Allan G. Bense, Speaker

Colleges & Universities Committee Meeting

March 28, 2006
Reed Hall, 1:00 PM – 4:00 PM

Allan G. Bense
Speaker

David Mealor
Chair

Florida House of Representatives

Allan Bense, Speaker
Colleges & Universities Committee

David Mealor
Chair

Larry Cretul
Vice Chair

Meeting Agenda
Tuesday, March 28, 2006
Reed Hall, 1:00 – 4:00 PM

I. Convening of Meeting and Call to Order

II. Roll Call

III. Opening Remarks

IV. Presentation on the Administrative Procedures Act
Rep. Ellyn Bogdanoff

V. Consideration of the following bills:

PCB CU 06-01 – Education

HB 881 Physician Licensure Requirements by Flores

VI. Closing Comments / Meeting Adjourned

PCB CU 06-01

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB CU 06-01 Education
SPONSOR(S): Colleges & Universities Committee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Colleges & Universities Committee		Hatfield	Tilton
1)			
2)			
3)			
4)			
5)			

SUMMARY ANALYSIS

In the 2002 General Election, Floridians amended the State Constitution to require, effective January 7, 2003, a single state university system comprised of all public universities with a 13-member board of trustees administering each university and a 17-member statewide board of governors to govern the state university system (see Section 7 of Article IX of the State Constitution). The 2003 Legislature enacted ch. 2003-392, L.O.F., to reflect the adoption of this amendment.

The 2005 Legislature enacted ch. 2005-285, L.O.F., (see HB 1001) to clarify the lines of authority and constitutional duties of the Board of Governors and the Legislature with regard to the State University System and to declare the intent of the Legislature to reenact laws relating to the Board of Governors of the State University System, the university boards of trustees, the State Board of Education, and the postsecondary education system in accordance with the findings stated in the bill.

PCB CU 06-01 updates the Florida Statutes to reflect the recent changes to the State Constitution with regard to the State University System and the enactment of HB 1001 by the 2005 Legislature to delineate constitutional responsibilities of the Board of Governors and Legislature relating to state universities.

The PCB clarifies statutory fiscal policy related to the State University System. In most cases, the statutes are modified to maintain the existing legislative control, or legislative transfer of control, over fiscal matters. In 2005-06, the Legislature appropriated over $2.6 billion in state funds in support of state university programs, facilities, and students. In addition, the Legislature appropriated $884 million in tuition and fees and authorized universities to retain the funds locally.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government—The PCB implements both section 7 of Article IX of the State Constitution, which establishes a 17-member Board of Governors to govern the State University System and a 13-member board of trustees for each public university, and ch. 2005-285, L.O.F. (HB 1001).

B. EFFECT OF PROPOSED CHANGES:

Background

In the 2002 General Election, Floridians amended the State Constitution to require, effective January 7, 2003, a single state university system comprised of all public universities with a 13-member board of trustees administering each university and a 17-member statewide board of governors to govern the state university system (see Section 7 of Article IX of the State Constitution). The 2003 Legislature enacted ch. 2003-392, L.O.F., to reflect the adoption of this amendment.

The 2005 Legislature enacted ch. 2005-285, L.O.F., (see HB 1001) to clarify the lines of authority and constitutional duties of the Board of Governors and the Legislature with regard to the State University System and to declare the intent of the Legislature to reenact laws relating to the Board of Governors of the State University System, the university boards of trustees, the State Board of Education, and the postsecondary education system in accordance with the findings stated in the bill.

Effect of Proposed Changes

PCB CU 06-01 updates the Florida Statutes to reflect the recent changes to the State Constitution with regard to the State University System and the enactment of HB 1001 by the 2005 Legislature to delineate constitutional responsibilities of the Board of Governors and Legislature relating to state universities. More specifically, the PCB:

- Repeals certain statutory provisions that are no longer necessary because they fall entirely within the constitutional responsibilities of the Board of Governors.
- Provides the statutory organizational structure for the Board of Governors of the State University System and the board's staff:
  - Removes the Division of Colleges and Universities from the Department of Education,
  - Requires DOE to continue to provide certain support services for the BOG, including inspector general services, and
  - Updates statutory references as needed to reflect the new structure.
- Outlines the powers and duties of the Board of Governors.
- Stipulates the oversight enforcement authority of the Board of Governors.
- Revises the powers and duties of university boards of trustees and university presidents.
- Clarifies the powers and duties of the State Board of Education, Commissioner of Education, and Department of Education within the statutory organizational structure by removing powers and

duties that relate solely to state universities and requiring consultation or coordination with the Board of Governors on matters that involve universities as well as other education sectors.

- Includes the Board of Governors and university boards of trustees under ch. 120, F.S., (Administrative Procedures Act) when acting pursuant to authority derived from the Legislature.

- Revises provisions relating to determination of resident status for tuition purposes in accordance with OPPAGA recommendations; ties determination to initial enrollment.

- Revises provisions relating to statute university tuition and fees.

  - Provides for undergraduate tuition to be set in the General Appropriations Act.

  - Delegates authority for graduate and professional student tuition to the Board of Governors or the board's designee.

  - Delegates authority for out-of-state fees to the Board of Governors or the board's designee.

  - Delegates authority for other fees and fines, including local fees, to the Board of Governors or the board's designee.

  - Permits the use of Activity and Service fees for technology.

  - Requires 90% of financial aid fee revenues be used for need-based aid.

- Authorizes university boards of trustees to waive tuition and out-of-state fees under certain conditions.

- Provides guidelines for determining "space available" for purposes of state employee fee waivers and prohibits use of such waiver for certain courses.

- Revises statutory provisions relating to revenue bonds and debt for state universities.

- Revises provisions relating to the Major Gifts programs.

- Expands employees covered by the limitation on use of public funds for compensation to include university provosts and community college presidents.

- Revises minimum space utilization standards for postsecondary educational facilities and requires a review of the standards a minimum of every 5 years.

- Requires approval by the Administration Commission in the exercise of eminent domain by a university or community college board of trustees. *Note: the Administration Commission is composed of the Governor and the members of the Cabinet and is created in s. 14.202, F.S.*

- Removes the naming prohibition regarding certain university facilities and requires Board of Governors approval for the naming of any university facility.

- Repeals certain centers, institutes, campuses, and programs for which specific statutory authority is no longer needed.

- Adds references to the Board of Governors where appropriate, such as the recipient of a report.

- Updates or removes obsolete terminology, such as the Board of Regents and the State Board of Community Colleges.

- Corrects drafting errors and makes conforming changes.

C. SECTION DIRECTORY:

Section 1: Amends s. 20.055, F.S., relating to agency inspectors general, to require the Office of Inspector General of the Department of Education to perform all required duties and responsibilities for the State University System under the direction of the Chancellor of the State University System.

Section 2: Amends s. 20.15, F.S., relating to the Department of Education, to delete the Division of Colleges and Universities, require the State Board of Education and Commissioner of Education to consult with certain educational entities in assigning responsibilities within the department, and require the department to provide certain support services to the Board of Governors.

Section 3: Creates s. 20.155, F.S., relating to the Board of Governors of the State University System, to set up the organizational structure of the board by providing for certain rights and privileges, the head of the board, personnel, and certain powers and duties.

Section 4: Amends s. 23.21, F.S., relating to definitions for purposes of paperwork reduction, to update obsolete terminology.

Section 5: Amends s. 110.131, F.S., relating to other-personnel-services temporary employment, to update obsolete terminology.

Section 6: Amends s. 110.181, F.S., relating to Florida State Employees' Charitable Campaign, to correct a cross-reference.

Section 7: Amends s. 112.0455, F.S., relating to the Drug-Free Workplace Act, to remove obsolete rulemaking provision.

Section 8: Amends s. 112.19, F.S., relating to death benefits for law enforcement, correctional, and correctional probation officers, to update obsolete terminology.

Section 9: Amends s. 112.191, F.S., relating to death benefits for firefighters, to update obsolete terminology.

Section 10: Amends s. 112.312, F.S., relating to definitions for purposes of the code of ethics for public officers and employees, to revise the definition of "agency" to include the Board of Governors and each state university board of trustees.

Section 11: Amends s. 112.313, F.S., relating to standards of conduct for public officers, employees of agencies, and local government attorneys, to revise definition of "employee" to include provosts and update obsolete terminology.

Section 12: Amends s. 112.3135, F.S., relating to the definition of "agency" for purposes of restrictions on employment of relatives, to update obsolete terminology.

Section 13: Amends s. 112.3145, F.S., relating to the definition of "state officer" for purposes of disclosure of financial interests and clients represented before agencies, to update obsolete terminology.

Section 14: Amends s. 120.52, F.S., relating to definitions for purposes of the Administrative Procedures Act, to revise the definition of "agency" to include the Board of Governors and state university boards of trustees when acting pursuant to statutory authority derived from the Legislature.

Section 15: Amends s. 120.65, F.S., relating to the services and travel expenses of administrative law judges, to include the Board of Governors in the entities that must reimburse the Division of Administrative Hearings.

Section 16: Amends s. 121.021, F.S., relating to definitions for purposes of the Florida Retirement System, to update obsolete terminology.

Section 17: Amends s. 121.051, F.S., relating to participation in the Florida Retirement System, to provide for participation in the optional retirement program for certain state university faculty appointed on or after July 1, 2006.

Section 18: Amends s. 121.35, F.S., relating to the optional retirement program for the State University System, to update obsolete terminology and provide effective dates.

Section 19: Amends s. 159.703, F.S., relating to the creation of research and development authorities, to update obsolete terminology and effective date.

Section 20: Amends s. 159.704, F.S., relating to the procedure for being designated as a research and development authority, to update obsolete terminology.

Section 21: Amends s. 159.706, F.S., relating to the grandfather clause for research and development authorities, to include those authorities designated by the Board of Regents prior to July 1, 2001.

Section 22: Amends s. 211.3103, F.S., relating to the levy of tax on severance of phosphate rock, to update obsolete terminology.

Section 23: Amends s. 215.16, F.S., relating to appropriations and reductions from the General Revenue Fund for public schools, state institutions of higher learning, and community colleges, to remove unnecessary language.

Section 24: Amends s. 215.20, F.S., relating to certain income and trust funds, to conform.

Section 25: Amends s. 215.32, F.S., relating to state funds and segregation of trust funds, to include trust funds under the management of the Board of Governors.

Section 26: Amends s. 215.559, F.S., relating to the Hurricane Loss Mitigation Program, to remove obsolete terminology.

Section 27: Amends s. 215.82, F.S., relating to validation of certain bonds and when required, to correct a cross-reference.

Section 28: Amends s. 216.0152, F.S., relating to the inventory of state-owned facilities or state-occupied facilities, to update obsolete terminology.

Section 29: Amends s. 216.251, F.S., relating to limitations on salary appropriations, to remove reference to the State Board of Education.

Section 30: Amends s. 220.15, F.S., relating to apportionment of adjusted federal income, to update obsolete terminology.

Section 31: Amends s. 250.10, F.S., relating to appointment and duties of the Adjutant General regarding education assistance programs, to include the Board of Governors in the development of such programs and the adoption of rules.

Section 32: Amends s. 252.385, F.S., relating to public shelter space for purposes of hurricane evacuation, to update obsolete terminology.

Section 33: Amends s. 253.381, F.S., relating to sales of unsurveyed marshlands to upland owners, to remove reference to the State Board of Education.

Section 34: Amends s. 255.02, F.S., relating to boards authorized to replace buildings destroyed by fire, to remove obsolete language.

Section 35: Amends s. 255.043, F.S., relating to art in state buildings, to remove obsolete language.

Section 36: Amends s. 255.102, F.S., relating to contractor utilization of minority business enterprises, to require the Office of Supplier Diversity to adopt rules in collaboration with the Board of Governors.

Section 37: Amends s. 280.02, F.S., relating to definitions for purposes of the Florida Security for Public Deposits Act, revising definition of "public deposit" to include state university.

Section 38: Amends s. 286.001, F.S., relating to the filing, maintenance, retrieval, and provision of copies of statutorily required reports, to update obsolete terminology.

Section 39: Amends s. 286.036, F.S., relating to powers of the Taxation and Budget Reform Commission, to remove Board of Regents and assign the commission administratively to the Office of Economic & Demographic Research.

Section 40: Amends s. 287.012, F.S., relating to definitions for purposes of procurement, to revise definition of "agency" to include the Board of Governors.

Section 41: Amends s. 287.064, F.S., relating to consolidated financing of deferred-payment purchases, to correct a cross-reference.

Section 42: Amends s. 287.155, F.S., relating to the purchase of motor vehicles by certain entities, to update obsolete terminology.

Section 43: Amends s. 288.15, F.S., relating to powers of the Division of Bond Finance, to include the Board of Governors as an entity authorized to cooperate with the division.

Section 44: Amends s. 288.17, F.S., relating to revenue certificates issued by the Division of Bond Finance, to update obsolete terminology.

Section 45: Amends s. 288.7091, F.S., relating to duties of the Florida Black Business Investment Board, Inc., regarding efforts to expand black business development, to include the Board of Governors in the entities with whom the Investment Board must develop memoranda of understanding.

Section 46: Amends s. 288.8175, F.S., relating to linkage institutes between postsecondary institutions in this state and foreign countries, to remove Department of Education approval and require that each linkage institute be governed by an agreement between the Board of Governors and State Board of Education with a counterpart organization in a foreign country.

Section 47: Amends s. 295.07, F.S., relating to preference in appointment and retention for purposes of veterans, to include certain equivalent positions.

Section 48: Amends s. 320.08058, F.S., relating to collegiate license plates, to update obsolete terminology.

Section 49: Amends s. 381.79., F.S., relating to the Brain and Spinal Cord Injury Program Trust Fund, to update obsolete terminology.

Section 50: Amends s. 403.073, F.S., relating to the state goal, agency programs, and public education regarding pollution prevention, to update obsolete terminology.

Section 51: Amends s. 403.074, F.S., relating to technical assistance by the Department of Environmental Protection, to update obsolete terminology.

Section 52: Amends s. 409.908, F.S., relating to reimbursement of Medicaid providers, to update obsolete terminology.

Section 53: Amends s. 413.051, F.S., relating to the operation of vending stands by eligible blind persons, to update obsolete terminology.

Section 54: Amends s. 447.203, F.S., relating to definitions for purposes of public employees, to designate the Board of Governors or the board's designee as the "public employer" of and "legislative body" for public employees of state universities and revise definition of "managerial employees" to conform.

Section 55: Amends s. 455.2125, F.S., relating to consultation with postsecondary education boards prior to adoption of changes to training requirements for professions regulated by the Department of Business and Professional Regulation, to update obsolete terminology.

Section 56: Amends s. 456.028, F.S., relating to consultation with postsecondary education boards prior to adoption of changes to training requirements for professions regulated by the Department of Health, to update obsolete terminology.

Section 57: Amends s. 489.103, F.S., relating to exemptions for purposes of construction contracting, to update obsolete terminology.

Section 58: Amends s. 489.503, F.S., relating to exemptions for purposes of electrical and alarm system contracting, to update obsolete terminology.

Section 59: Amends s. 553.71, F.S., relating to definitions for purposes of the Florida Building Code, to add "board of trustees" to conform.

Section 60: Amends s. 633.01, relating to the powers and duties of the State Fire Marshal, to correct cross-references.

Section 61: Amends s. 650.03, F.S., relating to a federal-state agreement and interstate instrumentalities, to update obsolete terminology.

Section 62: Amends s. 943.1755, F.S., relating to the Florida Criminal Justice Executive Institute, to update obsolete terminology.

Section 63: Amends s. 1000.01, F.S., relating to the Florida K-20 education system, to reference institutions of higher learning and other public education programs Florida residents may need.

Section 64: Amends s. 1000.03, F.S., relating to the function, mission, and goals of the Florida K-20 education system, to remove duplicative language, limit State Board of Education oversight to non-state university system matters, and include Board of Governor oversight for the State University System.

Section 65: Amends s. 1000.05, F.S., relating to discrimination against students and employees in the Florida K-20 public education system, to divide responsibilities for implementation of equal opportunity policies for school districts and community colleges to the Commissioner of Education and State Board of Education and for state universities to the Board of Governors, and limit role of the Office of Equal Educational Opportunity to school districts and community colleges.

Section 66: Amends s. 1001.02, F.S., relating to general powers of the State Board of Education, to remove powers and duties that relate solely to state universities and require consultation or coordination with the Board of Governors on matters that involve universities as well as other education sectors, provide for exceptions, revise reporting requirements relating to financial aid, and conform.

Section 67: Amends s. 1001.03, F.S., relating to specific powers of the State Board of Education, to provide for exceptions to statewide enforcement by the State Board, require consultation with the Board of Governors when managing information databases and common placement testing for public postsecondary education, and remove state universities from cyclic review of academic programs by the State Board.

Section 68: Amends s. 1001.10, F.S., relating to the general powers and duties of the Commissioner of Education, to include the Board of Governors in the K-20 budget recommendation and revise submission date of report.

Section 69: Amends s. 1001.11, F.S, relating to other duties of the Commissioner of Education, to require annual report and remove certain provisions to conform.

Section 70: Amends s. 1001.20, F.S., relating to the Department of Education under the direction of the state board, to transfer responsibilities regarding the need for investigations of state universities by the Office of Inspector General from the Commissioner of Education to the Chancellor of the State University System.

Section 71: Amends s. 1001.25, F.S, relating to educational television, to correct a cross-reference.

Section 72: Amends s. 1001.28, F.S, relating to distance learning duties of the Department of Education, to include the Board of Governors to the entities whose powers and duties are not changed by the provisions of this section.

Section 73: Amends s. 1001.64, F.S, relating to powers and duties of community college board of trustees, to correct a cross-reference.

Section 74: Amends s. 1001.70, F.S., relating to the Board of Governors, to include provisions regarding travel and per diem expenses for members of the board and provide postsecondary access guidelines.

