of federal or state laws
9009 or county or municipal ordinances.

9010 (3) Florida College System institution ~~Community college~~
9011 police shall promptly deliver all persons arrested and charged
9012 with felonies to the sheriff of the county within which the
9013 Florida College System institution ~~community college~~ is located
9014 and all persons arrested and charged with misdemeanors to the
9015 applicable authority as provided by law, but otherwise to the
9016 sheriff of the county in which the Florida College System

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9017 institution ~~community college~~ is located.

9018 (4) Florida College System institution ~~Community college~~
9019 police must meet the minimum standards established by the Police
9020 Standards and Training Commission of the Department of Law
9021 Enforcement and chapter 943 for law enforcement officers. Each
9022 Florida College System institution ~~community college~~ police
9023 officer must, before entering into the performance of his or her
9024 duties, take the oath of office established by the Florida
9025 College System institution ~~community college~~. Each Florida
9026 College System institution ~~community college~~ that employs police
9027 officers may obtain and approve a bond on each police officer,
9028 conditioned upon the officer's faithful performance of his or
9029 her duties, which bond must be payable to the Governor. The
9030 Florida College System institution ~~community college~~ may
9031 determine the amount of the bond. In determining the amount of
9032 the bond, the Florida College System institution ~~community~~
9033 ~~college~~ may consider the amount of money or property likely to
9034 be in the custody of the officer at any one time. The Florida
9035 College System institution ~~community college~~ shall provide a
9036 uniform set of identifying credentials to each Florida College
9037 System institution ~~community college~~ police officer it employs.

9038 (5) In performance of any of the powers, duties, and
9039 functions authorized by law, Florida College System institution
9040 ~~community college~~ police have the same rights, protections, and
9041 immunities afforded other law enforcement officers.

9042 (6) The Florida College System institution ~~community~~
9043 ~~college~~, with the approval of the Department of Law Enforcement,
9044 shall adopt rules, including, without limitation, rules for the

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9045 appointment, employment, and removal of Florida College System
9046 institution ~~community college~~ police in accordance with the
9047 state Career Service System and shall establish in writing a
9048 policy manual, that includes, without limitation, procedures for
9049 managing routine law enforcement situations and emergency law
9050 enforcement situations. The Florida College System institution
9051 ~~community college~~ shall furnish a copy of the policy manual to
9052 each of the police officers it employs.

9053 Section 197. Section 1012.885, Florida Statutes, is
9054 amended to read:

9055 1012.885 Remuneration of Florida College System
9056 institution ~~community college~~ presidents; limitations.—

9057 (1) DEFINITIONS.—As used in this section, the term:

9058 (a) "Appropriated state funds" means funds appropriated
9059 from the General Revenue Fund or funds appropriated from state
9060 trust funds.

9061 (b) "Cash-equivalent compensation" means any benefit that
9062 may be assigned an equivalent cash value.

9063 (c) "Remuneration" means salary, bonuses, and cash-
9064 equivalent compensation paid to a Florida College System
9065 institution ~~community college~~ president by his or her employer
9066 for work performed, excluding health insurance benefits and
9067 retirement benefits.

9068 (2) LIMITATION ON COMPENSATION.—Notwithstanding any other
9069 law, resolution, or rule to the contrary, a Florida College
9070 System institution ~~community college~~ president may not receive
9071 more than \$225,000 in remuneration annually from appropriated
9072 state funds. Only compensation, as defined in s. 121.021(22),

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provided to a Florida College System institution ~~community college~~ president may be used in calculating benefits under chapter 121.

(3) EXCEPTIONS.—This section does not prohibit any party from providing cash or cash-equivalent compensation from funds that are not appropriated state funds to a Florida College System institution ~~community college~~ president in excess of the limit in subsection (2). If a party is unable or unwilling to fulfill an obligation to provide cash or cash-equivalent compensation to a Florida College System institution ~~community college~~ president as permitted under this subsection, appropriated state funds may not be used to fulfill such obligation.

Section 198. Subsections (4) and (5) of section 1012.98, Florida Statutes, are amended to read:

1012.98 School Community Professional Development Act.—

(4) The Department of Education, school districts, schools, Florida College System institutions ~~community colleges~~, and state universities share the responsibilities described in this section. These responsibilities include the following:

(a) The department shall disseminate to the school community research-based professional development methods and programs that have demonstrated success in meeting identified student needs. The Commissioner of Education shall use data on student achievement to identify student needs. The methods of dissemination must include a web-based statewide performance support system, including a database of exemplary professional development activities, a listing of available professional

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development resources, training programs, and available assistance.

(b) Each school district shall develop a professional development system as specified in subsection (3). The system shall be developed in consultation with teachers, teacher-educators of Florida College System institutions ~~community colleges~~ and state universities, business and community representatives, and local education foundations, consortia, and professional organizations. The professional development system must:

1. Be approved by the department. All substantial revisions to the system shall be submitted to the department for review for continued approval.

2. Be based on analyses of student achievement data and instructional strategies and methods that support rigorous, relevant, and challenging curricula for all students. Schools and districts, in developing and refining the professional development system, shall also review and monitor school discipline data; school environment surveys; assessments of parental satisfaction; performance appraisal data of teachers, managers, and administrative personnel; and other performance indicators to identify school and student needs that can be met by improved professional performance.

3. Provide inservice activities coupled with followup support appropriate to accomplish district-level and school-level improvement goals and standards. The inservice activities for instructional personnel shall focus on analysis of student achievement data, ongoing formal and informal assessments of

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9129 student achievement, identification and use of enhanced and
9130 differentiated instructional strategies that emphasize rigor,
9131 relevance, and reading in the content areas, enhancement of
9132 subject content expertise, integrated use of classroom
9133 technology that enhances teaching and learning, classroom
9134 management, parent involvement, and school safety.

9135 4. Include a master plan for inservice activities,
9136 pursuant to rules of the State Board of Education, for all
9137 district employees from all fund sources. The master plan shall
9138 be updated annually by September 1, must be based on input from
9139 teachers and district and school instructional leaders, and must
9140 use the latest available student achievement data and research
9141 to enhance rigor and relevance in the classroom. Each district
9142 inservice plan must be aligned to and support the school-based
9143 inservice plans and school improvement plans pursuant to s.
9144 1001.42(18). District plans must be approved by the district
9145 school board annually in order to ensure compliance with
9146 subsection (1) and to allow for dissemination of research-based
9147 best practices to other districts. District school boards must
9148 submit verification of their approval to the Commissioner of
9149 Education no later than October 1, annually.

9150 5. Require each school principal to establish and maintain
9151 an individual professional development plan for each
9152 instructional employee assigned to the school as a seamless
9153 component to the school improvement plans developed pursuant to
9154 s. 1001.42(18). The individual professional development plan
9155 must:

9156 a. Be related to specific performance data for the

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9157 students to whom the teacher is assigned.

9158 b. Define the inservice objectives and specific measurable
9159 improvements expected in student performance as a result of the
9160 inservice activity.

9161 c. Include an evaluation component that determines the
9162 effectiveness of the professional development plan.

9163 6. Include inservice activities for school administrative
9164 personnel that address updated skills necessary for
9165 instructional leadership and effective school management
9166 pursuant to s. 1012.986.