Section 75: Creates s. 1001.706, F.S., relating to the powers and duties of the Board of Governors of the State University System subject to the powers of the Legislature, to outline the powers and duties of the board.

Section 76: Amends s. 1001.71, F.S., relating to membership of the university boards of trustees, to clarify the boards are part of the executive branch of state government and remove certain board member requirements.

Section 77: Amends s. 1001.73, F.S., relating to university boards acting as trustees, to replace the State Board of Education with the Board of Governors, correct a cross-reference, and subject certain agreements to the provisions of s.1010.62.

Section 78: Amends s. 1001.74, F.S., to revise the powers and duties of university boards of trustees.

Section 79: Amends s. 1001.75, F.S., to revise the powers and duties of university presidents.

Section 80: Amends s. 1002.35, F.S., relating to the New World School of Arts, to require the State Board of Education to consult with the Board of Governors in the assignment of university partnerships for the school.

Section 81: Amends s. 1002.41, F.S., relating to home education programs, to conform and prohibit requiring curriculum documentation under certain conditions.

Section 82: Amends s. 1004.03, F.S., relating to program approval of public postsecondary education, to transfer responsibilities of the State Board of Education to the Board of Governors regarding new program approval at state universities, provide guidelines for criteria, and requires Legislative approval for certain new programs.

Section 83: Amends s. 1004.04, F.S., relating to public accountability and state approval for teacher preparation programs, to include the Board of Governors as a recipient of a department report.

Section 84: Amends s. 1004.07, F.S., relating to student withdrawal from courses due to military service, to provide that policies of school districts and community colleges follow State Board of Education guidelines and policies of state universities follow Board of Governors guidelines.

Section 85: Amends s. 1004.21, F.S., to remove legislative intent and reference constitutional provisions providing that state universities are part of the executive branch and are administered by boards of trustees.

Section 86: Amends s. 1004.22, F.S., relating to divisions of sponsored research at state universities, to replace the State Board of Education with the Board of Governors and require universities to follow guidelines of the Board of Governors when creating divisions of sponsored research.

Section 87: Amends s. 1004.24, F.S., relating to authorization by the State Board of Education to secure liability insurance, to replace State Board with the Board of Governors or the board's designee.

Section 88: Amends .s 1004.25, F.S., relating to payment of costs of civil actions by state universities, to permit recovery of certain attorney's fees.

Section 89: Amends s. 1004.28, F.S., relating to direct-support organizations, to define "property," provide for guidelines and rules of the Board of Governors, replace references to the State Board of Education with the Board of Governors, require compliance with s. 1010.62 where appropriate, and correct a cross-reference.

Section 90: Amends s. 1004.29, F.S., relating to university health services support organizations, to reference rules and guidelines of the Board of Governors and replace the State Board of Education with the Board of Governors.

Section 91: Amends s. 1004.39, F.S., relating to the college of law at Florida International University, to remove obsolete language and replace the State Board of Education with the Board of Governors.

Section 92: Amends s. 1004.40, F.S., relating to the college of law at Florida Agricultural and Mechanical University, to remove obsolete language and replace the State Board of Education with the Board of Governors.

Section 93: Amends s. 1004.41, F.S., relating to the J. Hillis Miller Health Center at the University of Florida, to authorize the University of Florida board of trustees to utilize certain revenues.

Section 94: Amends s. 1004.43, F.S., relating to the H. Lee Moffitt Cancer Center and Research Institute, to transfer State Board of Education responsibilities to the Board of Governors.

Section 95: Amends s. 1004.445, F.S., relating to the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute, to transfer State Board of Education responsibilities to the Board of Governors.

Section 96: Amends s. 1004.58, relating to the Leadership Board for Applied Research and Public Service, to provide for the Department of Education to staff the Leadership Board, revise the purpose to include advising the Board of Governors, State Board of Education, and Legislature on certain issues, and include the Board of Governors as a report recipient.

Section 97: Amends s. 1005.03, F.S., relating to the designation "college" or "university," to remove obsolete terminology.

Section 98: Amends s. 1005.06, F.S., relating to institutions not under the jurisdiction or purview of the Commission for Independent Education, to remove obsolete terminology.

Section 99: Amends s. 1005.22, F.S., relating to powers and duties of the Commission for Independent Education, to conform.

Section 100: Amends s. 1006.53, F.S., relating to religious observances, to remove reference to the State Board of Education rules and require each public postsecondary institution to adopt its own policy.

Section 101: Amends s. 1006.60, F.S., relating to codes of conduct and disciplinary measures for students and student organizations and providing rulemaking authority, to include rules adopted by the Board of Governors.

Section 102: Amends s. 1006.61, F.S., relating to penalties for participation by students in disruptive activities at public postsecondary educational institutions, to include Board of Governors policies for students who attend state universities.

Section 103: Amends s. 1006.62, F.S., relating to expulsion and discipline of students of community colleges and state universities, to include rules or regulations of the Board of Governors for students who attend state universities.

Section 104: Amends s. 1006.65, F.S., relating to safety issues in courses offered by public postsecondary educational institutions, to require the State Board of Education to adopt rules for community colleges and require the Board of Governors to adopt rules for state universities.

Section 105: Amends s. 1006.71, F.S., relating to gender equity in intercollegiate athletics, to transfer responsibilities relating to state universities from the Commissioner of Education and the State Board of Education to the Chancellor of the State University System and Board of Governors, and add the Legislature as a recipient of both annual assessments.

Section 106: Amends s. 1007.01, F.S., relating to the legislative intent, purpose, and role of the State Board of Education regarding articulation, to require the State Board of Education to recommend policies and guidelines to the Legislature with input from the Board of Governors.

Section 107: Amends s. 1007.22, F.S., relating to articulation and postsecondary institution coordination and collaboration, to encourage institutional boards to establish programs to maximize articulation.

Section 108: Amends s. 1007.23, F.S., relating to the statewide articulation agreement, to provide purpose, require the State Board of Education to receive input from the Board of Governors, remove the State Board rule reference, and revise provisions relating to admissions.

Section 109: Amends s. 1007.24, F.S., relating to the statewide course numbering system, to provide purpose and legislative intent, and require the State Board of Education to receive input from the Board of Governors when approving course levels.

Section 110: Amends s. 1007.25, F.S., relating to general education courses, common prerequisites, and other degree requirements, to provide purpose and transfer responsibilities relating to state universities from the State Board of Education to the Board of Governors.

Section 111: Amends s. 1007.262, F.S., relating to foreign language competence and equivalence determinations, to remove a cross-reference and provide an exemption.

Section 112: Amends s. 1007.264, F.S., relating to admission to postsecondary educational institutions for impaired and learning disabled persons, to transfer responsibilities relating to state universities from the State Board of Education to the Board of Governors.

Section 113: Amends s. 1007.265, F.S., relating to graduation, study program admission, and upper-division entry for impaired and learning disabled persons, to transfer responsibilities relating to state universities from the State Board of Education to the Board of Governors.

Section 114: Amends s. 1007.27, F.S., relating to articulated acceleration mechanisms, providing purpose, conforming provisions, and removing obsolete study language.

Section 115: Amends s. 1007.28, F.S., relating to computer-assisted student advising system, to require the Department of Education to establish and maintain the system and require the State Board of Education to collaborate with the Board of Governors regarding roles and responsibilities for the system.

Section 116: Amends s. 1007.33, F.S., relating to site-determined baccalaureate degree access, confirming provisions.

Section 117: Amends s. 1008.29, F.S., relating to college-level communication and mathematics skills examination (CLAST), to provide purpose, require the State Board of Education to consult with the Board of Governors regarding minimum passing scores and exemptions from testing requirements, and authorize the State Board and Board of Governors to set certain exam fees for their respective institutions.

Section 118: Amends s. 1008.30, F.S., relating to common placement testing for public postsecondary education, to remove reference to State Board of Education rules and require each public postsecondary institution to provide certain modifications for students with disabilities, and require the State Board consult with the Board of Governors regarding certain college-prep requirements.

Section 119: Amends s. 1008.31, F.S., relating to the legislative intent, performance-based funding, mission, goals, and systemwide measures of Florida's K-20 education performance accountability system, to transfer responsibilities relating to performance measures and standards for state universities from the State Board of Education to the Board of Governors, require both boards to recommend systemwide performance standards to the Legislature, revise goals and measures of the K-20 performance accountability system, provide for reporting of data collection requirements, and include the Board of Governors as a report recipient.

Section 120: Amends s. 1008.32, F.S., relating to State Board of Education oversight enforcement authority, to limit authority to school districts and community colleges and their respective boards.

Section 121: Creates s. 1008.321, F.S., relating to the Board of Governors of the State University System oversight enforcement authority.

Section 122: Amends s. 1008.345, F.S., relating to the implementation of the state system of school improvement and education accountability, to include the Board of Governors as a recipient of certain information, require both the State Board of Education and Board of Governors approval of CLAST skills and certain tests and assessment procedures, and require the Department of Education to perform certain functions required by the Board of Governors.

Section 123: Amends s. 1008.37, F.S., relating to postsecondary feedback of information to high schools, to remove reference to State Board of Education rules and require the Commissioner of Education report to the Board of Governors.

Section 124: Amends s. 1008.38, F.S., relating to the articulation accountability process, to require the State Board of Education consult with the Board of Governors in developing articulation accountability measures and establishing an articulation accountability process.

Section 125: Amends s. 1008.45, F.S., relating to the community college accountability process, to conform.

Section 126: Amends s. 1008.46, F.S., relating to the state university accountability process, to include the Board of Governors in the process of identifying standards and goals and transfer responsibilities of the State Board of Education to the Board of Governors.

Section 127: Amends s. 1009.01, F.S., relating to definitions for purposes of educational scholarships, fees, and financial assistance, to provide a cross-reference and remove reference to rules of the State Board of Education.

Section 128: Amends s. 1009.21, F.S., relating to determination of resident status for tuition purposes, to expand purpose to include determination of eligibility for state financial aid awards and tuition assistance grants, revise definitions and qualification process, provide for reclassification and documentation requirements, and remove rulemaking provisions.

Section 129: Amends s. 1009.24, F.S., revising provisions relating to state university tuition and fees.

Section 130: Amends s. 1009.26, F.S., relating to fee waivers, to transfer responsibilities relating to state universities from the State Board of Education to the Board of Governors, remove reference to rules of the State Board, authorize university boards of trustees to waive tuition and out-of-state fees under certain conditions, and require an annual report to the Board of Governors.

Section 131: Amends s. 1009.265, F.S., relating to state employee fee waivers, to provide for distance learning courses and guidelines for determining space available, and prohibit use of waiver for certain courses.

Section 132: Amends s. 1009.27, F.S., relating to deferral of fees, to remove references to rules of the State Board of Education.

Section 133: Amends s. 1009.285, F.S., relating to fees for repeated enrollment in college-credit courses, to remove reference to definitions and fee levels established by the State Board of Education.

Section 134: Amends s. 1009.29, F.S., relating to increased fees for funding financial aid programs, to replace reference to the State Board of Education with the State Board of Administration.

Section 135: Amends s. 1009.40, F.S., relating to general requirements for student eligibility for state financial aid awards, to conform.

Section 136: Amends s. 1009.90, F.S., relating to duties of the Department of Education, to include the Board of Governors as a report recipient and require the department to calculate amount of need-based aid required to offset fee increases recommended by both the State Board of Education and Board of Governors.

Section 137: Amends s. 1009.91, F.S., relating to assistance programs and activities of the department, to require an annual report to the Board of Governors for information relating to state universities.

Section 138: Amends s. 1009.971, F.S., relating to the Florida Prepaid College Board, to update obsolete terminology.

Section 139: Amends s. 1009.98, F.S., relating to the Florida Prepaid College Program, to correct a cross-reference.

Section 140: Amends s. 1010.01, F.S., relating to uniform records and accounts, to transfer responsibilities relating to state universities from the State Board of Education to the Board of Governors and require a uniform classification of accounts for both boards.

Section 141: Amends s. 1010.011, F.S., relating to definitions for purposes of financial matters and planning and budget, to revise the definition for certain terms.

Section 142: Amends s. 1010.02, F.S., relating to financial accounting and expenditures, to transfer responsibilities relating to state universities from the State Board of Education to the Board of Governors.

Section 143: Amends s. 1010.04, F.S., relating to purchasing, to transfer responsibilities relating to state universities from the State Board of Education to the Board of Governors.

Section 144: Amends s. 1010.07, F.S., relating to bonds or insurance required, to transfer responsibilities relating to state universities from the State Board of Education to the Board of Governors.

Section 145: Amends s. 1010.09, F.S., relating to direct-support organizations, to transfer responsibilities relating to state universities from the State Board of Education to the Board of Governors.

Section 146: Amends s. 1010.30, F.S., relating to required audits, to transfer supervision of state universities from the State Board of Education to the Board of Governors.

Section 147: Creates s. 1010.62, F.S., relating to revenue bonds and debt for state universities, to establish the process for revenue bonds and debt for state universities.

Section 148: Amends s. 1010.86, F.S., relating to administration of capital improvement and building fees trust funds, to transfer administration of the trust funds from the State Board of Education to the Board of Governors.

Section 149: Amends s. 1011.01, F.S., relating to the establishment of the budget system, to transfer responsibilities relating to state universities from the State Board of Education to the Board of Governors and include coordination requirements between the two boards.

Section 150: Amends s. 1011.011, F.S., relating to the legislative capital outlay budget request, to require the State Board of Education to consult with the Board of Governors for the universities budget request for educational facilities construction and fixed capital outlay needs.

Section 151: Amends s. 1011.40, F.S., relating to budgets for universities, to transfer State Board of Education responsibilities to the Board of Governors and provide for direct university distribution of appropriated funds.

Section 152: Amends s. 1011.41, F.S., relating to university appropriations, to include a contingency provision requiring compliance with certain tuition and fee policies and provide that failure by one university to comply will not affect the others.

Section 153: Amends s. 1011.4106, F.S., relating to trust fund dissolution, to include local account appropriations and provide for repeal.

Section 154: Amends s. 1011.48, F.S., relating to establishment of educational research centers for child development, to transfer State Board of Education responsibilities to the Board of Governors and correct a cross-reference.

Section 155: Amends s. 1011.82, F.S., relating to requirements for participation in Community College Program Fund, to correct a cross-reference.

Section 156: Amends s. 1011.90, F.S., relating to state university funding, to transfer State Board of Education responsibilities to the Board of Governors.

Section 157: Amends s. 1011.91, F.S., relating to additional appropriations, to provide an exception, include a cross-reference, transfer State Board of Education responsibilities to the Board of Governors, and provide for repeal of appropriations and deposits to the State Treasury under certain conditions.

Section 158: Amends s. 1011.94, F.S., relating to the trust fund for university major gifts, to remove references to New College, transfer State Board of Education responsibilities to the Board of Governors, remove authority for encumbrances, and revise match provisions.

Section 159: Amends s. 1012.01, F.S., relating to definitions for purposes of personnel, to limit the meaning of terms to this chapter and limit all terms to K-12 and community colleges.

Section 160: Amends s. 1012.80, F.S., relating to participation by employees in disruptive activities at public postsecondary education institutions, to transfer responsibilities relating to state universities from the State Board of Education to the Board of Governors.

Section 161: Amends s. 1012.801, F.S., relating to employees of the Division of Colleges and Universities, to update obsolete terminology.

Section 162: Amends s. 1012.93, F.S., relating to faculty members and test of spoken English, to remove reference to rules of the State Board of Education and New College, require proficiency in English of certain faculty members, and Board of Governors approval of any test.

Section 163: Amends s. 1012.97, F.S., relating to university police, to authorize state universities to provide for police officers.

Section 164: Amends s. 1012.975, F.S., relating to remuneration of state university presidents and limitations on compensation, to revise definitions and expand employees covered by limitation on compensation from public funds to include provosts and community college presidents.

Section 165: Amends s. 1012.98, F.S., relating to the School Community Professional Development Act, to remove obsolete language.

Section 166: Amends s. 1013.01, F.S., relating to definitions for purposes of educational facilities, to exclude the Board of Governors from the definition of "board."

Section 167: Amends s. 1013.02, F.S., relating to the purpose and rules of chapter 1013, to transfer the responsibilities relating to state universities from the State Board of Education to the Board of Governors.

Section 168: Amends s. 1013.03, F.S., relating to functions of the Department of Education as it pertains to educational facilities, to include the Board of Governors for functions relating to state universities, revise utilization standards and require minimum five year review, require a report to the appropriate entity by all postsecondary institutions that request funding for additional classrooms, eliminate references to a specific office within the department, and remove obsolete language.

Section 169: Amends s. 1013.12, F.S., relating to casualty, safety, sanitation, and firesafety standards and inspection of property, to transfer responsibilities relating to state universities from the State Board of Education to the Board of Governors and require both boards be recipients of the annual report.

Section 170: Amends s. 1013.15, F.S., relating to lease, rental, and lease-purchase of educational facilities and sites, to subject lease or lease-purchase agreements entered into by university boards of trustees to s. 1010.62 provisions.

Section 171: Amends s. 1013.16, F.S., relating to conditions for construction of facilities on leased property, to require leases executed by a university board of trustees be subject to s. 1010.62 provisions.

Section 172: Amends s. 1013.17, F.S., relating to university leasing in affiliated research and development park, to transfer responsibilities of the State Board of Education to the Board of Governors and subject leases to s. 1010.62 provisions.

Section 173: Amends s. 1013.171, F.S., relating to university lease agreements for land and facilities, to authorize university boards of trustees to enter into certain agreements, transfer responsibilities of the State Board of Education to the Board of Governors, conform, and subject agreements to s. 1010.62 provisions.

Section 174: Amends s. 1013.19, F.S., relating to purchase, conveyance, or encumbrance of property interests above surface of land and joint-occupancy structures, to subject any contract executed by a university board of trustees to s. 1010.62 provisions.

Section 175: Amends s. 1013.25, F.S., relating to when university or community college board of trustees may exercise power of eminent domain, to require approval by the Administration Commission rather than the State Board of Education.

Section 176: Amends s. 1013.28, F.S., relating to disposal of property, to transfer responsibilities relating to state universities from the State Board of Education to the Board of Governors.

Section 177: Amends s. 1013.31, F.S., relating to educational plant survey, localized need assessment, and PECO project funding, to eliminate references to specific offices within the Department of Education, remove references to State Board of Education rules and the term "college," update obsolete terminology, and require Board of Governors approval of state university surveys.

Section 178: Amends s. 1013.46, F.S., relating to advertising and awarding contracts and the prequalification of a contractor, to remove reference to State Board of Education rules.

Section 179: Amends s. 1013.47, F.S., relating to substance of contract, contractors to give bond, and penalties, to include reference to Board of Governors rules.

Section 180: Amends s. 1013.52, F.S., relating to cooperative development and joint use of facilities by two or more boards, to require Board of Governors review and approval for state university proposals.

Section 181: Amends s. 1013.60, F.S., relating to legislative capital outlay budget request, to require information submitted by a university board of trustees be approved by the Board of Governors prior to submission to the Commissioner of Education.

Section 182: Amends s. 1013.63, F.S., relating to University Concurrency Trust Fund, to transfer the trust fund from the Department of Education to the Board of Governors and remove reference to the State Board of Education.

Section 183: Amends s. 1013.64, F.S., relating to funds for comprehensive educational plant needs and construction cost maximums for school district capital projects, to transfer responsibilities relating to state universities from the State Board of Education to the Board of Governors.

Section 184: Amends s.1013.65, F.S., relating to educational and ancillary plant construction funds, Public Education Capital Outlay and Debt Service Trust Fund, and allocation of funds, to require copies of each allocation and reallocation be provided to the Board of Governors.

Section 185: Amends s. 1013.74, F.S., relating to university authorization for fixed capital outlay projects, to correct a cross-reference, transfer responsibilities of the State Board of Education to the Board of Governors, and subject projects to s. 1010.62.

Section 186: Amends s. 1013.78, F.S., relating to approval required for certain university-related facility acquisitions, to provide an exception.

Section 187: Amends s. 1013.79, F.S., relating to University Facility Enhancement Challenge Grant Program, to remove findings and intent language, transfer responsibilities of the State Board of Education to the Board of Governors, and remove naming prohibition.

Section 188: Repeals s. 186.805, F.S., relating to the Data Bank on Older Floridians; s. 334.065, F.S., relating to the Center for Urban Transportation Research; s. 377.705, F.S., relating to the Solar Energy Center; s. 388.42, F.S., relating to John A. Mulrennan, Sr., Arthropod Research Laboratory; s. 388.43, F.S., relating to the Florida Medical Entomology Laboratory; s. 410.504, F.S., relating to the multidisciplinary center on elderly living environments; s. 1004.32, F.S., relating to New College of Florida; s. 1004.33, F.S., relating to The University of South Florida St. Petersburg.; s. 1004.34, F.S., relating to The University of South Florida Sarasota/Manatee; s. 1004.35, F.S., relating to Broward County campuses of Florida Atlantic University; coordination with other institutions; s. 1004.36, F.S., relating to Florida Atlantic University campuses; s. 1004.38, F.S., relating to Master of Science program in speech-language pathology; Florida International University; s. 1004.381, F.S., relating to Nursing degree program at University of West Florida; s. 1004.382, F.S., relating to Master's in social work program at Florida Atlantic University; s. 1004.383, F.S., relating to Chiropractic medicine degree program at Florida State University; s. 1004.44, F.S., relating to the Louis de la Parte Florida Mental Health Institute; s. 1004.46, F.S., relating to Multidisciplinary Center for Affordable Housing; s. 1004.47, F.S., relating to research activities relating to solid and hazardous waste management; s. 1004.50, F.S., relating to the Institute on Urban Policy and Commerce; s. 1004.51, F.S., relating to Community and Faith-based Organizations Initiative; Community and Library Technology Access Partnership; s. 1004.53, F.S., relating to Interdisciplinary Center for Brownfield Rehabilitation Assistance; s. 1004.54, F.S., relating to Learning Development and Evaluation Center; s. 1004.59, F.S., relating to the Florida Conflict Resolution Consortium; and s. 1004.63, F.S., relating to the Florida Institute for Nuclear Detection and Security (FINDS).

These sections are repealed to remove existing statutory authority that is no longer necessary for the existence of these entities and this does not affect the authority of a state university or the Board of Governors to continue such entities and their operation and regulation.

Section 189: Repeals s. 288.705, F.S., relating to statewide contracts register; s. 458.3147, F.S., relating to medical school eligibility of military academy students or graduates; s. 689.12, F.S., relating to state lands conveyed for educational purposes; s. 741.03055, F.S., relating to review of premarital preparation courses; pilot programs; questionnaire and curriculum; s. 741.03056, F.S., relating to informational questionnaire; s. 1001.72, F.S., relating to university boards of trustees; boards to constitute a corporation; s. 1004.26, F.S., relating to university student governments; s. 1007.261, F.S., relating to state universities; admissions of students; s. 1007.31, F.S., relating to limited access programs; s. 1007.32, F.S. relating to transfer students; s. 1008.51, F.S., relating to the Council for Education Policy Research and Improvement; s. 1010.60, F.S., relating to State Board of Education; issuance of bonds pursuant to s.11(f), Art. VII, State Constitution; s. 1010.61, F.S., relating to powers; s. 1011.611, F.S., relating to resolution for issuance of revenue certificates; s. 1010.612, F.S., relating to powers to secure revenue certificates; s. 1010.613, F.S., relating to remedies of any holder of revenue certificates; s. 1010.614, F.S., relating to validity of revenue certificates; s. 1010.615, F.S., relating to prohibitions against obligating the state; s. 1010.616, F.S., relating to revenue certificate obligations of the State Board of Education; s. 1010.617, F.S., relating to tax exemption and eligibility as legal investments; s. 1010.618, F.S., relating to supplemental nature of part; construction and purpose; s. 1010.619, F.S., relating to Board of Administration acting as fiscal agent; s. 1011.4105, F.S., relating to transition from state accounting system (FLAIR) to university accounting system; s. 1012.92, F.S., relating to personnel codes of conduct; disciplinary measures; rulemaking authority; s. 1012.94, F.S., relating to evaluations of faculty members; report; and s. 1012.95, F.S., relating to university employment equity accountability program.

Section 190: Provides for an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   See FISCAL COMMENTS section.

2. Expenditures:

   See FISCAL COMMENTS section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   The PCB does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

   The PCB does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The PCB requires in-state undergraduate tuition to be set in the annual General Appropriations Act (GAA). Undergraduate student tuition and fees have a direct effect on Bright Futures Scholarships, the College Prepaid Program, and need based aid. The PCB codifies the transfer of control of all other tuition rates and fees to the Board of Governors, or board's designee, which may impact the cost of these degree programs for private citizens.

D. FISCAL COMMENTS:

Current Funding:
In 2005-06, the Legislature appropriated over $2.6 billion in state funds in support of state university programs, facilities, and students. The $2.6 billion was appropriated in the following manner:

- $2,109 million to state universities for education and general activities, medical centers, and the Institute of Food and Agricultural Sciences (IFAS).
- $98.7 million to state universities for other operating funds that include the following areas: SUCCEED, Moffitt, Financial Aid, scholarship challenge grants, risk management, insurance, and hurricanes.
    - $51.2 million of the $98.7 appropriated to state universities is from state matching funds for academic matching grants (University Major Gifts Program).
- $395.6 million to state universities for fixed capitol outlay.
    - $381.5 million for fixed capital outlay maintenance and new construction projects.
    - $14.1 million in state matching funds for facilities matching grants (Alec P. Courtelis University Facility Enhancement Challenge Grant Program).

In addition, the Legislature appropriated $884 million in tuition and fees and authorized universities to retain the funds locally.

AUTHORITY OVER TUITION AND FEES

Revenues:
The PCB maintains legislative authority over revenue generated by the state university system. Tuition and fees are appropriated within the General Appropriations Act (GAA); however, state universities currently retain possession of tuition and fees paid by students and do not transfer that revenue to the state for redistribution or reallocation.

The PCB requires in-state undergraduate tuition to be set in the annual GAA and codifies the transfer of control of all other tuition rates and fees to the Board of Governors, or the board's designee. In the 2005 GAA the Legislature authorized an increase of 5% for in-state undergraduate tuition. Proviso language in the GAA authorized each board of trustees to set tuition and fees for graduate, graduate professional, and nonresident students within certain limitations. In 2005-06, state universities are estimated to generate and retain nearly $884 million in tuition and fees from students.

Expenditures:
University tuition and fee increases directly affect the Bright Futures Scholarship Program under sections 1009.53-1009.5385, F.S. The 2005-06 appropriation for Bright Futures Scholarships is $311.8 million. Currently, 122,215 students participate in the Bright Futures program with 98,200 in state universities at a cost of approximately $243 million. For 2005-06, the February 2005 financial aid estimating conference projects a $2.8 million increase in Bright Futures costs for each 1% increase in university tuition and fees.

University tuition and fee increases also directly affect the Florida Prepaid College Program under sections 1009.97-1009.984, F.S. Since the program's inception in 1988, 1,136,851 total contracts have been sold, representing 789,369 students. As of June 30, 2005, there were 741,618 remaining contracts (tuition, local fee, and/or dormitory plans) with $5.963 billion in future contract benefits and expenses. The majority of these plans are for university tuition and fees. Any tuition increases above expected scenarios could cause mandatory state supplemental payments to the Prepaid Board to meet contractual requirements in future years.

Universities received $57 million in need-based student financial assistance state funds for fiscal year 2005-06. The majority of these funds are appropriated to the Office of Student Financial Assistance (OSFA) for the Florida Student Assistance Grant (FSAG) program where they are distributed to state

universities for grants to applicable Florida students. State universities received $37 million for FSAG in 2005-06. An additional amount of student financial assistance state funds ($20.2 million in 2005-06) is appropriated directly to state universities. Proviso requires that a minimum of 71% of the funds be allocated for need-based financial aid.

CHANGES IN FISCAL POLICY

The PCB clarifies statutory fiscal policy related to the State University System. In most cases, the statutes are modified to maintain the existing legislative control, or legislative transfer of control, over fiscal matters. The PCB does however make the following changes in fiscal policy.

Out-of-state Students:
The bill requires the Board of Governors, or the board's designee, to establish:

1. Out-of-state tuition and fees at an amount sufficient to offset the full cost of instruction and

2. A limit of non-resident enrollment at each university not to exceed 10 percent of total enrollment or the university's actual non-resident enrollment percentage during the 2004 fall term, whichever is greater.

The state university averages for out-of-state tuition and fees for fiscal year 2005-06 are:

Non-resident undergraduate, full-time student
30 hours - $15,910.89 Cost per hour - $530.86

Non-resident graduate, full-time student
24 hours - $21,080.24 Cost per hour - $878.39

The state university percentages of residents and non-residents for Fall 2004 were as follows:

Institution	Florida Residents	% total	Non-Florida Residents	% total	TOTAL	% total
UF	44,144	90.52%	4,621	9.48%	48,765	100.00%
FSU	34,129	87.78%	4,751	12.22%	38,880	100.00%
FAMU	10,889	83.11%	2,213	16.89%	13,102	100.00%
USF	40,361	94.54%	2,332	5.46%	42,693	100.00%
FAU	23,743	92.03%	2,055	7.97%	25,798	100.00%
UWF	8,608	88.83%	1,082	11.17%	9,690	100.00%
UCF	40,074	93.43%	2,818	6.57%	42,892	100.00%
FIU	32,082	91.50%	2,979	8.50%	35,061	100.00%
UNF	14,210	96.72%	482	3.28%	14,692	100.00%
FGCU	5,752	92.36%	476	7.64%	6,228	100.00%
New College	556	80.46%	135	19.54%	691	100.00%
SUS Summary	254,548	91.40%	23,944	8.60%	278,492	100.00%

Graduate and Professional Students:
The bill requires the Board of Governors, or the board's designee, to establish tuition for graduate and professional programs. Current tuition rates are as follows:

Resident graduate, full-time student ranges from
24 hours - $5,317.84 to $5,969.44 – Average $5,766.27
Cost per hour - $221.58 to $248.73 – Average $240.26

Non-resident graduate, full-time student ranges from

24 hours - $20,047.44 to $22,085.52 – Average $21,076.44
Cost per hour - $835.31 to $920.23 – Average $878.19

Resident professional, full-time student ranges from
Annually - $13,735.01 to $18,431.58

Non-resident professional, full-time student ranges from
Annually - $35,661.28 to $52,337.78

Student Financial Aid Fee:
The PCB increases the minimum amount of need-based financial aid from the student financial aid revenue to 90%.

The current statutory requirement is a minimum of 75%. For fiscal year 2004-05, university expenditures statewide for need-based were reported as follows:

Need-Based New Awards from Fee Revenue	Number of Students	Percent of Total Awards	Amount Awarded	Percent of Total Awards
Undergraduate	27,046	75.44%	$22,945,349	75.71%
Graduate	6,231	82.94%	$5,877,767	86.50%

Based on prior year expenditures, the PCB would add an estimated 5,400 new undergraduate awards totaling $4.6 million and 532 new graduate awards totaling $238,000. Awards not based on need, would be reduced by a like amount.

Activity and Service Fee:
The PCB amends authorized expenditures from the student activity and service fees to include technology.

Revenue bonds, certificates of participation (COPs), and debt for state universities:
The PCB clarifies laws related to revenue bonds, COPs, and debt for state universities.

Current law is modified to include procedures and restrictions on all forms of revenue bonds and debt activities carried out by universities. These provisions clarify the oversight and limitation on the use of auxiliary and local fee revenue for revenue bonds and debt activities. Though certain university debt is considered indirect state debt in terms of the state's annual reporting, it still can potentially impact the state as outlined below:

Reasons University Debt Matters:

- University System Historically Part of State
- Significant State Resources Subsidize University Operations and Infrastructure
- Certain Types of University Debt Impact State's Debt Position
- University Debt Could Impact State's Credit Rating Under Extreme Circumstances
- Any Default on University Debt Could Adversely Affect State's Reputation in Credit Markets
- Lenders (Bondholders) Likely to Seek State Funding for Any University Bond Defaults

Miscellaneous fees and fines:
The PCB removes amount restrictions on several currently authorized university fees and fines. Certain fees and fines must be limited to a "cost recovery" basis when applicable.

Limitation on Compensation:
Current law limits a state university president from receiving more than $225,000 in remuneration annually from public funds. For purposes of this provision:

- Remuneration is defined as salary, bonuses, and cash-equivalent compensation paid to a state university president by his or her employer for work performed, excluding health insurance benefits and retirement benefits.
- Public funds are defined as funds appropriated from the General Revenue Fund, funds appropriated from state trust funds, tuition and fees, or any funds from a state university trust fund.

The PCB expands employees covered by this limitation to include state university provosts and community college presidents.

Educational Facilities:
A recent draft report by OPPAGA relating to higher education facilities,[1] finds that standards and formulas used to calculate postsecondary space needs for purposes of selecting and funding higher education facility construction projects are outdated and may inaccurately portray the need for space. Section 1013.03(2), F.S., provides the utilization standards used for determining postsecondary space needs. Adjustments to the current utilization standards may generate a different level of need for classroom space and thus could change the funding required to meet such need.

The draft report recommends that the Legislature consider amending s. 1013.03(2), F.S., which currently establishes 40 hours per week and 60% occupancy as minimum utilization rates for classroom facilities. To better reflect how institutions currently use classroom space, OPPAGA recommends changing the standard to at least 50 hours per week and 70% occupancy as the minimum utilization rates.

To ensure that current postsecondary space needs generation formulas used in the educational plant survey do not inaccurately portray the need for additional facilities, OPPAGA recommends that the Department of Education and Board of Governor's staff review and revise these formulas with input from all relevant stakeholders from the various disciplines. These formulas should be reviewed and updated every 3 to 5 years.

The PCB implements these recommendations by requiring utilization standards of space be reviewed and updated at least every 5 years; increasing minimum utilization rates from 40 to 50 hours per week and 60 to 70 percent per station; and requiring institutions to report maximum utilization strategies when requesting fixed capital outlay funding for additional classrooms.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   The PCB does not require counties or municipalities to spend funds or take an action requiring the expenditure of funds.

2. Other:

   The PCB implements section 7 of Article IX of the State Constitution, which establishes a 17-member Board of Governors to govern the State University System and a 13-member board of trustees for each public university.

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[1] March 2006 Draft Report, OPPAGA, *Higher Education Facility Planning Process Is Designed Reasonably Well; Improvements Could Maximize State Resources*

B. RULE-MAKING AUTHORITY:

The PCB revises the definition of "agency" for purposes of ch. 120, F.S., (Administrative Procedures Act) to include the Board of Governors and university boards of trustees when acting pursuant to authority derived from the Legislature.

The PCB requires the Board of Governors to adopt rules when acting pursuant to authority derived from the Legislature.

The PCB requires the university boards of trustees to adopt rules when acting pursuant to authority derived from the Legislature.

The PCB replaces references to rule-making of the Department of Education with the State Board of Education.

The PCB transfers rule-making authority in certain areas from the State Board of Education to the Board of Governors (for example, equal opportunity, safety issues in courses, financial records, purchasing, etc.) when the issue relates to state universities. The State Board of Education retains rule-making authority in these areas for school districts and community colleges.