9167 7. Provide for systematic consultation with regional and
9168 state personnel designated to provide technical assistance and
9169 evaluation of local professional development programs.

9170 8. Provide for delivery of professional development by
9171 distance learning and other technology-based delivery systems to
9172 reach more educators at lower costs.

9173 9. Provide for the continuous evaluation of the quality
9174 and effectiveness of professional development programs in order
9175 to eliminate ineffective programs and strategies and to expand
9176 effective ones. Evaluations must consider the impact of such
9177 activities on the performance of participating educators and
9178 their students' achievement and behavior.

9179 (5) Each district school board shall provide funding for
9180 the professional development system as required by s. 1011.62
9181 and the General Appropriations Act, and shall direct
9182 expenditures from other funding sources to continuously
9183 strengthen the system in order to increase student achievement
9184 and support instructional staff in enhancing rigor and relevance

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in the classroom. A school district may coordinate its professional development program with that of another district, with an educational consortium, or with a Florida College System institution ~~community college~~ or university, especially in preparing and educating personnel. Each district school board shall make available inservice activities to instructional personnel of nonpublic schools in the district and the state certified teachers who are not employed by the district school board on a fee basis not to exceed the cost of the activity per all participants.

Section 199. Subsections (3) and (16) of section 1013.01, Florida Statutes, are amended to read:

1013.01 Definitions.—The following terms shall be defined as follows for the purpose of this chapter:

(3) "Board," unless otherwise specified, means a district school board, a Florida College System institution ~~community college~~ board of trustees, a university board of trustees, and the Board of Trustees for the Florida School for the Deaf and the Blind. The term "board" does not include the State Board of Education or the Board of Governors.

(16) "Public education capital outlay (PECO) funded projects" means site acquisition, renovation, remodeling, construction projects, and site improvements necessary to accommodate buildings, equipment, other structures, and special educational use areas that are built, installed, or established to serve primarily the educational instructional program of the district school board, Florida College System institution ~~community college~~ board of trustees, or university board of

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trustees.

Section 200. Paragraph (a) of subsection (2) of section 1013.02, Florida Statutes, is amended to read:

1013.02 Purpose; rules and regulations.—

(2)(a) The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter for school districts and Florida College System institutions ~~community colleges~~.

Section 201. Section 1013.03, Florida Statutes, is amended to read:

1013.03 Functions of the department and the Board of Governors.—The functions of the Department of Education as it pertains to educational facilities of school districts and Florida College System institutions ~~community colleges~~ and of the Board of Governors as it pertains to educational facilities of state universities shall include, but not be limited to, the following:

(1) Establish recommended minimum and maximum square footage standards for different functions and areas and procedures for determining the gross square footage for each educational facility to be funded in whole or in part by the state, including public broadcasting stations but excluding postsecondary special purpose laboratory space. The gross square footage determination standards may be exceeded when the core facility space of an educational facility is constructed or renovated to accommodate the future addition of classrooms to meet projected increases in student enrollment. The department and the Board of Governors shall encourage multiple use of

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9241 facilities and spaces in educational plants.

9242 (2) Establish, for the purpose of determining need,
9243 equitably uniform utilization standards for all types of like
9244 space, regardless of the level of education. These standards
9245 shall also establish, for postsecondary education classrooms, a
9246 minimum room utilization rate of 40 hours per week and a minimum
9247 station utilization rate of 60 percent. These rates shall be
9248 subject to increase based on national norms for utilization of
9249 postsecondary education classrooms.

9250 (3) Require boards to submit other educational plant
9251 inventories data and statistical data or information relevant to
9252 construction, capital improvements, and related costs.

9253 (4) Require each board and other appropriate agencies to
9254 submit complete and accurate financial data as to the amounts of
9255 funds from all sources that are available and spent for
9256 construction and capital improvements. The commissioner shall
9257 prescribe the format and the date for the submission of this
9258 data and any other educational facilities data. If any district
9259 does not submit the required educational facilities fiscal data
9260 by the prescribed date, the Commissioner of Education shall
9261 notify the district school board of this fact and, if
9262 appropriate action is not taken to immediately submit the
9263 required report, the district school board shall be directed to
9264 proceed pursuant to s. 1001.42(13)(b). If any Florida College
9265 System institution ~~community college~~ or university does not
9266 submit the required educational facilities fiscal data by the
9267 prescribed date, the same policy prescribed in this subsection
9268 for school districts shall be implemented.

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(5) Administer, under the supervision of the Commissioner of Education, the Public Education Capital Outlay and Debt Service Trust Fund and the School District and Community College District Capital Outlay and Debt Service Trust Fund.

(6) Develop, review, update, revise, and recommend a mandatory portion of the Florida Building Code for educational facilities construction and capital improvement by Florida College System institution ~~community college~~ boards and district school boards.

(7) Provide training, technical assistance, and building code interpretation for requirements of the mandatory Florida Building Code for the educational facilities construction and capital improvement programs of the Florida College System institution ~~community college~~ boards and district school boards and, upon request, approve phase III construction documents for remodeling, renovation, or new construction of educational plants or ancillary facilities, except that university boards of trustees shall approve specifications and construction documents for their respective institutions pursuant to guidelines of the Board of Governors. The Department of Management Services may, upon request, provide similar services for the Florida School for the Deaf and the Blind and shall use the Florida Building Code and the Florida Fire Prevention Code.

(8) Provide minimum criteria, procedures, and training to boards to conduct educational plant surveys and document the determination of future needs.

(9) Make available to boards technical assistance, awareness training, and research and technical publications

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relating to lifesafety, casualty, sanitation, environmental, maintenance, and custodial issues; and, as needed, technical assistance for survey, planning, design, construction, operation, and evaluation of educational and ancillary facilities and plants, facilities administrative procedures review, and training for new administrators.

(10) (a) Review and validate surveys proposed or amended by the boards and recommend to the Commissioner of Education, or the Chancellor of the State University System, as appropriate, for approval, surveys that meet the requirements of this chapter.

1. The term "validate" as applied to surveys by school districts means to review inventory data as submitted to the department by district school boards; provide for review and inspection, where required, of student stations and aggregate square feet of inventory changed from satisfactory to unsatisfactory or changed from unsatisfactory to satisfactory; compare new school inventory to allocation limits provided by this chapter; review cost projections for conformity with cost limits set by s. 1013.64(6); compare total capital outlay full-time equivalent enrollment projections in the survey with the department's projections; review facilities lists to verify that student station and auxiliary facility space allocations do not exceed the limits provided by this chapter and related rules; review and confirm the application of uniform facility utilization factors, where provided by this chapter or related rules; utilize the documentation of programs offered per site, as submitted by the board, to analyze facility needs; confirm

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that need projections for career and adult educational programs comply with needs documented by the Department of Education; and confirm the assignment of full-time student stations to all space except auxiliary facilities, which, for purposes of exemption from student station assignment, include the following:

a. Cafeterias.

b. Multipurpose dining areas.

c. Media centers.

d. Auditoriums.

e. Administration.

f. Elementary, middle, and high school resource rooms, up to the number of such rooms recommended for the applicable occupant and space design capacity of the educational plant in the State Requirements for Educational Facilities, beyond which student stations must be assigned.

g. Elementary school skills labs, up to the number of such rooms recommended for the applicable occupant and space design capacity of the educational plant in the State Requirements for Educational Facilities, beyond which student stations must be assigned.

h. Elementary school art and music rooms.