The PCB removes an obsolete reference to Board of Regents rule-making authority relating to the Drug-Free Workplace Act.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

1 A bill to be entitled
2 An act relating to education; amending s. 20.055, F.S.;
3 relating to agency inspectors general; requiring the
4 Office of the Inspector General of the Department of
5 Education to perform certain functions for the State
6 University System; amending s. 20.15, F.S.; relating to
7 Department of Education; deleting Division of Colleges and
8 Universities; requiring the State Board of Education and
9 the Commissioner of Education to consult with certain
10 educational entities; requiring department to provide
11 certain support services to the Board of Governors;
12 creating s. 20.155, F.S.; relating to Board of Governors;
13 providing for certain rights and privileges, the head of
14 the board, personnel, and certain powers and duties;
15 amending s. 23.21, F.S.; relating to definitions for
16 purposes of paperwork reduction; updating terminology;
17 amending s. 110.131, F.S.; relating to other-personal-
18 services temporary employment; updating terminology;
19 amending s. 110.181, F.S.; relating to Florida State
20 Employees' Charitable Campaign; correcting a cross-
21 reference; amending s. 112.0455, F.S., relating to the
22 Drug-Free Workplace Act; deleting obsolete rulemaking
23 provision; amending s. 112.19, F.S.; relating to death
24 benefits for law enforcement, correctional, and
25 correctional probation officers; updating terminology;
26 amending s. 112.191, F.S.; relating to death benefits for
27 firefighters; updating terminology; amending s. 112.312,
28 F.S.; relating to definitions for purposes of the code of
29 ethics for public officers and employees; revising

30 definition of "agency" to include the Board of Governors
31 and each state university board of trustees; amending s.
32 112.313, F.S.; relating to standards of conduct for public
33 officers, employees of agencies, and local government
34 attorneys; revising definition of "employee" to include
35 provosts; updating terminology; amending s. 112.3135,
36 F.S.; relating to restriction on employment of relatives;
37 updating terminology; amending s. 112.3145, F.S.; relating
38 to disclosure of financial interests and clients
39 represented before agencies; updating terminology;
40 amending s. 120.52, F.S.; relating to definitions for
41 purposes of the Administrative Procedures Act; revising
42 definition of "agency" to include Board of Governors and
43 state university boards of trustees under certain
44 circumstances; amending s. 120.65, F.S.; including the
45 Board of Governors in the entities that must reimburse the
46 Division of Administrative Hearings for services and
47 travel expenses of administrative law judges; amending s.
48 121.021, F.S.; relating to definitions for purposes of the
49 Florida Retirement System; updating terminology; amending
50 s. 121.051, F.S.; relating to participation in the Florida
51 Retirement System; updating terminology; amending s.
52 121.35, F.S.; relating to the optional retirement program
53 for the State University system; updating terminology;
54 amending s. 159.703, F.S.; relating to creation of
55 research and development authorities; updating terminology
56 and effective date; amending s. 159.704, F.S.; relating to
57 procedure for being designated by Board of Regents as a
58 research and development authority; updating terminology;

59 amending s. 159.706, F.S.; including research and
60 development authorities designated by the Board of Regents
61 prior to July 1, 2001, in the grandfather clause; amending
62 s. 211.3103, F.S.; relating to levy of tax on severance of
63 phosphate rock and the rate, basis, and distribution of
64 tax; updating terminology; amending s. 215.16, F.S.;
65 relating to appropriations and reductions from General
66 Revenue Fund for public schools, state institutions of
67 higher learning, and community colleges; updating
68 terminology; amending s. 215.20, F.S.; relating to certain
69 income and certain trust funds to contribute to General
70 Revenue Fund, to conform; amending s. 215.32, F.S.;
71 relating to state funds and segregation; including trust
72 funds under the management of the Board of Governors;
73 amending s. 215.559, F.S.; relating to Hurricane Loss
74 Mitigation Program; deleting obsolete terminology;
75 amending s. 215.82, F.S.; relating to validation of
76 certain bonds and when required, correcting cross-
77 reference; amending s. 216.0152, F.S.; relating to
78 inventory of state-owned facilities or state-occupied
79 facilities; updating terminology; amending s. 216.251,
80 F.S.; relating to salary appropriations and limitations;
81 deleting reference to State Board of Education; amending
82 s. 220.15, F.S.; relating to apportionment of adjusted
83 federal income; updating terminology; amending s. 250.10,
84 F.S.; relating to appointment and duties of the Adjutant
85 General; adding Board of Governors amending s. 252.385,
86 F.S.; relating to public shelter space; updating
87 terminology; amending s. 253.381, F.S.; relating to

88 unsurveyed marshlands and sale to upland owners; deleting
89 reference to State Board of Education; amending s. 255.02,
90 F.S.; relating to boards authorized to replace buildings
91 destroyed by fire; deleting obsolete terminology; amending
92 s. 255.043, F.S.; relating to art in state buildings;
93 deleting obsolete terminology; amending s. 255.102, F.S.;
94 relating to contractor utilization of minority business
95 enterprises; including reference to Board of Governors;
96 amending s. 280.02, F.S.; relating to definitions for
97 purposes of the Florida Security for Public Deposits Act;
98 revising definition of "public deposit" to include state
99 university; amending s. 286.001, F.S.; relating to the
100 filing, maintenance, retrieval, and provision of
101 statutorily required reports; updating terminology;
102 amending s. 286.036, F.S.; assigning the Taxation and
103 Budget Reform Commission administratively to the Office of
104 Economic and Demographic Research; amending s. 287.012,
105 F.S.; relating to definitions for purposes of procurement;
106 revising definition of "agency" to include Board of
107 Governors; amending s. 287.064, F.S.; relating to
108 consolidated financing of deferred-payment purchases;
109 correcting cross-reference; amending s. 287.155, F.S.;
110 relating to amending s. 288.15, F.S.; adding Board of
111 Governors to the entities authorized to cooperate with the
112 Division of Bond Finance; amending s. 288.17, F.S.;
113 relating to revenue certificates; updating terminology;
114 amending s. 288.7091, F.S.; requiring the Florida Black
115 Business Investment Board to develop memoranda of
116 understanding with the Board of Governors; amending s.

117 288.8175, F.S.; requiring an agreement between the Board
118 of Governors and the State Board of Education with a
119 counterpart organization in a foreign country to govern a
120 linkage institute; amending s. 295.07, F.S.; relating to
121 preference in appointment and retention for veterans;
122 including certain equivalent positions; amending s.
123 320.08058, F.S.; relating to collegiate license plates;
124 updating terminology; amending s. 381.79, F.S.; relating
125 to the Brain and Spinal Cord Injury Program Trust Fund;
126 updating terminology; amending s. 403.073, F.S.; relating
127 to pollution prevention; updating terminology; amending s.
128 403.074, F.S.; relating to technical assistance by the
129 Department of Environmental Protection; updating
130 terminology; amending s. 409.908, F.S.; relating to
131 reimbursement of Medicaid providers; updating terminology;
132 amending s. 413.051, F.S.; relating to eligible blind
133 persons and operation of vending stands; updating
134 terminology; amending s. 447.203, F.S.; designating the
135 Board of Governors or the board's designee as the "public
136 employer" and "legislative body" with respect to public
137 employees of state universities; revising the definition
138 of "managerial employee" to conform; amending s. 455.2125,
139 F.S.; relating to consultation with postsecondary
140 education boards prior to adoption of changes to training
141 requirements; updating terminology; amending s. 456.028,
142 F.S.; relating to consultation with postsecondary
143 education boards prior to adoption of changes to training
144 requirements; updating terminology; amending s. 489.103,
145 F.S.; relating to exemptions for purposes of construction

146 contracting; updating terminology; amending s. 489.503,
147 F.S.; relating to exemptions for purposes of electrical
148 and alarm system contracting; updating terminology;
149 amending s. 553.71, F.S.; relating to definitions for
150 purposes of the Florida Building Code; conforming
151 terminology relating to educational boards; amending s.
152 633.01, F.S.; relating to the State Fire Marshal;
153 correcting cross-references; amending s. 650.03, F.S.;
154 relating to federal-state agreement and interstate
155 instrumentalities; updating terminology; amending s.
156 943.1755, F.S.; relating to the Florida Criminal Justice
157 Executive Institute; updating terminology; amending s.
158 1000.01, F.S.; including in the purpose of the Florida K-
159 20 Education Code institutions of higher learning and
160 other public education programs; amending s. 1000.03,
161 F.S.; relating to the function, mission, and goals of the
162 Florida K-20 education system; deleting duplicative
163 provisions; limiting oversight authority over state
164 university matters to the Board of Governors amending s.
165 1000.05, F.S.; dividing responsibilities for
166 implementation of equal opportunity policies for school
167 districts and community colleges to the Commissioner of
168 Education and State Board of Education and for state
169 universities to the Board of Governors of the State
170 University System; limiting role of the Office of Equal
171 Educational Opportunity to school districts and community
172 colleges dividing responsibilities for implementation;
173 designating responsibility for implementation in school
174 districts and community colleges to the Commissioner of

175 Education and State Board of Education; designating
176 responsibility for implementation in state universities to
177 the Board of Governors of the State University System;
178 limiting role of the Office of Equal Educational
179 Opportunity to school districts and community colleges;
180 amending s. 1001.02, F.S.; revising powers of the State
181 Board of Education including requiring consultation with
182 the Board of Governors on certain matters; providing for
183 exceptions; deleting certain responsibilities relating to
184 state universities; revising reporting requirements
185 relating to financial aid; and c relating to federal-state
186 agreement and interstate instrumentalities; updating
187 terminology; conforming provisions; amending s. 1001.03,
188 F.S.; relating to specific powers of the State Board of
189 Education; providing exceptions regarding enforcement
190 authority; providing for consultation with the Board of
191 Governors on certain matters; deleting requirement that
192 the State Board review state university academic programs;
193 amending s. 1001.10, F.S.; relating to general powers and
194 duties of the Commissioner of Education; including
195 expenditures of the Board of Governors in the K-20 budget;
196 revising reporting requirements; amending s. 1001.11,
197 F.S.; relating to other duties of the Commissioner of
198 Education; requiring annual report; conforming provisions;
199 amending s. 1001.20, F.S.; transferring responsibilities
200 regarding the need for investigations of state
201 universities by the Office of Inspector General to the
202 Chancellor of the State University System; amending s.
203 1001.25, F.S.; relating to educational television;

204 correcting a cross-reference; amending s. 1001.28, F.S.;
205 relating to distance learning duties; adding the Board of
206 Governors of the State University System to the entities
207 whose powers and duties are not changed by the provisions
208 of this section; amending s. 1001.64, F.S.; relating to
209 powers and duties of community college boards of trustees;
210 correcting a cross-reference; amending s. 1001.70, F.S.;
211 relating to Board of Governors; providing for travel and
212 per diem; providing guidelines; creating s. 1001.706,
213 F.S.; specifying powers and duties of the Board of
214 Governors as authorized by the Legislature; amending s.
215 1001.71, F.S.; providing that the university boards of
216 trustees are part of the executive branch of state
217 government; deleting certain board member requirements;
218 amending s. 1001.73, F.S.; relating to university boards
219 acting as trustees; replacing references to the State
220 Board of Education with Board of Governors; correcting a
221 cross-reference; subjecting agreements to s. 1010.62;
222 amending s. 1001.74, F.S.; revising powers and duties of
223 the university boards of trustees; amending s. 1001.75,
224 F.S.; revising powers and duties of university presidents;
225 amending s. 1002.35, F.S.; requiring the State Board of
226 Education to consult with the Board of Governors regarding
227 assignment of a university partner to the New World School
228 of the Arts; amending s. 1002.41, F.S.; relating to home
229 education programs; conforming provisions; prohibiting the
230 requirement of curriculum documentation under certain
231 conditions; amending s. 1004.03, F.S.; transferring
232 responsibilities of the State Board of Education regarding

233 approval of new programs at state universities to the
234 Board of Governors; providing guidelines for criteria;
235 requiring legislative approval of certain programs;
236 amending s. 1004.04, F.S.; relating to public
237 accountability and state approval for teacher preparation
238 programs; including the Board of Governors as a report
239 recipient; amending s. 1004.07, F.S.; relating to student
240 withdrawal from courses due to military service; providing
241 for school boards and community colleges to follow State
242 Board of Education guidelines and state universities to
243 follow Board of Governors guidelines; amending s. 1004.21,
244 F.S.; removing legislative intent regarding state
245 universities; referencing constitutional provisions
246 providing that universities are part of the executive
247 branch of state government and universities are
248 administered by a board of trustees; amending s. 1004.22,
249 F.S.; relating to divisions of sponsored research at state
250 universities; providing for guidelines of the Board of
251 Governors; replacing references to the State Board of
252 Education with Board of Governors; amending s. 1004.24,
253 F.S.; relating to State Board of Education authority to
254 secure liability insurance; replacing references to the
255 State Board with Board of Governors or the board's
256 designee; amending s. 1004.25, F.S.; relating to the
257 payment of costs of civil action by state universities;
258 permitting recovery of certain attorney's fees; amending
259 s. 1004.28, F.S.; relating to direct-support
260 organizations; providing definitions; providing for
261 guidelines and rules of the Board of Governors; replacing

262 State Board of Education references with Board of
263 Governors; correcting cross-reference; subjecting certain
264 agreements to s. 1010.62; amending s. 1004.29, F.S.;
265 relating to university health services support
266 organizations; providing for rules and guidelines of the
267 Board of Governors; replacing reference to State Board of
268 Education with Board of Governors; amending s. 1004.39,
269 F.S.; relating to college of law at Florida International
270 University; replacing references to the State Board of
271 Education with Board of Governors; amending s. 1004.40,
272 F.S.; relating to college of law at Florida Agricultural
273 and Mechanical University; replacing references to the
274 State Board of Education with Board of Governors; amending
275 s. 1004.41, F.S.; the J. Hillis Miller Health Center at
276 the University of Florida; authorizing the University of
277 Florida board of trustees to utilize certain revenues;
278 amending s. 1004.43, F.S.; relating to the H. Lee Moffitt
279 Cancer Center and Research Institute; transferring State
280 Board of Education responsibilities to the Board of
281 Governors; amending s. 1004.445, F.S.; relating to the
282 Johnnie B. Byrd, Sr. Alzheimer's Center and Research
283 Institute; transferring State Board of Education
284 responsibilities to the Board of Governors; amending s.
285 1004.58, F.S.; providing for the Department of Education
286 to staff the Leadership Board for Applied Research and
287 Public Service; revising the purpose of the Leadership
288 Board; including the Board of Governors as a report
289 recipient; amending s. 1005.03, F.S.; relating to
290 designation "college" or "university"; deleting obsolete

291 terminology; amending s. 1005.06, F.S.; relating to
292 institutions not under the jurisdiction or purview of the
293 Commission for Independent Education; deleting obsolete
294 terminology; amending s. 1005.22, F.S.; relating to powers
295 and duties of the Commission for Independent Education;
296 conforming provisions; amending s. 1006.53, F.S.;
297 requiring each public postsecondary institution to adopt a
298 policy relating to religious observances; removing
299 references State Board of Education rules; amending s.
300 1006.60, F.S.; relating to codes of conduct, disciplinary
301 measures, and rulemaking authority; including rules of the
302 Board of Governors; amending s. 1006.61, F.S.; relating to
303 participation by students in disruptive activities at
304 public postsecondary educational institutions and
305 penalties; including policies of the Board of Governors;
306 amending s. 1006.62, F.S.; relating to expulsion and
307 discipline of students of community colleges and state
308 universities; including rules and regulations of the Board
309 of Governors; amending s. 1006.65, F.S.; relating to
310 safety issues in courses offered by public postsecondary
311 educational institutions; requiring the State Board of
312 Education to adopt rules for community colleges; requiring
313 the Board of Governors to adopt rules for state
314 universities; amending s. 1006.71, F.S.; relating to
315 gender equity in intercollegiate athletics; transferring
316 responsibilities relating to state universities from the
317 Commission of Education and the State Board of Education
318 to the Chancellor and Board of Governors; adding
319 Legislature to recipients of annual assessment; amending

320 s. 1007.01, F.S.; relating to articulation, legislative
321 intent, purpose, and role of the State Board of Education;
322 requiring the State Board to make recommendations to the
323 Legislature with input from the Board of Governors;
324 amending s. 1007.22, F.S.; relating to articulation and
325 postsecondary institution coordination and collaboration;
326 encouraging institutional boards to establish programs to
327 maximize articulation; amending s. 1007.23, F.S.; relating
328 to statewide articulation agreement; providing purpose;
329 removing reference to State Board rule; requiring Board of
330 Governors input; revising provisions relating to
331 admissions; amending s. 1007.24, F.S.; relating to
332 statewide course numbering system; providing purpose and
333 legislative intent; requiring the State Board of Education
334 to approve course level with input from the Board of
335 Governors; amending s. 1007.25, F.S.; relating to general
336 education courses, common prerequisites, and other degree
337 requirements; providing purpose; transferring
338 responsibilities relating to state universities from the
339 State Board of Education to the Board of Governors;
340 amending s. 1007.262, F.S.; relating to foreign language
341 competence and equivalence determinations; deleting a
342 cross-reference; providing an exemption; amending s.
343 1007.264, F.S.; relating to admission to postsecondary
344 educational institutions for impaired and learning
345 disabled persons; amending s. 1007.265, F.S.; relating to
346 graduation, study program admission, and upper-division
347 entry for impaired and learning disabled persons;
348 transferring responsibilities relating to state

349 universities from the State Board of Education to the
350 Board of Governors; amending s. 1007.27, F.S.; relating to
351 articulated acceleration mechanisms; providing purpose;
352 conforming provisions; deleting obsolete study language;
353 amending s. 1007.28, F.S.; transferring requirement for
354 establishment and maintenance of computer-assisted student
355 advising system from the State Board of Education to the
356 Department of Education; removing intent language;
357 requiring the State Board to collaborate with the Board of
358 Governors regarding roles and responsibilities for the
359 system; amending s. 1007.33, F.S.; relating to site-
360 determined baccalaureate degree access; conforming
361 provisions; amending s. 1008.29, F.S.; relating to
362 college-level communication and mathematics skills
363 examination; providing purpose; requiring State Board of
364 Education to consult with Board of Governors regarding
365 minimum passing scores and exemptions from testing
366 requirements; authorizing State Board and Board of
367 Governors to set certain exam fees for their respective
368 institutions; amending s. 1008.30, F.S.; relating to
369 common placement testing; requiring public postsecondary
370 educational institutions to provide certain modifications
371 for students with disabilities; requiring the State Board
372 of Education to consult with the Board of Governors
373 regarding certain college-prep requirements; amending s.
374 1008.31, F.S.; requiring the State Board of Education and
375 the Board of Governors to recommend systemwide performance
376 standards to the Legislature; transferring
377 responsibilities relating to performance measures and

378 standards for state universities from the State Board of
379 Education to the Board of Governors; revising goals and
380 measures of the K-20 performance accountability system and
381 requiring data quality improvements; providing for
382 development of reporting of data collection requirements;
383 adding Board of Governors to the recipients of reports and
384 information; amending s. 1008.32, F.S.; relating to State
385 Board of Education oversight enforcement authority;
386 limiting authority to school districts and community
387 colleges and their respective boards; creating s.
388 1008.321, F.S.; providing for oversight enforcement
389 authority of the Board of Governors relating to university
390 boards of trustees and university presidents with regard
391 to state universities; amending s. 1008.345, F.S.;
392 relating to implementation of state system of school
393 improvement and education accountability; conforming
394 provisions; requiring State Board and Board of Governors
395 approval of CLAST skills and certain tests and assessment
396 procedures; including Board of Governors as a recipient of
397 certain information; requiring the department to perform
398 certain functions required by the Board of Governors;
399 amending s. 1008.37, F.S.; relating to postsecondary
400 feedback of information to high schools; removing
401 reference to State Board rules; requiring the Commissioner
402 to report to the Board of Governors; amending s. 1008.38,
403 F.S.; relating to the articulation accountability process;
404 requiring the State Board of Education to consult with the
405 Board of Governors in developing articulation
406 accountability measures and establishing an articulation

407 accountability process; amending s. 1008.45, F.S.;
408 relating to community college accountability process;
409 conforming provisions; amending s. 1008.46, F.S.; relating
410 to state university accountability process; requiring
411 Board of Governors to participate in process of
412 identifying standards and goals; transferring
413 responsibilities of the State Board of Education to the
414 Board of Governors of the State University System;
415 amending s. 1009.01, F.S.; relating to definitions for
416 purposes of educational scholarships, fees, and financial
417 assistance; providing a cross-reference; deleting
418 reference to rules of the State Board of Education;
419 amending s. 1009.21, F.S.; relating to determination of
420 resident status for tuition purposes; expanding purpose to
421 include determination of eligibility for state financial
422 aid awards and tuition assistance grants; revising
423 definitions and qualification process; providing for
424 reclassification and documentation requirements; removing
425 rulemaking provisions; amending s. 1009.24, F.S.; revising
426 provisions relating to state university tuition and fees;
427 amending s. 1009.26, F.S.; relating to fee waivers;
428 transferring responsibilities relating to state
429 universities from the State Board of Education to the
430 Board of Governors; deleting reference to State Board
431 rules; authorizing university boards of trustees to waive
432 tuition and out-of-state fees under certain conditions;
433 requiring an annual report; amending s. 1009.265, F.S.;
434 relating to state employee fee waivers; providing
435 guidelines for determining space available; prohibiting

436 use of waiver for certain courses; amending s. 1009.27,
437 F.S.; relating to deferral of fees; deleting references to
438 rules of the State Board of Education; amending s.
439 1009.285, F.S.; relating to fees for repeated enrollment
440 in college-credit courses; deleting reference to
441 definitions and fee levels established by the State Board
442 of Education; amending s. 1009.29, F.S.; relating to
443 increased fees for funding financial aid program;
444 replacing reference to State Board of Education with State
445 Board of Administration; amending s. 1009.40, F.S.;
446 relating to general requirements for student eligibility
447 for state financial aid; conforming provisions; amending
448 s. 1009.90, F.S.; relating to duties of the Department of
449 Education; including the Board of Governors as a report
450 recipient; requiring department to calculate amount of
451 need-based required to offset fee increases recommended by
452 the Board of Governors; amending s. 1009.91, F.S.;
453 relating to assistance programs and activities of the
454 department; requiring that information related to state
455 universities be reported annually to the Board of
456 Governors; amending s. 1009.971, F.S.; relating to the
457 Florida Prepaid College Board; updating obsolete
458 terminology; amending s. 1009.98, F.S.; relating to the
459 Florida Prepaid College Program; correcting a cross-
460 reference; amending s. 1010.01, F.S.; relating to uniform
461 records and accounts; transferring responsibilities
462 relating to the state universities from the State Board of
463 Education to the Board of Governors; requiring a uniform
464 classification of accounts; amending s. 1010.011, F.S.;

465 relating to definitions for purposes of financial matters
466 and planning and budget; revising definition for certain
467 terms; amending s. 1010.02, F.S.; relating to financial
468 accounting and expenditures; transferring responsibilities
469 relating to state universities from the State Board of
470 Education to the Board of Governors; amending s. 1010.04,
471 F.S.; relating to purchasing; transferring
472 responsibilities relating to state universities from the
473 State Board of Education to the Board of Governors
474 amending s. 1010.07, F.S.; relating to bonds or insurance
475 required; transferring responsibilities relating to state
476 universities from the State Board of Education to the
477 Board of Governors; amending s. 1010.09, F.S.; relating to
478 direct-support organizations; transferring
479 responsibilities relating to state universities from the
480 State Board of Education to the Board of Governors;
481 amending s. 1010.30, F.S.; relating to required audits;
482 transferring supervision of state universities from the
483 State Board of Education to the Board of Governors;
484 creating s. 1010.62, F.S.; relating to revenue bonds and
485 debt for state universities; providing definitions;
486 authorizing the Board of Governors to request the issuance
487 of revenues bonds; providing a process; requiring Board of
488 Governors approval for a state university or direct-
489 support organization to issue debt; providing guidelines;
490 providing for rules or policies of the Board of Governors;
491 providing a grandfather provision; amending s. 1010.86,
492 F.S.; relating to the administration of capital
493 improvement and building fee trust funds; transferring

494 administration of the trust fund from the State Board of
495 Education to the Board of Governors; amending s. 1011.01,
496 F.S.; relating to the establishment of the budget system;
497 transferring responsibilities relating to state
498 universities from the State Board of Education to the
499 Board of Governors; requiring the State Board to
500 coordinate with the Board of Governors; amending s.
501 1011.011, F.S.; relating to the legislative capital outlay
502 budget request; requiring the State Board of Education to
503 consult with the Board of Governors regarding
504 universities; amending s. 1011.40, F.S.; relating to
505 budgets for universities; transferring responsibilities
506 relating to state universities from the State Board of
507 Education to the Board of Governors; amending s. 1011.41,
508 F.S.; relating to university appropriations; including a
509 contingency provision requiring compliance with certain
510 tuition and fee policies; amending s. 1011.4106, F.S.;
511 relating to trust fund dissolution; including local
512 account appropriations; providing for repeal; amending s.
513 1011.48, F.S.; relating to the establishment of
514 educational research centers for child development;
515 transferring State Board of Education responsibilities to
516 the Board of Governors; correcting a cross-reference;
517 amending s. 1011.82, F.S.; relating to requirements for
518 participation in Community College Program Fund;
519 correcting a cross-reference; amending s. 1011.90, F.S.;
520 relating to state university funding; transferring State
521 Board of Education responsibilities to the Board of
522 Governors; amending s. 1011.91, F.S.; relating to

523 additional appropriation; providing an exception;
524 including a cross-reference; transferring State Board of
525 Education responsibilities to the Board of Governors;
526 providing for repeal under certain conditions; amending s.
527 1011.94, F.S.; relating to Trust Fund for University Major
528 Gifts; deleting references to New College; transferring
529 State Board of Education responsibilities to the Board of
530 Governors; removing authority for encumbrances; revising
531 match provisions; amending s. 1012.01, F.S.; relating to
532 definitions for purposes of personnel; limiting the
533 meaning of terms to chapter 1012; limiting terms to K-12
534 and community colleges; amending s. 1012.80, F.S.;
535 relating to participation by employees in disruptive
536 activities at public postsecondary educational
537 institutions and penalties; transferring responsibilities
538 relating to state universities from State Board of
539 Education to the Board of Governors; amending s. 1012.801,
540 F.S.; relating to employees of the Division of Colleges
541 and Universities; updating terminology; amending s.
542 1012.93, F.S.; relating to faculty members and test of
543 spoken English; deleting reference to State Board of
544 Education rules; deleting reference to New College;
545 requiring proficiency in English of certain faculty
546 members; requiring Board of Governors approval of any
547 test; amending s. 1012.97, F.S.; relating to university
548 police; authorizing state universities to provide for
549 police officers; amending s. 1012.975, F.S.; remuneration
550 of state university presidents; revising definitions;
551 expanding employees covered by limitation on compensation

552 to include university provosts and community college
553 presidents; amending s. 1012.98, F.S.; relating to School
554 Community Professional Development Act; deleting obsolete
555 provisions; amending s. 1013.01, F.S.; relating to
556 definitions for purposes of educational facilities;
557 excluding Board of Governors from the definition of
558 "board"; amending s. 1013.02, F.S.; transferring State
559 Board of Education responsibilities relating to state
560 universities to the Board of Governors; amending s.
561 1013.03, F.S.; relating to functions of the department;
562 including the Board of Governors for functions relating to
563 state universities; eliminating references to a specific
564 office within the department; deleting obsolete language;
565 amending s. 1013.12, F.S.; relating to casualty, safety,
566 sanitation, and firesafety standards and inspection of
567 property; transferring State Board of Education
568 responsibilities relating to state universities to the
569 Board of Governors; requiring that both boards receive an
570 annual report; amending s. 1013.15, F.S.; relating to
571 lease, rental, and lease-purchase of educational
572 facilities and sites; subjecting certain agreements to s.
573 1010.62; amending s. 1013.16, F.S.; relating to
574 construction of facilities on leased property; subjecting
575 leases executed by a university board of trustees to s.
576 1010.62; amending s. 1013.17, F.S.; relating to university
577 leasing in affiliated research and development park;
578 transferring State Board of Education responsibilities to
579 the Board of Governors; subjecting leases to s. 1010.62;
580 amending s. 1013.171, F.S.; relating to university lease

581 agreements, land, and facilities; authorizing each
582 university board of trustees to enter into certain
583 agreements; transferring State Board of Education
584 responsibilities to the Board of Governors; subjecting
585 agreements to s. 1010.62; conforming provision; amending
586 s. 1013.19, F.S.; relating to purchase, conveyance, or
587 encumbrance of property interests above surface of land
588 and joint-occupancy structures; subjecting any contract
589 executed by a university board of trustees to s. 1010.62;
590 amending s. 1013.25, F.S.; relating to when a university
591 or community college board of trustees may exercise the
592 power of eminent domain; requiring approval of the
593 Administration Commission; amending s. 1013.28, F.S.;
594 relating to disposal of property; transferring State Board
595 of Education responsibilities relating to state
596 universities to the Board of Governors; amending s.
597 1013.31, F.S.; eliminating references to specific offices
598 within the Department of Education; deleting reference to
599 State Board of Education rules and term "college";
600 requiring the department maintain and validate inventory;
601 updating terminology; requiring approval of state
602 university surveys by Board of Governors; amending s.
603 1013.46, F.S.; relating to advertising and awarding
604 contracts and prequalification of contractor; deleting
605 reference to State Board of Education rules; amending s.
606 1013.47, F.S.; relating to substance of contract,
607 contractors to give bond, and penalties; adding reference
608 to Board of Governors rules; amending s. 1013.52, F.S.;
609 relating to cooperative development and joint use of

610 facilities by two or more boards; requiring Board of
611 Governors review and approval for proposals involving a
612 state university; amending s. 1013.60, F.S.; relating to
613 legislative capital outlay budget request; requiring that
614 information submitted by a university board of trustees be
615 approved by the Board of Governors prior to submission to
616 the Commissioner; amending s. 1013.63, F.S.; relating to
617 the University Concurrency Trust Fund; transferring the
618 trust fund from the Department of Education to the Board
619 of Governors; deleting State Board of Education reference;
620 amending s. 1013.64, F.S.; relating to funds for
621 comprehensive educational plant needs; transferring
622 responsibilities for state universities from State Board
623 of Education to the Board of Governors; amending s.
624 1013.65, F.S.; relating to educational and ancillary plant
625 construction funds, Public Education Capital Outlay and
626 Debt Service Trust Fund, and allocation of funds;
627 requiring copies of each allocation be provided to the
628 Board of Governors; amending s. 1013.74, F.S.; relating to
629 university authorization for fixed capital outlay
630 projects; correcting cross-reference; transferring State
631 Board of Education responsibilities to the Board of
632 Governors; subjecting projects to s. 1010.62; amending s.
633 1013.78, F.S.; relating to approval required for certain
634 university-related facility acquisitions; providing an
635 exception; amending s. 1013.79, F.S.; relating to the
636 University Facility Enhancement Challenge Grant Program;
637 deleting findings and intent; transferring State Board of
638 Education responsibilities to the Board of Governors;

639 deleting naming prohibition; repealing s. 186.805, F.S.,
640 relating to the Data Bank on Older Floridians; repealing
641 s. 334.065, F.S., relating to the Center for Urban
642 Transportation Research; repealing s. 377.705, F.S.,
643 relating to the Solar Energy Center; repealing s. 388.42,
644 F.S., relating to John A. Mulrennan, Sr., Arthropod
645 Research Laboratory; repealing s. 388.43, F.S., relating
646 to the Florida Medical Entomology Laboratory; repealing s.
647 410.504. F.S., relating to the multidisciplinary center on
648 elderly living environments; repealing s. 1004.32, F.S.,
649 relating to New College of Florida; repealing s. 1004.33,
650 F.S., relating to the University of South Florida St.
651 Petersburg.; repealing s. 1004.34, F.S., relating to the
652 University of South Florida Sarasota/Manatee; repealing s.
653 1004.35, F.S., relating to Broward County campuses of
654 Florida Atlantic University coordination with other
655 institutions; repealing s. 1004.36, F.S., relating to
656 Florida Atlantic University campuses; repealing s.
657 1004.38, F.S., relating to master of science program in
658 speech-language pathology at Florida International
659 University; repealing s. 1004.381, F.S., relating to
660 nursing degree program at University of West Florida;
661 repealing s. 1004.382, F.S., relating to master's in
662 social work program at Florida Atlantic University;
663 repealing s. 1004.383, F.S., relating to chiropractic
664 medicine degree program at Florida State University;
665 repealing s. 1004.44, F.S., relating to the Louis de la
666 Parte Florida Mental Health Institute; repealing s.
667 1004.46, F.S., relating to Multidisciplinary Center for

668 Affordable Housing; repealing s. 1004.47, F.S., relating
669 to research activities relating to solid and hazardous
670 waste management; repealing s. 1004.50, F.S., relating to
671 the Institute on Urban Policy and Commerce; repealing s.
672 1004.51, F.S., relating to Community and Faith-based
673 Organizations Initiative and the Community and Library
674 Technology Access Partnership; repealing s. 1004.53, F.S.,
675 relating to Interdisciplinary Center for Brownfield
676 Rehabilitation Assistance; repealing s. 1004.54, F.S.,
677 relating to the Learning Development and Evaluation
678 Center; repealing s. 1004.59, F.S., relating to the
679 Florida Conflict Resolution Consortium; repealing s.
680 1004.63, F.S., relating to the Florida Institute for
681 Nuclear Detection and Security (FINDS); repealing s.
682 288.705, F.S.; relating to statewide contracts register;
683 repealing s. 458.3147, F.S., relating to medical school
684 eligibility of military academy students or graduates;
685 repealing s. 689.12, F.S., relating to state lands
686 conveyed for educational purposes; repealing s. 741.03055,
687 F.S., relating to review of premarital preparation
688 courses, pilot programs, and questionnaire and curriculum;
689 repealing s. 741.03056, F.S., relating to informational
690 questionnaire; repealing s. 1001.72, F.S., relating to
691 university boards of trustees to constitute a corporation;
692 repealing s. 1004.26, F.S., relating to university student
693 governments; repealing s. 1007.261, F.S., relating to
694 state university admission of students; repealing s.
695 1007.31, F.S., relating to limited access programs;
696 repealing s. 1007.32, F.S., relating to transfer students;

697 repealing s. 1008.51, F.S., relating to the Council for
698 Education Policy Research and Improvement; repealing s.
699 1010.60, F.S., relating to State Board of Education
700 issuance of bonds; repealing s. 1010.61, F.S., relating to
701 State Board of Education powers for issuance of bonds;
702 repealing s. 1010.611, F.S., relating to resolution for
703 issuance of revenue certificates; repealing s. 1010.612,
704 F.S., relating to powers to secure revenue certificates;
705 repealing s. 1010.613, F.S., relating to remedies of any
706 holder of revenue certificates; repealing s. 1010.614,
707 F.S., relating to validity of revenue certificates;
708 repealing s. 1010.615, F.S., relating to prohibitions
709 against obligating the state; repealing s. 1010.616, F.S.,
710 relating to revenue certificate obligations of the State
711 Board of Education; repealing s. 1010.617, F.S., relating
712 to tax exemption and eligibility as legal investments;
713 repealing s. 1010.618, F.S., relating to supplemental
714 nature of provisions relating to bonding; repealing s.
715 1010.619, F.S., relating to Board of Administration acting
716 as fiscal agent; repealing s. 1011.4105, F.S., relating to
717 transition from state accounting system (FLAIR) to
718 university accounting system; repealing s. 1012.92, F.S.,
719 relating to personnel codes of conduct, disciplinary
720 measures, and rulemaking authority; repealing s. 1012.94,
721 F.S., relating to evaluations of faculty members;
722 repealing s. 1012.95, F.S., relating to university
723 employment equity accountability program; providing an
724 effective date.
725

726 Be It Enacted by the Legislature of the State of Florida:
727
728 Section 1. Subsection (9) is added to section 20.055,
729 Florida Statutes, to read:
730 20.055 Agency inspectors general.--
731 (9) The Office of the Inspector General of the Department
732 of Education shall exercise the duties and responsibilities
733 required by this section for the State University System under
734 the direction of the Chancellor of the State University System.
735 Section 2. Paragraphs (d) and (e) of subsection (3) of
736 section 20.15, Florida Statutes, are redesignated as paragraphs
737 (c) and (d), respectively, paragraph (c) of that subsection and
738 subsections (5) and (7) are amended, and subsection (8) is added
739 to that section, to read:
740 20.15 Department of Education.--There is created a
741 Department of Education.
742 (3) DIVISIONS.--The following divisions of the Department
743 of Education are established:
744 ~~(c) Division of Colleges and Universities.~~
745 (5) POWERS AND DUTIES.--The State Board of Education and
746 the Commissioner of Education, in consultation with the Board of
747 Governors of the State University System, the Commission for
748 Independent Education, and other education entities, shall assign
749 to the divisions such powers, duties, responsibilities, and
750 functions as are necessary to ensure the greatest possible
751 coordination, efficiency, and effectiveness of education for
752 students in K-20 education.