2. The term "validate" as applied to surveys by Florida College System institutions ~~community colleges~~ and universities means to review and document the approval of each new site and official designation, where applicable; review the inventory database as submitted by each board to the department, including noncareer, and total capital outlay full-time equivalent

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9353 enrollment projections per site and per college; provide for the
9354 review and inspection, where required, of student stations and
9355 aggregate square feet of space changed from satisfactory to
9356 unsatisfactory; utilize and review the documentation of programs
9357 offered per site submitted by the boards as accurate for
9358 analysis of space requirements and needs; confirm that needs
9359 projected for career and adult educational programs comply with
9360 needs documented by the Department of Education; compare new
9361 facility inventory to allocations limits as provided in this
9362 chapter; review cost projections for conformity with state
9363 averages or limits designated by this chapter; compare student
9364 enrollment projections in the survey to the department's
9365 projections; review facilities lists to verify that area
9366 allocations and space factors for generating space needs do not
9367 exceed the limits as provided by this chapter and related rules;
9368 confirm the application of facility utilization factors as
9369 provided by this chapter and related rules; and review, as
9370 submitted, documentation of how survey recommendations will
9371 implement the detail of current campus master plans and
9372 integrate with local comprehensive plans and development
9373 regulations.

9374 (b) Recommend priority of projects to be funded.

9375 (11) Prepare the commissioner's comprehensive fixed
9376 capital outlay legislative budget request and provide annually
9377 an estimate of the funds available for developing required 3-
9378 year priority lists. This amount shall be based upon the average
9379 percentage for the 5 prior years of funds appropriated by the
9380 Legislature for fixed capital outlay to each level of public

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9381 education: public schools, Florida College System institutions
9382 ~~community colleges~~, and universities.

9383 (12) Perform any other functions that may be involved in
9384 educational facilities construction and capital improvement
9385 which shall ensure that the intent of the Legislature is
9386 implemented.

9387 Section 202. Paragraph (a) of subsection (5) of section
9388 1013.12, Florida Statutes, is amended to read:

9389 1013.12 Casualty, safety, sanitation, and firesafety
9390 standards and inspection of property.—

9391 (5) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION
9392 FACILITIES.—

9393 (a) Firesafety inspections of Florida College System
9394 institution ~~community college~~ facilities shall comply with State
9395 Board of Education rules.

9396 Section 203. Subsection (2) of section 1013.13, Florida
9397 Statutes, is amended to read:

9398 1013.13 Coordination of school safety information;
9399 construction design documents.—

9400 (2) Each Florida College System institution ~~community~~
9401 ~~college~~ president must provide to the law enforcement agency and
9402 fire department that has jurisdiction over the Florida College
9403 System institution ~~community college~~ a copy of the floor plans
9404 and other relevant documents for each educational facility as
9405 defined in s. 1013.01. After the initial submission of the floor
9406 plans and other relevant documents, the Florida College System
9407 institution ~~community college~~ president shall submit, by October
9408 1 of each year, revised floor plans and other relevant documents

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9409 for each educational facility that was modified during the
9410 preceding year.

9411 Section 204. Section 1013.19, Florida Statutes, is amended
9412 to read:

9413 1013.19 Purchase, conveyance, or encumbrance of property
9414 interests above surface of land; joint-occupancy structures.—For
9415 the purpose of implementing jointly financed construction
9416 project agreements, or for the construction of combined
9417 occupancy structures, any board may purchase, own, convey, sell,
9418 lease, or encumber airspace or any other interests in property
9419 above the surface of the land, provided the lease of airspace
9420 for nonpublic use is for such reasonable rent, length of term,
9421 and conditions as the board in its discretion may determine. All
9422 proceeds from such sale or lease shall be used by the board or
9423 boards receiving the proceeds solely for fixed capital outlay
9424 purposes. These purposes may include the renovation or
9425 remodeling of existing facilities owned by the board or the
9426 construction of new facilities; however, for a Florida College
9427 System institution ~~community college~~ board or university board,
9428 such new facility must be authorized by the Legislature. It is
9429 declared that the use of such rental by the board for public
9430 purposes in accordance with its statutory authority is a public
9431 use. Airspace or any other interest in property held by the
9432 Board of Trustees of the Internal Improvement Trust Fund or the
9433 State Board of Education may not be divested or conveyed without
9434 approval of the respective board. Any building, including any
9435 building or facility component that is common to both nonpublic
9436 and educational portions thereof, constructed in airspace that

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is sold or leased for nonpublic use pursuant to this section is subject to all applicable state, county, and municipal regulations pertaining to land use, zoning, construction of buildings, fire protection, health, and safety to the same extent and in the same manner as such regulations would be applicable to the construction of a building for nonpublic use on the appurtenant land beneath the subject airspace. Any educational facility constructed or leased as a part of a joint-occupancy facility is subject to all rules and requirements of the respective boards or departments having jurisdiction over educational facilities. Any contract executed by a university board of trustees pursuant to this section is subject to the provisions of s. 1010.62.

Section 205. Subsection (1), paragraph (c) of subsection (2), subsection (3), and paragraphs (b), (c), and (d) of subsection (4) of section 1013.23, Florida Statutes, are amended to read:

1013.23 Energy efficiency contracting.—

(1) LEGISLATIVE INTENT.—The Legislature finds that investment in energy conservation measures in educational facilities can reduce the amount of energy consumed and produce immediate and long-term savings. It is the policy of this state to encourage school districts, Florida College System institutions ~~community colleges~~, and state universities to invest in energy conservation measures that reduce energy consumption, produce a cost savings, and improve the quality of indoor air in facilities, and, when economically feasible, to build, operate, maintain, or renovate educational facilities in

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9465 such a manner so as to minimize energy consumption and maximize
9466 energy savings. It is further the policy of this state to
9467 encourage school districts, Florida College System institutions
9468 ~~community colleges~~, and state universities to reinvest any
9469 energy savings resulting from energy conservation measures into
9470 additional energy conservation efforts.

9471 (2) DEFINITIONS.—For purposes of this section, the term:

9472 (c) "Energy performance-based contract" means a contract
9473 for the evaluation, recommendation, and implementation of energy
9474 conservation measures which includes, at a minimum:

9475 1. The design and installation of equipment to implement
9476 one or more of such measures, and, if applicable, operation and
9477 maintenance of such measures.

9478 2. The amount of any actual annual savings. This amount
9479 must meet or exceed total annual contract payments made by the
9480 district school board, Florida College System institution
9481 ~~community college~~ board of trustees, or state university board
9482 of trustees for such contract.

9483 3. Financing charges to be incurred by the district school
9484 board, Florida College System institution ~~community college~~
9485 board of trustees, or state university board of trustees over
9486 the life of the contract.

9487 (3) ENERGY PERFORMANCE-BASED CONTRACT PROCEDURES.—

9488 (a) A district school board, Florida College System
9489 institution ~~community college~~ board of trustees, or state
9490 university board of trustees may enter into an energy
9491 performance-based contract with an energy performance contractor
9492 to significantly reduce energy or operating costs of an

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9493 educational facility through one or more energy conservation
9494 measures.

9495 (b) The energy performance contractor shall be selected in
9496 compliance with s. 287.055; except that in a case where a
9497 district school board, Florida College System institution
9498 ~~community college~~ board of trustees, or state university board
9499 of trustees determines that fewer than three firms are qualified
9500 to perform the required services, the requirement for agency
9501 selection of three firms, as provided in s. 287.055(4)(b), shall
9502 not apply and the bid requirements of s. 287.057 shall not
9503 apply.

9504 (c) Before entering into a contract pursuant to this
9505 section, the district school board, Florida College System
9506 institution ~~community college~~ board of trustees, or state
9507 university board of trustees shall provide published notice of
9508 the meeting in which it proposes to award the contract, the
9509 names of the parties to the proposed contract, and the
9510 contract's purpose.

9511 (d) Prior to the design and installation of the energy
9512 conservation measure, the district school board, Florida College
9513 System institution ~~community college~~ board of trustees, or state
9514 university board of trustees must obtain from the energy
9515 performance contractor a report that discloses all costs
9516 associated with the energy conservation measure and provides an
9517 estimate of the amount of the energy cost savings. The report
9518 must be reviewed by either the Department of Education or the
9519 Department of Management Services or signed and sealed by a
9520 registered professional engineer.

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9521 (e) A district school board, Florida College System
9522 institution ~~community college~~ board of trustees, or state
9523 university board of trustees may enter into an energy
9524 performance-based contract with an energy performance contractor
9525 if, after review of the report required by paragraph (d), it
9526 finds that the amount it would spend on the energy conservation
9527 measures recommended in the report will not exceed the amount to
9528 be saved in energy and operation costs over 20 years from the
9529 date of installation, based on life-cycle costing calculations,
9530 if the recommendations in the report were followed and if the
9531 energy performance contractor provides a written guarantee that
9532 the energy or operating cost savings will meet or exceed the
9533 costs of the system. The contract may provide for payments over
9534 a period of time not to exceed 20 years.

9535 (f) A district school board, Florida College System
9536 institution ~~community college~~ board of trustees, or state
9537 university board of trustees may enter into an installment
9538 payment contract for the purchase and installation of energy
9539 conservation measures. The contract shall provide for payments
9540 of not less than one-twentieth of the price to be paid within 2
9541 years from the date of the complete installation and acceptance
9542 by the district school board, Florida College System institution
9543 ~~community college~~ board of trustees, or state university board
9544 of trustees, and the remaining costs to be paid at least
9545 quarterly, not to exceed a 20-year term based on life-cycle
9546 costing calculations.

9547 (g) Energy performance-based contracts may extend beyond
9548 the fiscal year in which they become effective; however, the

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term of any contract shall expire at the end of each fiscal year and may be automatically renewed annually up to 20 years, subject to a district school board, Florida College System institution ~~community college~~ board of trustees, or state university board of trustees making sufficient annual appropriations based upon continued realized energy cost savings. Such contracts shall stipulate that the agreement does not constitute a debt, liability, or obligation of the state or a district school board, Florida College System institution ~~community college~~ board of trustees, or state university board of trustees, or a pledge of the faith and credit of the state or a district school board, Florida College System institution ~~community college~~ board of trustees, or state university board of trustees.

(4) CONTRACT PROVISIONS.—

(b) The contract shall provide that all payments, except obligations on termination of the contract before its expiration, are to be made over time, but not to exceed 20 years from the date of complete installation and acceptance by the district school board, Florida College System institution ~~community college~~ board of trustees, or state university board of trustees, and that the annual savings are guaranteed to the extent necessary to make annual payments to satisfy the contract.

(c) The contract must require that the energy performance contractor to whom the contract is awarded provide a 100-percent public construction bond to the district school board, Florida College System institution ~~community college~~ board of trustees,

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9577 or state university board of trustees for its faithful
9578 performance, as required by s. 255.05.

9579 (d) The contract shall require the energy performance
9580 contractor to provide to the district school board, Florida
9581 College System institution ~~community college~~ board of trustees,
9582 or state university board of trustees an annual reconciliation
9583 of the guaranteed energy cost savings. The energy performance
9584 contractor shall be liable for any annual savings shortfall
9585 which may occur. In the event that such reconciliation reveals
9586 an excess in annual energy cost savings, such excess savings
9587 shall not be used to cover potential energy cost savings
9588 shortages in subsequent contract years.

9589 Section 206. Section 1013.231, Florida Statutes, is
9590 amended to read:

9591 1013.231 Florida College System institution ~~Florida~~
9592 ~~college~~ and university energy consumption; 10-percent reduction
9593 goal.—

9594 (1) Each Florida College System institution ~~Florida~~
9595 ~~college~~ and state university shall strive to reduce its
9596 campuswide energy consumption by 10 percent. While savings may
9597 be accrued by any means, the goal shall be to implement energy
9598 use policies or procedures or both and any equipment retrofits
9599 that are necessary to carry out this reduction. The reduction
9600 may be obtained by either reducing the cost of the energy
9601 consumed or by reducing total energy usage, or a combination of
9602 both.

9603 (2) Energy consumption expenditures incurred during the
9604 2007-2008 fiscal year shall be used to establish the benchmark

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for the 10-percent goal. If a Florida College System institution ~~Florida college~~ or state university can document that it has implemented energy use policies or procedures in the 2008-2009 fiscal year or the 2009-2010 fiscal year that resulted in reduction in energy usage or costs, those reductions may be counted towards the 10-percent goal.

(3) Each Florida College System institution ~~Florida college~~ and state university shall submit a report to the Governor, the Speaker of the House of Representatives, and the President of the Senate by January 1, 2011, describing how they have met or plan to meet the 10-percent energy consumption reduction goal.

Section 207. Section 1013.25, Florida Statutes, is amended to read:

1013.25 When university or Florida College System institution ~~community college~~ board of trustees may exercise power of eminent domain.—Whenever it becomes necessary for the welfare and convenience of any of its institutions or divisions to acquire private property for the use of such institutions, and this cannot be acquired by agreement satisfactory to a university or Florida College System institution ~~community college~~ board of trustees and the parties interested in, or the owners of, the private property, the board of trustees may exercise the power of eminent domain after receiving approval therefor from the Administration Commission and may then proceed to condemn the property in the manner provided by chapter 73 or chapter 74.

Section 208. Section 1013.27, Florida Statutes, is amended

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to read:

1013.27 Purchase of land by municipality.—Any municipality wherein a Florida College System institution ~~community college~~ as defined by s. 1004.65 is situated may purchase land with municipal funds and to donate and convey the land or any other land to the Florida College System institution ~~community college~~ board of trustees.

Section 209. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 1013.28, Florida Statutes, are amended to read:

1013.28 Disposal of property.—

(1) REAL PROPERTY.—

(a) Subject to rules of the State Board of Education, a district school board, the Board of Trustees for the Florida School for the Deaf and the Blind, or a Florida College System institution ~~community college~~ board of trustees may dispose of any land or real property to which the board holds title which is, by resolution of the board, determined to be unnecessary for educational purposes as recommended in an educational plant survey. A district school board, the Board of Trustees for the Florida School for the Deaf and the Blind, or a Florida College System institution ~~community college~~ board of trustees shall take diligent measures to dispose of educational property only in the best interests of the public. However, appraisals may be obtained by the district school board, the Board of Trustees for the Florida School for the Deaf and the Blind, or the Florida College System institution ~~community college~~ board of trustees prior to or simultaneously with the receipt of bids.