753 (7) BOARDS.--Notwithstanding anything contained in law to
754 the contrary, all members of the ~~university and~~ community college
755 boards of trustees must be appointed according to chapter 1001.
756 (8) SUPPORT SERVICES.--The Department of Education shall
757 continue to provide support to the Board of Governors of the
758 State University System. At a minimum, support services provided
759 to the Board of Governors shall include accounting, printing,
760 computer and Internet support, personnel and human resources
761 support, support for accountability initiatives, support for
762 agency inspector general activities, and administrative support
763 as needed for trust funds under the jurisdiction of the Board of
764 Governors.
765 Section 3. Section 20.155, Florida Statutes, is created to
766 read:
767 20.155 Board of Governors of the State University System.--
768 (1) GENERAL PROVISIONS.-The Board of Governors of the State
769 University System is established by the State Constitution under
770 s. 7, Art. IX and, accordingly, is granted rights and privileges
771 equal to those of departments established under this chapter
772 while preserving the Board of Governor's constitutional
773 designation and title.
774 (2) HEAD OF THE BOARD.--The head of the Board of Governors
775 is the board with members appointed by the Governor as provided
776 for in s. 7, Art. IX of the State Constitution.
777 (3) PERSONNEL.--The Board of Governors is authorized to
778 appoint a Chancellor and appoint employees to aid the board in
779 the implementation of its responsibilities.
780 (4) POWERS AND DUTIES.--

781 (a) The Board of Governors has the duty to operate,
782 regulate, control, and be responsible for the management of the
783 whole publicly funded State University System in accordance with
784 s. 7, Art. IX of the State Constitution and s. 1001.705.
785 (b) The Board of Governors, in exercising its authority
786 under the State Constitution and statutes, shall exercise its
787 authority in a manner that supports, promotes, and enhances all
788 of the following:
789 1. Affordable access to postsecondary educational
790 opportunities for Florida residents.
791 2. Articulation between state universities and other
792 postsecondary educational institutions.
793 3. Fiscal responsibility.
794 4. Accountability.
795 Section 4. Subsection (1) of section 23.21, Florida
796 Statutes, is amended to read:
797 23.21 Definitions.--For purposes of this part:
798 (1) "Department" means a principal administrative unit
799 within the executive branch of state government, as defined in
800 chapter 20, and includes the State Board of Administration, the
801 Executive Office of the Governor, the Fish and Wildlife
802 Conservation Commission, the Parole Commission, the Agency for
803 Health Care Administration, ~~the Board of Regents,~~ the State Board
804 of Education ~~Community Colleges~~, the Board of Governors of the
805 State University System, the Justice Administrative Commission,
806 the Capital Collateral Representative, and separate budget
807 entities placed for administrative purposes within a department.
808 Section 5. Paragraph (a) of subsection (6) of section
809 110.131, Florida Statutes, is amended to read:

810 110.131 Other-personal-services temporary employment.--
811 (6)(a) The provisions of subsections (2), (3), and (4) do
812 not apply to any employee for whom the Board of Governors of the
813 State University System, or the board's designee, ~~Regents~~ or the
814 Board of Trustees of the Florida School for the Deaf and the
815 Blind is the employer as defined in s. 447.203(2); except that,
816 for purposes of subsection (5), the Board of Trustees of the
817 Florida School for the Deaf and the Blind shall comply with the
818 recordkeeping and reporting requirements adopted by the
819 department pursuant to subsection (3) with respect to those
820 other-personal-services employees exempted by this subsection.
821 Section 6. Subsection (5) of section 110.181, Florida
822 Statutes, is amended to read:
823 110.181 Florida State Employees' Charitable Campaign.--
824 (5) PARTICIPATION OF STATE UNIVERSITIES.--Each university
825 may elect to participate in the Florida State Employees'
826 Charitable Campaign, upon timely notice to the department. Each
827 university may also conduct annual charitable fundraising drives
828 for employees under the authority granted in ss. 1001.706 and s.
829 1001.74~~(19)~~.
830 Section 7. Paragraphs (e), (f), and (g) of subsection (13)
831 of section 112.0455, Florida Statutes, are redesignated as
832 paragraphs (d), (e), and (f), respectively, and paragraph (d) of
833 that subsection is amended to read:
834 112.0455 Drug-Free Workplace Act.--
835 (13) RULES.--
836 ~~(d) The Board of Regents may adopt rules for the State~~
837 ~~University System implementing this section.~~
838

839 This section shall not be construed to eliminate the bargainable
840 rights as provided in the collective bargaining process where
841 applicable.
842 Section 8. Subsection (5) of section 112.19, Florida
843 Statutes, is amended to read:
844 112.19 Law enforcement, correctional, and correctional
845 probation officers; death benefits.--
846 (5) The State Board ~~Department~~ of Education shall adopt
847 rules and procedures as are necessary to implement the
848 educational benefits provisions of this section.
849 Section 9. Subsection (5) of section 112.191, Florida
850 Statutes, is amended to read:
851 112.191 Firefighters; death benefits.--
852 (5) The State Board ~~Department~~ of Education shall adopt
853 rules and procedures as are necessary to implement the
854 educational benefits provisions of this section.
855 Section 10. Subsection (2) of section 112.312, Florida
856 Statutes, is amended to read:
857 112.312 Definitions.--As used in this part and for purposes
858 of the provisions of s. 8, Art. II of the State Constitution,
859 unless the context otherwise requires:
860 (2) "Agency" means any state, regional, county, local, or
861 municipal government entity of this state, whether executive,
862 judicial, or legislative, including the Board of Governors of the
863 State University System and each state university board of
864 trustees; any department, division, bureau, commission,
865 authority, or political subdivision of this state therein; or any
866 public school, community college, or state university.

867 Section 11. Paragraph (a) of subsection (9) of section
868 112.313, Florida Statutes, is amended to read:
869 112.313 Standards of conduct for public officers, employees
870 of agencies, and local government attorneys.--
871 (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR
872 LEGISLATORS AND LEGISLATIVE EMPLOYEES.--
873 (a)1. It is the intent of the Legislature to implement by
874 statute the provisions of s. 8(e), Art. II of the State
875 Constitution relating to legislators, statewide elected officers,
876 appointed state officers, and designated public employees.
877 2. As used in this paragraph:
878 a. "Employee" means:
879 (I) Any person employed in the executive or legislative
880 branch of government holding a position in the Senior Management
881 Service as defined in s. 110.402 or any person holding a position
882 in the Selected Exempt Service as defined in s. 110.602 or any
883 person having authority over policy or procurement employed by
884 the Department of the Lottery.
885 (II) The Auditor General, the director of the Office of
886 Program Policy Analysis and Government Accountability, the
887 Sergeant at Arms and Secretary of the Senate, and the Sergeant at
888 Arms and Clerk of the House of Representatives.
889 (III) The executive director of the Legislative Committee
890 on Intergovernmental Relations and the executive director and
891 deputy executive director of the Commission on Ethics.
892 (IV) An executive director, staff director, or deputy staff
893 director of each joint committee, standing committee, or select
894 committee of the Legislature; an executive director, staff
895 director, executive assistant, analyst, or attorney of the Office

896 of the President of the Senate, the Office of the Speaker of the
897 House of Representatives, the Senate Majority Party Office,
898 Senate Minority Party Office, House Majority Party Office, or
899 House Minority Party Office; or any person, hired on a
900 contractual basis, having the power normally conferred upon such
901 persons, by whatever title.
902 (V) The Chancellor and Vice Chancellors of the State
903 University System; the general counsel to the Board of Governors
904 of the State University System ~~Regents~~; and the president,
905 provost, vice presidents, and deans of each state university.
906 (VI) Any person having the power normally conferred upon
907 the positions referenced in this sub-subparagraph.
908 b. "Appointed state officer" means any member of an
909 appointive board, commission, committee, council, or authority of
910 the executive or legislative branch of state government whose
911 powers, jurisdiction, and authority are not solely advisory and
912 include the final determination or adjudication of any personal
913 or property rights, duties, or obligations, other than those
914 relative to its internal operations.
915 c. "State agency" means an entity of the legislative,
916 executive, or judicial branch of state government over which the
917 Legislature exercises plenary budgetary and statutory control.
918 3. No member of the Legislature, appointed state officer,
919 or statewide elected officer shall personally represent another
920 person or entity for compensation before the government body or
921 agency of which the individual was an officer or member for a
922 period of 2 years following vacation of office. No member of the
923 Legislature shall personally represent another person or entity
924 for compensation during his or her term of office before any

925 state agency other than judicial tribunals or in settlement
926 negotiations after the filing of a lawsuit.
927 4. No agency employee shall personally represent another
928 person or entity for compensation before the agency with which he
929 or she was employed for a period of 2 years following vacation of
930 position, unless employed by another agency of state government.
931 5. Any person violating this paragraph shall be subject to
932 the penalties provided in s. 112.317 and a civil penalty of an
933 amount equal to the compensation which the person receives for
934 the prohibited conduct.
935 6. This paragraph is not applicable to:
936 a. A person employed by the Legislature or other agency
937 prior to July 1, 1989;
938 b. A person who was employed by the Legislature or other
939 agency on July 1, 1989, whether or not the person was a defined
940 employee on July 1, 1989;
941 c. A person who was a defined employee of the State
942 University System or the Public Service Commission who held such
943 employment on December 31, 1994;
944 d. A person who has reached normal retirement age as
945 defined in s. 121.021(29), and who has retired under the
946 provisions of chapter 121 by July 1, 1991; or
947 e. Any appointed state officer whose term of office began
948 before January 1, 1995, unless reappointed to that office on or
949 after January 1, 1995.
950 Section 12. Paragraph (a) of subsection (1) of section
951 112.3135, Florida Statutes, is amended to read:
952 112.3135 Restriction on employment of relatives.--
953 (1) In this section, unless the context otherwise requires:

954 (a) "Agency" means:
955 1. A state agency, except an institution under the
956 jurisdiction of the Board of Governors of the State University
957 System ~~Division of Universities of the Department of Education~~;
958 2. An office, agency, or other establishment in the
959 legislative branch;
960 3. An office, agency, or other establishment in the
961 judicial branch;
962 4. A county;
963 5. A city; and
964 6. Any other political subdivision of the state, except a
965 district school board or community college district.
966 Section 13. Paragraph (c) of subsection (1) of section
967 112.3145, Florida Statutes, is amended to read:
968 112.3145 Disclosure of financial interests and clients
969 represented before agencies.--
970 (1) For purposes of this section, unless the context
971 otherwise requires, the term:
972 (c) "State officer" means:
973 1. Any elected public officer, excluding those elected to
974 the United States Senate and House of Representatives, not
975 covered elsewhere in this part and any person who is appointed to
976 fill a vacancy for an unexpired term in such an elective office.
977 2. An appointed member of each board, commission,
978 authority, or council having statewide jurisdiction, excluding a
979 member of an advisory body.
980 3. A member of the Board of Governors of the State
981 University System or a state university board of trustees

982 ~~Regents~~, the Chancellor and Vice Chancellors of the State
983 University System, and the president of a state university.
984 4. A member of the judicial nominating commission for any
985 district court of appeal or any judicial circuit.
986 Section 14. Paragraph (b) of subsection (1) of section
987 120.52, Florida Statutes, is amended to read:
988 120.52 Definitions.--As used in this act:
989 (1) "Agency" means:
990 (b) Each:
991 1. State officer and state department, and each
992 departmental unit described in s. 20.04.
993 2. Authority, including a regional water supply authority.
994 3. Board, including the Board of Governors of the State
995 University System and a state university board of trustees when
996 acting pursuant to statutory authority derived from the
997 Legislature.
998 4. Commission, including the Commission on Ethics and the
999 Fish and Wildlife Conservation Commission when acting pursuant to
1000 statutory authority derived from the Legislature.
1001 5. Regional planning agency.
1002 6. Multicounty special district with a majority of its
1003 governing board comprised of nonelected persons.
1004 7. Educational units.
1005 8. Entity described in chapters 163, 373, 380, and 582 and
1006 s. 186.504.
1007
1008 This definition does not include any legal entity or agency
1009 created in whole or in part pursuant to chapter 361, part II, any
1010 metropolitan planning organization created pursuant to s.

1011 339.175, any separate legal or administrative entity created
1012 pursuant to s. 339.175 of which a metropolitan planning
1013 organization is a member, an expressway authority pursuant to
1014 chapter 348, any legal or administrative entity created by an
1015 interlocal agreement pursuant to s. 163.01(7), unless any party
1016 to such agreement is otherwise an agency as defined in this
1017 subsection, or any multicounty special district with a majority
1018 of its governing board comprised of elected persons; however,
1019 this definition shall include a regional water supply authority.
1020 Section 15. Subsection (11) of section 120.65, Florida
1021 Statutes, is amended to read:
1022 120.65 Administrative law judges.--
1023 (11) The division shall be reimbursed for administrative
1024 law judge services and travel expenses by the following entities:
1025 water management districts, regional planning councils, school
1026 districts, community colleges, the Division of Community
1027 Colleges, state universities, <u>the Board of Governors of the State</u>
1028 <u>University System,</u> the State Board of Education, the Florida
1029 School for the Deaf and the Blind, and the Commission for
1030 Independent Education. These entities shall contract with the
1031 division to establish a contract rate for services and provisions
1032 for reimbursement of administrative law judge travel expenses and
1033 video teleconferencing expenses attributable to hearings
1034 conducted on behalf of these entities. The contract rate must be
1035 based on a total-cost-recovery methodology.
1036 Section 16. Paragraph (b) of subsection (22) of section
1037 121.021, Florida Statutes, is amended to read:

1038 121.021 Definitions.--The following words and phrases as
1039 used in this chapter have the respective meanings set forth
1040 unless a different meaning is plainly required by the context:
1041 (22) "Compensation" means the monthly salary paid a member
1042 by his or her employer for work performed arising from that
1043 employment.
1044 (b) Under no circumstances shall compensation include:
1045 1. Fees paid professional persons for special or particular
1046 services or include salary payments made from a faculty practice
1047 plan authorized by the Board of Governors of the State University
1048 System ~~operated by rule of the Board of Regents~~ for eligible
1049 clinical faculty at a state university with a faculty practice
1050 plan ~~the University of Florida and the University of South~~
1051 ~~Florida~~; or
1052 2. Any bonuses or other payments prohibited from inclusion
1053 in the member's average final compensation and defined in
1054 subsection (47).
1055 Section 17. Paragraph (a) of subsection (1) of section
1056 121.051, Florida Statutes, is amended to read:
1057 121.051 Participation in the system.--
1058 (1) COMPULSORY PARTICIPATION.--
1059 (a) The provisions of this law shall be compulsory as to
1060 all officers and employees, except elected officers who meet the
1061 requirements of s. 121.052(3), who are employed on or after
1062 December 1, 1970, of an employer other than those referred to in
1063 paragraph (2)(b), and each officer or employee, as a condition of
1064 employment, shall become a member of the system as of his or her
1065 date of employment, except that a person who is retired from any
1066 state retirement system and is reemployed on or after December 1,

1067 1970, shall not be permitted to renew his or her membership in
1068 any state retirement system except as provided in s.
1069 121.091(4)(h) for a person who recovers from disability, and as
1070 provided in s. 121.091(9)(b)8. for a person who is elected to
1071 public office, and, effective July 1, 1991, as provided in s.
1072 121.122 for all other retirees. Officers and employees of the
1073 University Athletic Association, Inc., a nonprofit association
1074 connected with the University of Florida, employed on and after
1075 July 1, 1979, shall not participate in any state-supported
1076 retirement system. Any person appointed on or after July 1, 1989,
1077 to a faculty position in a college at the J. Hillis Miller Health
1078 Center at the University of Florida or the Medical Center at the
1079 University of South Florida which has a faculty practice plan
1080 provided by rule adopted by the Board of Regents shall not
1081 participate in the Florida Retirement System. A faculty member so
1082 appointed shall participate in the optional retirement program on
1083 the basis of his or her state-funded compensation,
1084 notwithstanding the provisions of s. 121.35(2)(a). Any person
1085 appointed on or after July 1, 2006, to a faculty position in a
1086 college of a state university which has a faculty practice plan
1087 authorized by the Board of Governors of the State University
1088 System shall not participate in the Florida Retirement System. A
1089 faculty member so appointed shall participate in the optional
1090 retirement program on the basis of his or her state-funded
1091 compensation, notwithstanding the provisions of s. 121.35(2)(a).
1092 Section 18. Paragraphs (b) and (d) of subsection (2),
1093 paragraph (h) of subsection (3), and paragraphs (a) and (b) of
1094 subsection (6) of section 121.35, Florida Statutes, are amended
1095 to read:

1096 121.35 Optional retirement program for the State University
1097 System.--
1098 (2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL PROGRAM.--
1099 (b) For purposes of this section, both the appointees and
1100 employees are referred to as "employees," and the "employer" of
1101 an appointee or employee is the individual institution within the
1102 State University System or the Board of Governors of the State
1103 University System ~~State Board of Education~~, whichever is
1104 appropriate with respect to the particular employee or appointee.
1105 (d) For purposes of this section, the authority granted to
1106 the Board of Governors of the State University System ~~State Board~~
1107 ~~of Education~~ may be exercised by the Board of Governors or by the
1108 Chancellor of the State University System ~~Division of Colleges~~
1109 ~~and Universities~~.
1110 (3) ELECTION OF OPTIONAL PROGRAM.--
1111 (h) A participant in the optional retirement program may
1112 not participate in more than one state-administered retirement
1113 system, plan, or class simultaneously. Except as provided in s.
1114 121.052(6)(d), a participant who is or becomes dually employed in
1115 two or more positions covered by the Florida Retirement System,
1116 one of which is eligible for the optional program and one of
1117 which is not, may remain a member of the optional program and
1118 contributions shall be paid as required only on the salary earned
1119 in the position eligible for the optional program during such
1120 period of dual employment; or, within 90 days after becoming
1121 dually employed, he or she may elect membership in the Regular
1122 Class of the Florida Retirement System in lieu of the optional
1123 program and contributions shall be paid as required on the total
1124 salary received for all employment. At retirement, the average

1125 final compensation used to calculate any benefits for which the
1126 member becomes eligible under the Florida Retirement System shall
1127 be based on all salary reported for both positions during such
1128 period of dual employment. When such member ceases to be dually
1129 employed, he or she may, within 90 days, elect to remain in the
1130 Florida Retirement System class for which he or she is eligible
1131 or to again become a participant in the optional retirement
1132 program. Failure to elect membership in the optional program
1133 within 90 days shall result in compulsory membership in the
1134 Florida Retirement System, except that a member filling a faculty
1135 position under a faculty practice plan at a state university ~~the~~
1136 ~~University of Florida or the Medical Center at the University of~~
1137 ~~South Florida~~ shall again participate in the optional retirement
1138 program as required in s. 121.051(1)(a).
1139 (6) ADMINISTRATION OF PROGRAM.--
1140 (a) The optional retirement program authorized by this
1141 section shall be administered by the department. The department
1142 shall adopt rules establishing the responsibilities of the ~~State~~
1143 ~~Board of Education and~~ institutions in the State University
1144 System in administering the optional retirement program. The
1145 Board of Regents ~~State Board of Education~~ shall, no more than 90
1146 days after July 1, 1983, submit to the department its
1147 recommendations for the contracts to be offered by the companies
1148 chosen by the department. Effective July 1, 2001, the State Board
1149 of Education shall submit to the department its recommendations
1150 for the contracts to be offered by the companies chosen by the
1151 department. Effective July 1, 2006, the Board of Governors of the
1152 State University System shall submit recommendations on contracts

1153 within 90 days after request by the department. The
1154 recommendations of the board shall include the following:
1155 1. The nature and extent of the rights and benefits in
1156 relation to the required contributions; and
1157 2. The suitability of the rights and benefits to the needs
1158 of the participants and the interests of the institutions in the
1159 recruitment and retention of eligible employees.
1160 (b) After receiving and considering the recommendations of
1161 the Board of Governors of the State University System ~~State Board~~
1162 ~~of Education~~, the department shall designate no more than five
1163 companies from which contracts may be purchased under the program
1164 and shall approve the form and content of the optional retirement
1165 program contracts. Any domestic company that has been designated
1166 as of July 1, 2005, shall be included in the five companies until
1167 expiration of its existing contract with the department. The
1168 domestic company may assign its contract with the department to
1169 an affiliated qualified company that is wholly owned by the
1170 domestic company's parent company and has assumed 100 percent of
1171 the responsibility for the contracts purchased from the domestic
1172 company.
1173 Section 19. Subsection (1) of section 159.703, Florida
1174 Statutes, is amended to read:
1175 159.703 Creation of research and development authorities.--
1176 (1) Subject to the provisions of this part, each county or
1177 group of counties may create by ordinance a local governmental
1178 body as a public body corporate and politic to be known as "_____
1179 Research and Development Authority," hereafter referred to as
1180 "authority" or "authorities." Each of the authorities is
1181 constituted as a public instrumentality for the purposes of

1182 development, operation, management, and financing of a research
1183 and development park, and the exercise by an authority of the
1184 powers conferred by ss. 159.701-159.7095 shall be deemed and held
1185 to be the performance of an essential public purpose and
1186 function. However, no authority created on or after July 1, 2006
1187 ~~July 7, 1988~~, shall transact any business or exercise any power
1188 hereunder until and unless the Board of Governors of the State
1189 University System ~~Board of Regents~~ has designated the authority
1190 pursuant to the requirements of s. 159.704.
1191 Section 20. Subsections (1) and (3) of section 159.704,
1192 Florida Statutes, are amended to read:
1193 159.704 Designation by Board of Governors of the State
1194 University System ~~Board of Regents~~; procedure.--
1195 (1) The authority shall prepare and submit to the Board of
1196 Governors of the State University System ~~Board of Regents~~ a
1197 petition requesting that the authority be designated a research
1198 and development authority.
1199 (3) Upon approval of the petition and designation as a
1200 research and development authority by the Board of Governors of
1201 the State University System ~~Board of Regents~~, the authority shall
1202 be empowered to transact any business and exercise any power
1203 authorized by ss. 159.701-159.7095 for the purposes set out in
1204 such sections.
1205 Section 21. Section 159.706, Florida Statutes, is amended
1206 to read:
1207 159.706 Grandfather clause.--Each county designated as a
1208 research and development authority on June 30, 1979, or
1209 designated by the Board of Regents as a research and development
1210 authority prior to July 1, 2001, shall be entitled to continue to

1211 be designated and shall be accorded all powers conferred to
1212 designated authorities by ss. 159.701-159.7095, except that any
1213 authority not constituted and designated under the provisions of
1214 ss. 159.701-159.7095 shall be prohibited from exercising any
1215 power to issue revenue bonds or other debt obligations pursuant
1216 to s. 159.705(6) and (7).
1217 Section 22. Paragraph (b) of subsection (2) of section
1218 211.3103, Florida Statutes, is amended to read:
1219 211.3103 Levy of tax on severance of phosphate rock; rate,
1220 basis, and distribution of tax.--
1221 (2) Beginning July 1, 2003, the proceeds of all taxes,
1222 interest, and penalties imposed under this section shall be paid
1223 into the State Treasury as follows:
1224 (b) The remaining revenues collected from the tax during
1225 that fiscal year, after the required payment under paragraph (a),
1226 shall be paid into the State Treasury as follows:
1227 1. For payment to counties in proportion to the number of
1228 tons of phosphate rock produced from a phosphate rock matrix
1229 located within such political boundary, 18.75 percent. The
1230 department shall distribute this portion of the proceeds annually
1231 based on production information reported by the producers on the
1232 annual returns for the taxable year. Any such proceeds received
1233 by a county shall be used only for phosphate-related expenses.
1234 2. For payment to counties that have been designated a
1235 rural area of critical economic concern pursuant to s. 288.0656
1236 in proportion to the number of tons of phosphate rock produced
1237 from a phosphate rock matrix located within such political
1238 boundary, 15 percent. The department shall distribute this
1239 portion of the proceeds annually based on production information

1240 reported by the producers on the annual returns for the taxable
1241 year.
1242 3. To the credit of the Phosphate Research Trust Fund in
1243 the Board of Governors of the State University System ~~Department~~
1244 ~~of Education, Division of Universities~~, 11.25 percent.
1245 4. To the credit of the Minerals Trust Fund, 11.25 percent.
1246 5. To the credit of the Nonmandatory Land Reclamation Trust
1247 Fund, 43.75 percent.
1248 Section 23. Subsection (2) of section 215.16, Florida
1249 Statutes, is amended to read:
1250 215.16 Appropriations from General Revenue Fund for public
1251 schools, state institutions of higher learning, and community
1252 colleges; reduction.--
1253 (2) If the state appropriations from the General Revenue
1254 Fund for the benefit of the uniform system of public free
1255 schools, state institutions of higher learning, and community
1256 colleges cannot be paid in full during any given year, they shall
1257 be diminished only in the same proportion that appropriations for
1258 all other purposes from the General Revenue Fund are diminished
1259 during such year. Additionally, any funding reductions to public
1260 free schools, state institutions of higher learning, and
1261 community colleges shall be diminished in proportions identical
1262 to one another. ~~For the purpose of implementing this section,~~
1263 ~~general revenue funds provided for public free schools, state~~
1264 ~~institutions of higher learning, and community colleges shall be~~
1265 ~~restricted to general revenue funds appropriated for the Division~~
1266 ~~of Public Schools and Community Education, the Division of~~
1267 ~~Workforce Development, the Division of Universities, excluding~~

1268 ~~the general office of the Board of Regents, and the Division of~~
1269 ~~Community Colleges, excluding the division office.~~
1270 Section 24. Paragraph (h) of subsection (4) of section
1271 215.20, Florida Statutes, is amended, and paragraph (y) is added
1272 to that subsection, to read:
1273 215.20 Certain income and certain trust funds to contribute
1274 to the General Revenue Fund.--
1275 (4) The income of a revenue nature deposited in the
1276 following described trust funds, by whatever name designated, is
1277 that from which the appropriations authorized by subsection (3)
1278 shall be made:
1279 (h) Within the Department of Education,~~:~~
1280 ~~1.~~ the Educational Certification and Service Trust Fund.
1281 ~~2. The Phosphate Research Trust Fund.~~
1282 (y) Within the Board of Governors of the State University
1283 System, the Phosphate Research Trust Fund.
1284
1285 The enumeration of the foregoing moneys or trust funds shall not
1286 prohibit the applicability thereto of s. 215.24 should the
1287 Governor determine that for the reasons mentioned in s. 215.24
1288 the money or trust funds should be exempt herefrom, as it is the
1289 purpose of this law to exempt income from its force and effect
1290 when, by the operation of this law, federal matching funds or
1291 contributions or private grants to any trust fund would be lost
1292 to the state.
1293 Section 25. Paragraph (b) of subsection (2) of section
1294 215.32, Florida Statutes, is amended to read:
1295 215.32 State funds; segregation.--

1296 (2) The source and use of each of these funds shall be as
1297 follows:
1298 (b)1. The trust funds shall consist of moneys received by
1299 the state which under law or under trust agreement are segregated
1300 for a purpose authorized by law. The state agency or branch of
1301 state government receiving or collecting such moneys shall be
1302 responsible for their proper expenditure as provided by law. Upon
1303 the request of the state agency or branch of state government
1304 responsible for the administration of the trust fund, the Chief
1305 Financial Officer may establish accounts within the trust fund at
1306 a level considered necessary for proper accountability. Once an
1307 account is established within a trust fund, the Chief Financial
1308 Officer may authorize payment from that account only upon
1309 determining that there is sufficient cash and releases at the
1310 level of the account.
1311 2. In addition to other trust funds created by law, to the
1312 extent possible, each agency shall use the following trust funds
1313 as described in this subparagraph for day-to-day operations:
1314 a. Operations or operating trust fund, for use as a
1315 depository for funds to be used for program operations funded by
1316 program revenues, with the exception of administrative activities
1317 when the operations or operating trust fund is a proprietary
1318 fund.
1319 b. Operations and maintenance trust fund, for use as a
1320 depository for client services funded by third-party payors.
1321 c. Administrative trust fund, for use as a depository for
1322 funds to be used for management activities that are departmental
1323 in nature and funded by indirect cost earnings and assessments

1324 against trust funds. Proprietary funds are excluded from the
1325 requirement of using an administrative trust fund.
1326 d. Grants and donations trust fund, for use as a depository
1327 for funds to be used for allowable grant or donor agreement
1328 activities funded by restricted contractual revenue from private
1329 and public nonfederal sources.
1330 e. Agency working capital trust fund, for use as a
1331 depository for funds to be used pursuant to s. 216.272.
1332 f. Clearing funds trust fund, for use as a depository for
1333 funds to account for collections pending distribution to lawful
1334 recipients.
1335 g. Federal grant trust fund, for use as a depository for
1336 funds to be used for allowable grant activities funded by
1337 restricted program revenues from federal sources.
1338
1339 To the extent possible, each agency must adjust its internal
1340 accounting to use existing trust funds consistent with the
1341 requirements of this subparagraph. If an agency does not have
1342 trust funds listed in this subparagraph and cannot make such
1343 adjustment, the agency must recommend the creation of the
1344 necessary trust funds to the Legislature no later than the next
1345 scheduled review of the agency's trust funds pursuant to s.
1346 215.3206.
1347 3. All such moneys are hereby appropriated to be expended
1348 in accordance with the law or trust agreement under which they
1349 were received, subject always to the provisions of chapter 216
1350 relating to the appropriation of funds and to the applicable laws
1351 relating to the deposit or expenditure of moneys in the State
1352 Treasury.

1353 4.a. Notwithstanding any provision of law restricting the
1354 use of trust funds to specific purposes, unappropriated cash
1355 balances from selected trust funds may be authorized by the
1356 Legislature for transfer to the Budget Stabilization Fund and
1357 General Revenue Fund in the General Appropriations Act.
1358 b. This subparagraph does not apply to trust funds required
1359 by federal programs or mandates; trust funds established for bond
1360 covenants, indentures, or resolutions whose revenues are legally
1361 pledged by the state or public body to meet debt service or other
1362 financial requirements of any debt obligations of the state or
1363 any public body; the State Transportation Trust Fund; the trust
1364 fund containing the net annual proceeds from the Florida
1365 Education Lotteries; the Florida Retirement System Trust Fund;
1366 trust funds under the management of the State Board of Education
1367 <u>or the Board of Governors of the State University System</u>, where
1368 such trust funds are for auxiliary enterprises, self-insurance,
1369 and contracts, grants, and donations, as those terms are defined
1370 by general law; trust funds that serve as clearing funds or
1371 accounts for the Chief Financial Officer or state agencies; trust
1372 funds that account for assets held by the state in a trustee
1373 capacity as an agent or fiduciary for individuals, private
1374 organizations, or other governmental units; and other trust funds
1375 authorized by the State Constitution.
1376 Section 26. Subsection (5) of section 215.559, Florida
1377 Statutes, is amended to read:
1378 215.559 Hurricane Loss Mitigation Program.--
1379 (5) Of moneys provided to the Department of Community
1380 Affairs in paragraph (2)(a), 10 percent shall be allocated to a
1381 ~~Type I~~ center within the State University System dedicated to

1382 hurricane research. The ~~Type I~~ center shall develop a preliminary
1383 work plan approved by the advisory council set forth in
1384 subsection (6) to eliminate the state and local barriers to
1385 upgrading existing mobile homes and communities, research and
1386 develop a program for the recycling of existing older mobile
1387 homes, and support programs of research and development relating
1388 to hurricane loss reduction devices and techniques for site-built
1389 residences. The State University System also shall consult with
1390 the Department of Community Affairs and assist the department
1391 with the report required under subsection (8).
1392 Section 27. Subsection (2) of section 215.82, Florida
1393 Statutes, is amended to read:
1394 215.82 Validation; when required.--
1395 (2) Any bonds issued pursuant to this act which are
1396 validated shall be validated in the manner provided by chapter
1397 75. In actions to validate bonds to be issued in the name of the
1398 State Board of Education under s. 9(a) and (d), Art. XII of the
1399 State Constitution and bonds to be issued pursuant to chapter
1400 259, the Land Conservation Act of 1972, the complaint shall be
1401 filed in the circuit court of the county where the seat of state
1402 government is situated, the notice required to be published by s.
1403 75.06 shall be published only in the county where the complaint
1404 is filed, and the complaint and order of the circuit court shall
1405 be served only on the state attorney of the circuit in which the
1406 action is pending. In any action to validate bonds issued
1407 pursuant to s. 1010.62 ~~ss. 1010.61 1010.619~~ or issued pursuant to
1408 s. 9(a)(1), Art. XII of the State Constitution or issued pursuant
1409 to s. 215.605 or s. 338.227, the complaint shall be filed in the
1410 circuit court of the county where the seat of state government is

1411 situated, the notice required to be published by s. 75.06 shall
1412 be published in a newspaper of general circulation in the county
1413 where the complaint is filed and in two other newspapers of
1414 general circulation in the state, and the complaint and order of
1415 the circuit court shall be served only on the state attorney of
1416 the circuit in which the action is pending; provided, however,
1417 that if publication of notice pursuant to this section would
1418 require publication in more newspapers than would publication
1419 pursuant to s. 75.06, such publication shall be made pursuant to
1420 s. 75.06.
1421 Section 28. Subsection (1) of section 216.0152, Florida
1422 Statutes, is amended to read:
1423 216.0152 Inventory of state-owned facilities or state-
1424 occupied facilities.--
1425 (1) The Department of Management Services shall develop and
1426 maintain an automated inventory of all facilities owned, leased,
1427 rented, or otherwise occupied or maintained by any agency of the
1428 state or by the judicial branch, except those with less than
1429 3,000 square feet. The inventory shall include the location,
1430 occupying agency, ownership, size, condition assessment,
1431 maintenance record, age, parking and employee facilities, and
1432 other information as required by the department for determining
1433 maintenance needs and life-cycle cost evaluations of the
1434 facility. The inventory need not include a condition assessment
1435 or maintenance record of facilities not owned by a state agency
1436 or by the judicial branch. The term "facility," as used in this
1437 section, means buildings, structures, and building systems, but
1438 does not include transportation facilities of the state
1439 transportation system. The Department of Transportation shall

1440 develop and maintain an inventory of transportation facilities of
1441 the state transportation system. The Board of Governors of the
1442 State University System and ~~Regents and the Division of Community~~
1443 ~~Colleges of~~ the Department of Education, respectively, shall
1444 develop and maintain an inventory, in the manner prescribed by
1445 the Department of Management Services, of all state university
1446 and community college ~~higher education~~ facilities and shall make
1447 the data available in a format acceptable to the Department of
1448 Management Services.
1449 Section 29. Paragraph (a) of subsection (2) of section
1450 216.251, Florida Statutes, is amended to read:
1451 216.251 Salary appropriations; limitations.--
1452 (2)(a) The salary for each position not specifically
1453 indicated in the appropriations acts shall be as provided in one
1454 of the following subparagraphs:
1455 1. Within the classification and pay plans provided for in
1456 chapter 110.
1457 2. Within the classification and pay plans established by
1458 the Board of Trustees for the Florida School for the Deaf and the
1459 Blind of the Department of Education and approved by the State
1460 Board of Education for academic and academic administrative
1461 personnel.
1462 3. Within the classification and pay plan approved and
1463 administered by the ~~State Board of Education and the~~ Board of
1464 Governors for those positions in the State University System.
1465 4. Within the classification and pay plan approved by the
1466 President of the Senate and the Speaker of the House of
1467 Representatives, as the case may be, for employees of the
1468 Legislature.