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(2) TANGIBLE PERSONAL PROPERTY.—

(a) Tangible personal property that has been properly classified as surplus by a district school board or Florida College System institution ~~community college~~ board of trustees shall be disposed of in accordance with the procedure established by chapter 274. However, the provisions of chapter 274 shall not be applicable to a motor vehicle used in driver education to which title is obtained for a token amount from an automobile dealer or manufacturer. In such cases, the disposal of the vehicle shall be as prescribed in the contractual agreement between the automotive agency or manufacturer and the board.

Section 210. Section 1013.31, Florida Statutes, is amended to read:

1013.31 Educational plant survey; localized need assessment; PECO project funding.—

(1) At least every 5 years, each board shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. The Department of Education shall document the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the educational plant survey of a school district or Florida College System institution ~~community college~~ that delivers career or adult education programs. Information

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9689 used by the Department of Education to establish facility needs
9690 must include, but need not be limited to, labor market data,
9691 needs analysis, and information submitted by the school district
9692 or Florida College System institution ~~community college~~.

9693 (a) *Survey preparation and required data.*—Each survey
9694 shall be conducted by the board or an agency employed by the
9695 board. Surveys shall be reviewed and approved by the board, and
9696 a file copy shall be submitted to the Department of Education or
9697 the Chancellor of the State University System, as appropriate.
9698 The survey report shall include at least an inventory of
9699 existing educational and ancillary plants, including safe access
9700 facilities; recommendations for existing educational and
9701 ancillary plants; recommendations for new educational or
9702 ancillary plants, including the general location of each in
9703 coordination with the land use plan and safe access facilities;
9704 campus master plan update and detail for Florida College System
9705 institutions ~~community colleges~~; the utilization of school
9706 plants based on an extended school day or year-round operation;
9707 and such other information as may be required by the Department
9708 of Education. This report may be amended, if conditions warrant,
9709 at the request of the department or commissioner.

9710 (b) *Required need assessment criteria for district,*
9711 Florida College System institution ~~community college~~, *state*
9712 *university, and Florida School for the Deaf and the Blind plant*
9713 *surveys.*—Educational plant surveys must use uniform data sources
9714 and criteria specified in this paragraph. Each revised
9715 educational plant survey and each new educational plant survey
9716 supersedes previous surveys.

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1. The school district's survey must be submitted as a part of the district educational facilities plan defined in s. 1013.35. To ensure that the data reported to the Department of Education as required by this section is correct, the department shall annually conduct an onsite review of 5 percent of the facilities reported for each school district completing a new survey that year. If the department's review finds the data reported by a district is less than 95 percent accurate, within 1 year from the time of notification by the department the district must submit revised reports correcting its data. If a district fails to correct its reports, the commissioner may direct that future fixed capital outlay funds be withheld until such time as the district has corrected its reports so that they are not less than 95 percent accurate.

2. Each survey of a special facility, joint-use facility, or cooperative career education facility must be based on capital outlay full-time equivalent student enrollment data prepared by the department for school districts and Florida College System institutions ~~community colleges~~ and by the Chancellor of the State University System for universities. A survey of space needs of a joint-use facility shall be based upon the respective space needs of the school districts, Florida College System institutions ~~community colleges~~, and universities, as appropriate. Projections of a school district's facility space needs may not exceed the norm space and occupant design criteria established by the State Requirements for Educational Facilities.

3. Each Florida College System institution's ~~community~~

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9745 ~~college's~~ survey must reflect the capacity of existing
9746 facilities as specified in the inventory maintained by the
9747 Department of Education. Projections of facility space needs
9748 must comply with standards for determining space needs as
9749 specified by rule of the State Board of Education. The 5-year
9750 projection of capital outlay student enrollment must be
9751 consistent with the annual report of capital outlay full-time
9752 student enrollment prepared by the Department of Education.

9753 4. Each state university's survey must reflect the
9754 capacity of existing facilities as specified in the inventory
9755 maintained and validated by the Chancellor of the State
9756 University System. Projections of facility space needs must be
9757 consistent with standards for determining space needs as
9758 specified by regulation of the Board of Governors. The projected
9759 capital outlay full-time equivalent student enrollment must be
9760 consistent with the 5-year planned enrollment cycle for the
9761 State University System approved by the Board of Governors.

9762 5. The district educational facilities plan of a school
9763 district and the educational plant survey of a Florida College
9764 System institution ~~community college~~, state university, or the
9765 Florida School for the Deaf and the Blind may include space
9766 needs that deviate from approved standards for determining space
9767 needs if the deviation is justified by the district or
9768 institution and approved by the department or the Board of
9769 Governors, as appropriate, as necessary for the delivery of an
9770 approved educational program.

9771 (c) *Review and validation.*—The Department of Education
9772 shall review and validate the surveys of school districts and

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9773 Florida College System institutions ~~community colleges~~, and the
9774 Chancellor of the State University System shall review and
9775 validate the surveys of universities, and any amendments thereto
9776 for compliance with the requirements of this chapter and shall
9777 recommend those in compliance for approval by the State Board of
9778 Education or the Board of Governors, as appropriate. Annually,
9779 the department shall perform an in-depth analysis of a
9780 representative sample of each survey of recommended needs for
9781 five districts selected by the commissioner from among districts
9782 with the largest need-to-revenue ratio. For the purpose of this
9783 subsection, the need-to-revenue ratio is determined by dividing
9784 the total 5-year cost of projects listed on the district survey
9785 by the total 5-year fixed capital outlay revenue projections
9786 from state and local sources as determined by the department.
9787 The commissioner may direct fixed capital outlay funds to be
9788 withheld from districts until such time as the survey accurately
9789 projects facilities needs.

9790 (d) *Periodic update of Florida Inventory of School*
9791 *Houses.*—School districts shall periodically update their
9792 inventory of educational facilities as new capacity becomes
9793 available and as unsatisfactory space is eliminated. The State
9794 Board of Education shall adopt rules to determine the time frame
9795 in which districts must provide a periodic update.

9796 (2) Only the district school superintendent, Florida
9797 College System institution ~~community college~~ president, or the
9798 university president shall certify to the Department of
9799 Education a project's compliance with the requirements for
9800 expenditure of PECO funds prior to release of funds.

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(a) Upon request for release of PECO funds for planning purposes, certification must be made to the Department of Education that the need for and location of the facility are in compliance with the board-approved survey recommendations, that the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding, and that the plan is consistent with the local government comprehensive plan.

(b) Upon request for release of construction funds, certification must be made to the Department of Education that the need and location of the facility are in compliance with the board-approved survey recommendations, that the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding, and that the construction documents meet the requirements of the Florida Building Code for educational facilities construction or other applicable codes as authorized in this chapter.

Section 211. Subsection (1) of section 1013.36, Florida Statutes, is amended to read:

1013.36 Site planning and selection.—

(1) Before acquiring property for sites, each district school board and Florida College System institution ~~community college~~ board of trustees shall determine the location of proposed educational centers or campuses. In making this determination, the board shall consider existing and anticipated site needs and the most economical and practicable locations of sites. The board shall coordinate with the long-range or comprehensive plans of local, regional, and state governmental agencies to assure the consistency of such plans. Boards are

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encouraged to locate district educational facilities proximate to urban residential areas to the extent possible, and shall seek to collocate district educational facilities with other public facilities, such as parks, libraries, and community centers, to the extent possible and to encourage using elementary schools as focal points for neighborhoods.

Section 212. Subsections (1) and (2) of section 1013.37, Florida Statutes, are amended to read:

1013.37 State uniform building code for public educational facilities construction.—

(1) UNIFORM BUILDING CODE.—A uniform statewide building code for the planning and construction of public educational and ancillary plants by district school boards and Florida College System institution ~~community college~~ district boards of trustees shall be adopted by the Florida Building Commission within the Florida Building Code, pursuant to s. 553.73. Included in this code must be flood plain management criteria in compliance with the rules and regulations in 44 C.F.R. parts 59 and 60, and subsequent revisions thereto which are adopted by the Federal Emergency Management Agency. It is also the responsibility of the department to develop, as a part of the uniform building code, standards relating to:

(a) Prefabricated facilities or factory-built facilities that are designed to be portable, relocatable, demountable, or reconstructible; are used primarily as classrooms; and do not fall under the provisions of ss. 320.822-320.862. Such standards must permit boards to contract with the Department of Community Affairs for factory inspections by certified building code

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inspectors to certify conformance with applicable law and rules. The standards must comply with the requirements of s. 1013.20 for relocatable facilities intended for long-term use as classroom space, and the relocatable facilities shall be designed subject to missile impact criteria of s. 423(24)(d)(1) of the Florida Building Code when located in the windborne debris region.

(b) The sanitation of educational and ancillary plants and the health of occupants of educational and ancillary plants.

(c) The safety of occupants of educational and ancillary plants as provided in s. 1013.12, except that the firesafety criteria shall be established by the State Fire Marshal in cooperation with the Florida Building Commission and the department and such firesafety requirements must be incorporated into the Florida Fire Prevention Code.

(d) Accessibility for children, notwithstanding the provisions of s. 553.512.

(e) The performance of life-cycle cost analyses on alternative architectural and engineering designs to evaluate their energy efficiencies.

1. The life-cycle cost analysis must consist of the sum of:

a. The reasonably expected fuel costs over the life of the building which are required to maintain illumination, water heating, temperature, humidity, ventilation, and all other energy-consuming equipment in a facility; and

b. The reasonable costs of probable maintenance, including labor and materials, and operation of the building.

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2. For computation of the life-cycle costs, the department shall develop standards that must include, but need not be limited to:

a. The orientation and integration of the facility with respect to its physical site.

b. The amount and type of glass employed in the facility and the directions of exposure.

c. The effect of insulation incorporated into the facility design and the effect on solar utilization of the properties of external surfaces.

d. The variable occupancy and operating conditions of the facility and subportions of the facility.

e. An energy-consumption analysis of the major equipment of the facility's heating, ventilating, and cooling system; lighting system; and hot water system and all other major energy-consuming equipment and systems as appropriate.

3. Life-cycle cost criteria published by the Department of Education for use in evaluating projects.

4. Standards for construction materials and systems based on life-cycle costs that consider initial costs, maintenance costs, custodial costs, operating costs, and life expectancy. The standards may include multiple acceptable materials. It is the intent of the Legislature to require district school boards to comply with these standards when expending funds from the Public Education Capital Outlay and Debt Service Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund and to prohibit district school boards from expending local capital outlay revenues for

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any project that includes materials or systems that do not comply with these standards, unless the district school board submits evidence that alternative materials or systems meet or exceed standards developed by the department.

It is not a purpose of the Florida Building Code to inhibit the use of new materials or innovative techniques; nor may it specify or prohibit materials by brand names. The code must be flexible enough to cover all phases of construction so as to afford reasonable protection for the public safety, health, and general welfare. The department may secure the service of other state agencies or such other assistance as it finds desirable in recommending to the Florida Building Commission revisions to the code.

(2) APPROVAL.—

(a) Before a contract has been let for the construction, the department, the district school board, the Florida College System institution ~~community college~~ board, or its authorized review agent must approve the phase III construction documents. A district school board or a Florida College System institution ~~community college~~ board may reuse prototype plans on another site, provided the facilities list and phase III construction documents have been updated for the new site and for compliance with the Florida Building Code and the Florida Fire Prevention Code and any laws relating to firesafety, health and sanitation, casualty safety, and requirements for the physically handicapped which are in effect at the time a construction contract is to be awarded.

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(b) In reviewing plans for approval, the department, the district school board, the Florida College System institution ~~community college~~ board, or its review agent as authorized in s. 1013.38, shall take into consideration:

1. The need for the new facility.
 2. The educational and ancillary plant planning.
 3. The architectural and engineering planning.
 4. The location on the site.
 5. Plans for future expansion.
 6. The type of construction.
 7. Sanitary provisions.
 8. Conformity to Florida Building Code standards.
 9. The structural design and strength of materials proposed to be used.
 10. The mechanical design of any heating, air-conditioning, plumbing, or ventilating system. Typical heating, ventilating, and air-conditioning systems preapproved by the department for specific applications may be used in the design of educational facilities.
 11. The electrical design of educational plants.
 12. The energy efficiency and conservation of the design.
 13. Life-cycle cost considerations.
 14. The design to accommodate physically handicapped persons.
 15. The ratio of net to gross square footage.
 16. The proposed construction cost per gross square foot.
 17. Conformity with the Florida Fire Prevention Code.
- (c) The district school board or the Florida College

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9969 System institution ~~community college~~ board may not occupy a
9970 facility until the project has been inspected to verify
9971 compliance with statutes, rules, and codes affecting the health
9972 and safety of the occupants. Verification of compliance with
9973 rules, statutes, and codes for nonoccupancy projects such as
9974 roofing, paving, site improvements, or replacement of equipment
9975 may be certified by the architect or engineer of record, and
9976 verification of compliance for other projects may be made by an
9977 inspector certified by the department or certified pursuant to
9978 chapter 468 who is not the architect or engineer of record. The
9979 board shall maintain a record of the project's completion and
9980 permanent archive of phase III construction documents, including
9981 any addenda and change orders to the project. The boards shall
9982 provide project data to the department, as requested, for
9983 purposes and reports needed by the Legislature.

9984 Section 213. Paragraph (c) of subsection (1) of section
9985 1013.371, Florida Statutes, is amended to read:

9986 1013.371 Conformity to codes.—

9987 (1) CONFORMITY TO FLORIDA BUILDING CODE AND FLORIDA FIRE
9988 PREVENTION CODE REQUIRED FOR APPROVAL.—

9989 (c) A board may not approve any plans for the
9990 construction, renovation, remodeling, or demolition of any
9991 educational or ancillary plants unless these plans conform to
9992 the requirements of the Florida Building Code and the Florida
9993 Fire Prevention Code. Each board may adopt policies for
9994 delegating to the district school superintendent, Florida
9995 College System institution ~~community college~~ president, or
9996 university president authority for submitting documents to the

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department and for awarding contracts subsequent to and consistent with board approval of the scope, timeframes, funding source, and budget of a survey-recommended project.

Section 214. Section 1013.40, Florida Statutes, is amended to read:

1013.40 Planning and construction of Florida College System institution ~~community college~~ facilities; property acquisition.—

(1) The need for Florida College System institution ~~community college~~ facilities shall be established by a survey conducted pursuant to this chapter. The facilities recommended by such survey must be approved by the State Board of Education, and the projects must be constructed according to the provisions of this chapter and State Board of Education rules.

(2) No Florida College System institution ~~community college~~ may expend public funds for the acquisition of additional property without the specific approval of the Legislature.

(3) No facility may be acquired or constructed by a Florida College System institution ~~community college~~ or its direct-support organization if such facility requires general revenue funds for operation or maintenance upon project completion or in subsequent years of operation, unless prior approval is received from the Legislature.

(4) The campus of a Florida College System institution ~~community college~~ within a municipality designated as an area of critical state concern, as defined in s. 380.05, and having a comprehensive plan and land development regulations containing a

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10025 building permit allocation system that limits annual growth, may
10026 construct dormitories for up to 100 beds for Florida College
10027 System institution ~~community college~~ students. Such dormitories
10028 shall be exempt from the building permit allocation system and
10029 may be constructed up to 45 feet in height provided that they
10030 are otherwise consistent with the comprehensive plan, the
10031 Florida College System institution ~~community college~~ has a
10032 hurricane evacuation plan that requires all dormitory occupants
10033 to be evacuated 48 hours in advance of tropical force winds, and
10034 that transportation is provided for dormitory occupants during
10035 an evacuation.

10036 Section 215. Paragraph (a) of subsection (1) of section
10037 1013.44, Florida Statutes, is amended to read:

10038 1013.44 Low-energy use design; solar energy systems;
10039 swimming pool heaters.—

10040 (1)(a) Passive design elements and low-energy usage
10041 features shall be included in the design and construction of new
10042 educational facilities. Operable glazing consisting of at least
10043 5 percent of the floor area shall be placed in each classroom
10044 located on the perimeter of the building. For a relocatable
10045 classroom, the area of operable glazing and the area of exterior
10046 doors, together, shall consist of at least 5 percent of the
10047 floor area. Operable glazing is not required in Florida College
10048 System institutions ~~community colleges~~, auxiliary facilities,
10049 music rooms, gyms, locker and shower rooms, special laboratories
10050 requiring special climate control, and large group instruction
10051 areas having a capacity of more than 100 persons.

10052 Section 216. Paragraph (b) of subsection (1) and

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10053 subsection (2) of section 1013.51, Florida Statutes, are amended
10054 to read:

10055 1013.51 Expenditures authorized for certain
10056 infrastructure.—

10057 (1)

10058 (b) A board may pay its proportionate share of the cost of
10059 onsite and offsite system improvements necessitated by the
10060 educational facility development, but a board is not required to
10061 pay for or install any improvements that exceed those required
10062 to meet the onsite and offsite needs of a new public educational
10063 facility or an expanded site. Development exactions assessed
10064 against school boards or Florida College System institution
10065 ~~community college~~ districts may not exceed the proportionate
10066 share of the cost of system improvements necessitated by the
10067 educational facility development and may not address existing
10068 facility or service backlogs or deficits.

10069 (2) The provisions of any law, municipal ordinance, or
10070 county ordinance to the contrary notwithstanding, the provisions
10071 of this section regulate the levying of assessments for special
10072 benefits on school or Florida College System institution
10073 ~~community college~~ districts and the directing of the payment
10074 thereof. Any municipal ordinance or county ordinance making
10075 provision to the contrary is void.

10076 Section 217. Subsections (1) and (4) of section 1013.52,
10077 Florida Statutes, are amended to read:

10078 1013.52 Cooperative development and joint use of
10079 facilities by two or more boards.—

10080 (1) Two or more boards, including district school boards,

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10081 Florida College System institution ~~community college~~ boards of
10082 trustees, the Board of Trustees for the Florida School for the
10083 Deaf and the Blind, and university boards of trustees, desiring
10084 to cooperatively establish a common educational facility to
10085 accommodate students shall:

10086 (a) Jointly request a formal assessment by the
10087 Commissioner of Education or the Chancellor of the State
10088 University System, as appropriate, of the academic program need
10089 and the need to build new joint-use facilities to house approved
10090 programs. Completion of the assessment and approval of the
10091 project by the State Board of Education, the Board of Governors,
10092 the Chancellor of the State University System, or the
10093 Commissioner of Education, as appropriate, should be done prior
10094 to conducting an educational facilities survey.

10095 (b) Demonstrate the need for construction of new joint-use
10096 facilities involving postsecondary institutions by those
10097 institutions presenting evidence of the presence of sufficient
10098 actual full-time equivalent enrollments in the locale in leased,
10099 rented, or borrowed spaces to justify the requested facility for
10100 the programs identified in the formal assessment rather than
10101 using projected or anticipated future full-time equivalent
10102 enrollments as justification. If the decision is made to
10103 construct new facilities to meet this demonstrated need, then
10104 building plans should consider full-time equivalent enrollment
10105 growth facilitated by this new construction and subsequent new
10106 program offerings made possible by the existence of the new
10107 facilities.

10108 (c) Adopt and submit to the Commissioner of Education, and

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10109 the Chancellor of the State University System if the joint
10110 request involves a state university, a joint resolution of the
10111 participating boards indicating their commitment to the
10112 utilization of the requested facility and designating the locale
10113 of the proposed facility. The joint resolution shall contain a
10114 statement of determination by the participating boards that
10115 alternate options, including the use of leased, rented, or
10116 borrowed space, were considered and found less appropriate than
10117 construction of the proposed facility. The joint resolution
10118 shall contain assurance that the development of the proposed
10119 facility has been examined in conjunction with the programs
10120 offered by neighboring public educational facilities offering
10121 instruction at the same level. The joint resolution also shall
10122 contain assurance that each participating board shall provide
10123 for continuity of educational progression. All joint resolutions
10124 shall be submitted by August 1 for consideration of funding by
10125 the subsequent Legislature.

10126 (d) Submit requests for funding of joint-use facilities
10127 projects involving state universities and Florida College System
10128 institutions ~~community colleges~~ for approval by the Commissioner
10129 of Education and the Chancellor of the State University System.
10130 The Commissioner of Education and the Chancellor of the State
10131 University System shall jointly determine the priority for
10132 funding these projects in relation to the priority of all other
10133 capital outlay projects under their consideration. To be
10134 eligible for funding from the Public Education Capital Outlay
10135 and Debt Service Trust Fund under the provisions of this
10136 section, projects involving both state universities and Florida

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College System institutions ~~community colleges~~ shall appear on the 3-year capital outlay priority lists of Florida College System institutions ~~community colleges~~ and of universities required by s. 1013.64. Projects involving a state university, Florida College System institution ~~community college~~, and a public school, and in which the larger share of the proposed facility is for the use of the state university or the Florida College System institution ~~community college~~, shall appear on the 3-year capital outlay priority lists of the Florida College System institutions ~~community colleges~~ or of the universities, as applicable.

(e) Include in their joint resolution for the joint-use facilities, comprehensive plans for the operation and management of the facility upon completion. Institutional responsibilities for specific functions shall be identified, including designation of one participating board as sole owner of the facility. Operational funding arrangements shall be clearly defined.

(4) No district school board, Florida College System institution ~~community college~~, or state university shall receive funding for more than one approved joint-use facility per campus in any 3-year period.

Section 218. Subsections (1) and (2) of section 1013.60, Florida Statutes, are amended to read:

1013.60 Legislative capital outlay budget request.—

(1) The Commissioner of Education shall develop a procedure deemed appropriate in arriving at the amounts required to fund projects as reflected in the integrated, comprehensive

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10165 budget request required by this section. The official estimates
10166 for funds accruing to the Public Education Capital Outlay and
10167 Debt Service Trust Fund made by the Revenue Estimating
10168 Conference shall be used in determining the budget request
10169 pursuant to this section. The commissioner, in consultation with
10170 the appropriations committees of the Legislature, shall provide
10171 annually an estimate of funds that shall be utilized by Florida
10172 College System institutions ~~community colleges~~ and universities
10173 in developing their required 3-year priority lists pursuant to
10174 s. 1013.64.

10175 (2) The commissioner shall submit to the Governor and to
10176 the Legislature an integrated, comprehensive budget request for
10177 educational facilities construction and fixed capital outlay
10178 needs for school districts, Florida College System institutions
10179 ~~community colleges~~, and universities, pursuant to the provisions
10180 of s. 1013.64 and applicable provisions of chapter 216. Each
10181 Florida College System institution ~~community college~~ board of
10182 trustees and each university board of trustees shall submit to
10183 the commissioner a 3-year plan and data required in the
10184 development of the annual capital outlay budget. The information
10185 that is approved by the Board of Governors must be submitted to
10186 the Commissioner of Education for inclusion in the comprehensive
10187 budget request for educational facilities. No further
10188 disbursements shall be made from the Public Education Capital
10189 Outlay and Debt Service Trust Fund to a board of trustees that
10190 fails to timely submit the required data until such board of
10191 trustees submits the data.

10192 Section 219. Subsection (4) of section 1013.64, Florida

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10193 Statutes, is amended to read:

10194 1013.64 Funds for comprehensive educational plant needs;
10195 construction cost maximums for school district capital
10196 projects.—Allocations from the Public Education Capital Outlay
10197 and Debt Service Trust Fund to the various boards for capital
10198 outlay projects shall be determined as follows:

10199 (4) (a) Florida College System institution ~~Community~~
10200 ~~college~~ boards of trustees and university boards of trustees
10201 shall receive funds for projects based on a 3-year priority
10202 list, to be updated annually, which is submitted to the
10203 Legislature in the legislative budget request at least 90 days
10204 prior to the legislative session. The State Board of Education
10205 shall submit a 3-year priority list for Florida College System
10206 institutions ~~community colleges~~, and the Board of Governors
10207 shall submit a 3-year priority list for universities. The lists
10208 shall reflect decisions by the State Board of Education for
10209 Florida College System institutions ~~community colleges~~ and the
10210 Board of Governors for state universities concerning program
10211 priorities that implement the statewide plan for program growth
10212 and quality improvement in education. No remodeling or
10213 renovation project shall be included on the 3-year priority list
10214 unless the project has been recommended pursuant to s. 1013.31
10215 or is for the purpose of correcting health and safety
10216 deficiencies. No new construction project shall be included on
10217 the first year of the 3-year priority list unless the
10218 educational specifications have been approved by the
10219 commissioner for a Florida College System institution ~~community~~
10220 ~~college~~ project or by the Board of Governors for a university

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project, as applicable. The funds requested for a new construction project in the first year of the 3-year priority list shall be in conformance with the scope of the project as defined in the educational specifications. Any new construction project requested in the first year of the 3-year priority list which is not funded by the Legislature shall be carried forward to be listed first in developing the updated 3-year priority list for the subsequent year's capital outlay budget. Should the order of the priority of the projects change from year to year, a justification for such change shall be included with the updated priority list.

(b) Florida College System institution ~~Community college~~ boards of trustees and university boards of trustees may lease relocatable educational facilities for up to 3 years using nonbonded PECO funds.

(c) Florida College System institution ~~Community college~~ boards of trustees and university boards of trustees shall receive funds for remodeling, renovation, maintenance and repairs, and site improvement for existing satisfactory facilities pursuant to subsection (1).

Section 220. Subsection (7) of section 1013.65, Florida Statutes, is amended to read:

1013.65 Educational and ancillary plant construction funds; Public Education Capital Outlay and Debt Service Trust Fund; allocation of funds.—

(7) Boards and entities authorized to participate in the trust fund are district school boards, the Florida College System institution ~~community college~~ boards of trustees, the

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10249 Trustees of the Florida School for the Deaf and the Blind, and
10250 university boards of trustees and other units of the state
10251 system of public education, and other educational entities for
10252 which funds are authorized by the Legislature.

10253 Section 221. Subsections (1) and (2) of section 1013.81,
10254 Florida Statutes, are amended to read:

10255 1013.81 Florida College System institution ~~Community~~
10256 ~~college~~ indebtedness; bonds and tax anticipation certificates;
10257 payment.—

10258 (1) The indebtedness incurred for the benefit of Florida
10259 College System institutions ~~community colleges~~ and represented
10260 by bonds or motor vehicle tax anticipation certificates issued
10261 from time to time by the State Board of Education, hereinafter
10262 called "state board," pursuant to s. 18, Art. XII of the State
10263 Constitution of 1885 on behalf of the several former county
10264 boards of public instruction shall not be considered by the
10265 state board in determining the amount of bonds or motor vehicle
10266 tax anticipation certificates which the state board may issue
10267 from time to time on behalf of the several school districts
10268 under the provisions of s. 9(d), Art. XII of the State
10269 Constitution, as amended at the general election held on
10270 November 7, 1972, hereinafter called "school capital outlay
10271 amendment." Such indebtedness incurred on behalf of Florida
10272 College System institutions ~~community colleges~~, as described
10273 above, shall be considered by the state board in determining the
10274 amount of bonds or motor vehicle tax anticipation certificates
10275 which the state board may issue from time to time on behalf of
10276 the several Florida College System institution ~~community college~~

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10277 districts under the provisions of the school capital outlay
10278 amendment.

10279 (2) The debt service requirements on the indebtedness
10280 incurred for the benefit of Florida College System institutions
10281 ~~community colleges~~ and represented by bonds or motor vehicle tax
10282 anticipation certificates issued from time to time by the state
10283 board on behalf of the several former county boards of public
10284 instruction, as described in subsection (1), shall be paid from
10285 funds distributable pursuant to the school capital outlay
10286 amendment to the credit of the several Florida College System
10287 institution ~~community college~~ districts, and not from funds
10288 distributable pursuant to the school capital outlay amendment to
10289 the credit of the several school districts.

10290 Reviser's note.—Amended pursuant to the directive in
10291 s. 21, ch. 2010-70, Laws of Florida, to substitute the
10292 term "Florida College System institution" for the
10293 terms "Florida college," "community college," and
10294 "junior college" where those terms appear in the
10295 Florida K-20 Education Code.

10296 Section 222. This act shall take effect on the 60th day
10297 after adjournment sine die of the session of the Legislature in
10298 which enacted.