1469 5. Within the approved classification and pay plan for the
1470 judicial branch.
1471 Section 30. Paragraph (c) of subsection (2) and paragraph
1472 (c) of subsection (4) of section 220.15, Florida Statutes, are
1473 amended to read:
1474 220.15 Apportionment of adjusted federal income.--
1475 (2) The property factor is a fraction the numerator of
1476 which is the average value of the taxpayer's real and tangible
1477 personal property owned or rented and used in this state during
1478 the taxable year or period and the denominator of which is the
1479 average value of such property owned or rented and used
1480 everywhere.
1481 (c) The property factor fraction shall not include any real
1482 or tangible personal property located in this state with respect
1483 to which it is certified to the Department of Revenue that such
1484 property is dedicated exclusively to research and development
1485 activities performed pursuant to sponsored research contracts
1486 conducted in conjunction with and through a university that is a
1487 member of the State University System or a nonpublic university
1488 that is chartered in Florida and conducts graduate programs at
1489 the professional or doctoral level. The Board of Governors of the
1490 State University System ~~Board of Regents~~ must certify the
1491 contracts for members of the State University System, and the
1492 president of the university must certify the contracts for a
1493 nonpublic university. As used in this paragraph, "sponsored
1494 research contract" means an agreement executed by parties that
1495 include at least the university and the taxpayer. Funding for
1496 sponsored research contracts may be provided from public or
1497 private sources.

1498 (4) The payroll factor is a fraction the numerator of which
1499 is the total amount paid in this state during the taxable year or
1500 period by the taxpayer for compensation and the denominator of
1501 which is the total compensation paid everywhere during the
1502 taxable year or period.
1503 (c) The payroll factor fraction shall not include any
1504 compensation paid to any employee located in this state when it
1505 is certified to the Department of Revenue that such compensation
1506 was paid to employees dedicated exclusively to research and
1507 development activities performed pursuant to sponsored research
1508 contracts conducted in conjunction with and through a university
1509 that is a member of the State University System or a nonpublic
1510 university that is chartered in Florida and conducts graduate
1511 programs at the professional or doctoral level. The Board of
1512 Governors of the State University System ~~Board of Regents~~ must
1513 certify the contracts for members of the State University System,
1514 and the president of the university must certify the contracts
1515 for a nonpublic university. As used in this paragraph, "sponsored
1516 research contract" means an agreement executed by parties that
1517 include at least the university and the taxpayer. Funding for
1518 sponsored research contracts may be provided from public or
1519 private sources.
1520 Section 31. Paragraph (c) of subsection (7) of section
1521 250.10, Florida Statutes, is amended to read:
1522 250.10 Appointment and duties of the Adjutant General.--
1523 (7) The Adjutant General, the Board of Governors of the
1524 State University System, and the State Board of Education shall
1525 develop education assistance programs for members in good

1526 standing of the active Florida National Guard who enroll in a
1527 public institution of higher learning in the state.
1528 (c) The Adjutant General, together with the Board of
1529 Governors of the State University System and the State Board of
1530 Education, shall adopt rules for the overall policy, guidance,
1531 administration, implementation, and proper utilization of the
1532 program. Such rules must include, but not be limited to,
1533 guidelines for certification by the Adjutant General of a guard
1534 member's eligibility, procedures for notification to an
1535 institution of a guard member's termination of eligibility, and
1536 procedures for restitution when a guard member fails to comply
1537 with the penalties described in this section.
1538 Section 32. Subsection (2) of section 252.385, Florida
1539 Statutes, is amended to read:
1540 252.385 Public shelter space.--
1541 (2) The division shall administer a program to survey
1542 existing schools, universities, community colleges, and other
1543 state-owned, municipally owned, and county-owned public buildings
1544 and any private facility that the owner, in writing, agrees to
1545 provide for use as a public hurricane evacuation shelter to
1546 identify those that are appropriately designed and located to
1547 serve as such shelters. The owners of the facilities must be
1548 given the opportunity to participate in the surveys. The state
1549 university boards of trustees ~~Board of Regents~~, district school
1550 boards, community college boards of trustees, and the Department
1551 of Education are responsible for coordinating and implementing
1552 the survey of public schools, universities, and community
1553 colleges with the division or the local emergency management
1554 agency.

1555 Section 33. Section 253.381, Florida Statutes, is amended
1556 to read:
1557 253.381 Unsurveyed marshlands; sale to upland owners.--The
1558 Board of Trustees of the Internal Improvement Trust Fund of the
1559 state is ~~and the State Board of Education are~~ hereby authorized
1560 to make sales of unsurveyed marshlands to record owners of
1561 uplands which have been surveyed by the United States, and to
1562 make equitable divisions of unsurveyed marsh areas and
1563 allocations of the same for sales with due respect to upland
1564 ownership, sales heretofore made, natural divisions of the
1565 unsurveyed marshes which are indicated by the general courses of
1566 water channels within or across the unsurveyed marshes and to
1567 other topographical features of the affected areas.
1568 Section 34. Section 255.02, Florida Statutes, is amended to
1569 read:
1570 255.02 Boards authorized to replace buildings destroyed by
1571 fire.--The Department of Management Services~~, the Board of~~
1572 ~~Regents of the Department of Education,~~ or any ~~other~~ board or
1573 person having the direct supervision and control of any state
1574 building or state property, may have rebuilt or replaced, out of
1575 the proceeds from the fire insurance on such buildings or
1576 property, any buildings or property owned by the state, which may
1577 be destroyed in whole or in part by fire.
1578 Section 35. Subsection (2) of section 255.043, Florida
1579 Statutes, is amended to read:
1580 255.043 Art in state buildings.--
1581 (2) The Department of Management Services~~, the Board of~~
1582 ~~Regents,~~ or other state agencies receiving appropriations for
1583 original constructions shall notify the Florida Arts Council and

1584 the user agency of any construction project which is eligible
1585 under the provisions of this section. The Department of
1586 Management Services~~, the Board of Regents,~~ or other state agency
1587 shall determine the amount to be made available for purchase or
1588 commission of works of art for each project and shall report
1589 these amounts to the Florida Arts Council and the user agency.
1590 Payments therefor shall be made from funds appropriated for fixed
1591 capital outlay according to law.
1592 Section 36. Subsection (2) of section 255.102, Florida
1593 Statutes, is amended to read:
1594 255.102 Contractor utilization of minority business
1595 enterprises.--
1596 (2) The Office of Supplier Diversity, in collaboration with
1597 the Board of Governors of the State University System, shall
1598 adopt rules to determine what is a "good faith effort" for
1599 purposes of contractor compliance with minority participation
1600 goals established for competitively awarded building and
1601 construction projects. Pro forma efforts shall not be considered
1602 good faith. Factors which shall be considered by the state agency
1603 in determining whether a contractor has made good faith efforts
1604 shall include, but not be limited to:
1605 (a) Whether the contractor attended any presolicitation or
1606 prebid meetings that were scheduled by the agency to inform
1607 minority business enterprises of contracting and subcontracting
1608 opportunities.
1609 (b) Whether the contractor advertised in general
1610 circulation, trade association, or minority-focus media
1611 concerning the subcontracting opportunities.

1612 (c) Whether the contractor provided written notice to all
1613 relevant subcontractors listed on the minority vendor list for
1614 that locality and statewide as provided by the agency as of the
1615 date of issuance of the invitation to bid, that their interest in
1616 the contract was being solicited in sufficient time to allow the
1617 minority business enterprises to participate effectively.
1618 (d) Whether the contractor followed up initial
1619 solicitations of interest by contacting minority business
1620 enterprises, the Office of Supplier Diversity, or minority
1621 persons who responded and provided detailed information about
1622 prebid meetings, access to plans, specifications, contractor's
1623 project manager, subcontractor bonding, if any, payment schedule,
1624 bid addenda, and other assistance provided by the contractor to
1625 enhance minority business enterprise participation.
1626 (e) Whether the contractor selected portions of the work to
1627 be performed by minority business enterprises in order to
1628 increase the likelihood of meeting the minority business
1629 enterprise procurement goals, including, where appropriate,
1630 breaking down contracts into economically feasible units to
1631 facilitate minority business enterprise participation under
1632 reasonable and economical conditions of performance.
1633 (f) Whether the contractor provided the Office of Supplier
1634 Diversity as well as interested minority business enterprises or
1635 minority persons with adequate information about the plans,
1636 specifications, and requirements of the contract or the
1637 availability of jobs at a time no later than when such
1638 information was provided to other subcontractors.
1639 (g) Whether the contractor negotiated in good faith with
1640 interested minority business enterprises or minority persons, not

1641 rejecting minority business enterprises or minority persons as
1642 unqualified without sound reasons based on a thorough
1643 investigation of their capabilities or imposing implausible
1644 conditions of performance on the contract.
1645 (h) Whether the contractor diligently seeks to replace a
1646 minority business enterprise subcontractor that is unable to
1647 perform successfully with another minority business enterprise.
1648 (i) Whether the contractor effectively used the services of
1649 available minority community organizations; minority contractors'
1650 groups; local, state, and federal minority business assistance
1651 offices; and other organizations that provide assistance in the
1652 recruitment and placement of minority business enterprises or
1653 minority persons.
1654 Section 37. Subsection (23) of section 280.02, Florida
1655 Statutes, is amended to read:
1656 280.02 Definitions.--As used in this chapter, the term:
1657 (23) "Public deposit" means the moneys of the state or of
1658 any <u>state university,</u> county, school district, community college
1659 district, special district, metropolitan government, or
1660 municipality, including agencies, boards, bureaus, commissions,
1661 and institutions of any of the foregoing, or of any court, and
1662 includes the moneys of all county officers, including
1663 constitutional officers, that are placed on deposit in a bank,
1664 savings bank, or savings association and for which the bank,
1665 savings bank, or savings association is required to maintain
1666 reserves. This includes, but is not limited to, time deposit
1667 accounts, demand deposit accounts, and nonnegotiable certificates
1668 of deposit. Moneys in deposit notes and in other nondeposit
1669 accounts such as repurchase or reverse repurchase operations are

1670 not public deposits. Securities, mutual funds, and similar types
1671 of investments are not considered public deposits and shall not
1672 be subject to the provisions of this chapter.
1673 Section 38. Section 286.001, Florida Statutes, is amended
1674 to read:
1675 286.001 Reports statutorily required; filing, maintenance,
1676 retrieval, and provision of copies.--
1677 (1) Unless otherwise specifically provided by law, any
1678 agency or officer of the executive, legislative, or judicial
1679 branches of state government, the State Board of Education, the
1680 Board of Governors of the State University System ~~Community~~
1681 ~~Colleges, the Board of Regents~~, or the Public Service Commission
1682 required or authorized by law to make reports regularly or
1683 periodically shall fulfill such requirement by filing an abstract
1684 of the report with the statutorily or administratively designated
1685 recipients of the report and an abstract and one copy of the
1686 report with the Division of Library and Information Services of
1687 the Department of State, unless the head of the reporting entity
1688 makes a determination that the additional cost of providing the
1689 entire report to the statutorily or administratively designated
1690 recipients is justified. A one-page summary justifying the
1691 determination shall be submitted to the chairs of the
1692 governmental operations committees of both houses of the
1693 Legislature. The abstract of the contents of such report shall be
1694 no more than one-half page in length. The actual report shall be
1695 retained by the reporting agency or officer, and copies of the
1696 report shall be provided to interested parties and the
1697 statutorily or administratively designated recipients of the
1698 report upon request.

1699 (2) With respect to reports statutorily required of
1700 agencies or officers within the executive, legislative, or
1701 judicial branches of state government, the State Board of
1702 Education, the Board of Governors of the State University System
1703 ~~Community Colleges, the Board of Regents~~, or the Public Service
1704 Commission, it is the duty of the division, in addition to its
1705 duties under s. 257.05, to:
1706 (a) Regularly compile and update bibliographic information
1707 on such reports for distribution as provided in paragraph (b).
1708 Such bibliographic information may be included in the
1709 bibliographies prepared by the division pursuant to s.
1710 257.05(3)(c).
1711 (b) Provide for at least quarterly distribution of
1712 bibliographic information on reports to:
1713 1. Agencies and officers within the executive, legislative,
1714 and judicial branches of state government, the State Board of
1715 Education, the Board of Governors of the State University System
1716 ~~Community Colleges, the Board of Regents~~, and the Public Service
1717 Commission, free of charge; and
1718 2. Other interested parties upon request properly made and
1719 upon payment of the actual cost of duplication pursuant to s.
1720 119.07(1).
1721 (3) As soon as practicable, the administrative head of each
1722 executive, legislative, or judicial agency and each agency of the
1723 State Board of Education, the Board of Governors of the State
1724 University System ~~Community Colleges, the Board of Regents~~, and
1725 the Public Service Commission required by law to make reports
1726 periodically shall ensure that those reports are created, stored,

1727 managed, updated, retrieved, and disseminated through electronic
1728 means.
1729 (4) Nothing in this section shall be construed to waive or
1730 modify the requirement in s. 257.05(2) pertaining to the
1731 provision of copies of public documents to the division.
1732 Section 39. Subsection (5) of section 286.036, Florida
1733 Statutes, is amended to read:
1734 286.036 Taxation and Budget Reform Commission; powers.--
1735 (5) The Taxation and Budget Reform Commission is assigned,
1736 for administrative purposes, to the Office of Economic and
1737 Demographic Research ~~Board of Regents~~. The Office of Economic and
1738 Demographic Research ~~Board of Regents~~ is directed to expedite,
1739 where possible, the business of the commission consistent with
1740 prudent financial and management practices.
1741 Section 40. Subsection (1) of section 287.012, Florida
1742 Statutes, is amended to read:
1743 287.012 Definitions.--As used in this part, the term:
1744 (1) "Agency" means any of the various state officers,
1745 departments, boards, commissions, divisions, bureaus, and
1746 councils and any other unit of organization, however designated,
1747 of the executive branch of state government. "Agency" includes
1748 the Board of Governors of the State University System which is
1749 responsible for appropriate procurement policies for the state
1750 universities and, therefore, "agency" does not include the
1751 university ~~and college~~ boards of trustees or the state
1752 universities ~~and colleges~~.
1753 Section 41. Subsection (1) of section 287.064, Florida
1754 Statutes, is amended to read:

1755 287.064 Consolidated financing of deferred-payment
1756 purchases.--
1757 (1) The Division of Bond Finance of the State Board of
1758 Administration and the Chief Financial Officer shall plan and
1759 coordinate deferred-payment purchases made by or on behalf of the
1760 state or its agencies or by or on behalf of state universities or
1761 state community colleges participating under this section
1762 pursuant to s. 1001.74(6) ~~(5)~~ or s. 1001.64(26), respectively. The
1763 Division of Bond Finance shall negotiate and the Chief Financial
1764 Officer shall execute agreements and contracts to establish
1765 master equipment financing agreements for consolidated financing
1766 of deferred-payment, installment sale, or lease purchases with a
1767 financial institution or a consortium of financial institutions.
1768 As used in this act, the term "deferred-payment" includes
1769 installment sale and lease-purchase.
1770 (a) The period during which equipment may be acquired under
1771 any one master equipment financing agreement shall be limited to
1772 not more than 3 years.
1773 (b) Repayment of the whole or a part of the funds drawn
1774 pursuant to the master equipment financing agreement may continue
1775 beyond the period established pursuant to paragraph (a).
1776 (c) The interest rate component of any master equipment
1777 financing agreement shall be deemed to comply with the interest
1778 rate limitation imposed in s. 287.063 so long as the interest
1779 rate component of every interagency, state university, or
1780 community college agreement entered into under such master
1781 equipment financing agreement complies with the interest rate
1782 limitation imposed in s. 287.063. Such interest rate limitation
1783 does not apply when the payment obligation under the master

1784 equipment financing agreement is rated by a nationally recognized
1785 rating service in any one of the three highest classifications,
1786 which rating services and classifications are determined pursuant
1787 to rules adopted by the Chief Financial Officer.
1788 Section 42. Subsection (1) of section 287.155, Florida
1789 Statutes, is amended to read:
1790 287.155 Motor vehicles; purchase by state universities
1791 ~~Division of Universities~~, Department of Children and Family
1792 Services, Department of Health, Department of Juvenile Justice,
1793 and Department of Corrections.--
1794 (1) The state universities ~~Division of Universities of the~~
1795 ~~Department of Education~~, the Department of Children and Family
1796 Services, the Department of Health, the Department of Juvenile
1797 Justice, and the Department of Corrections are hereby authorized,
1798 subject to the approval of the Department of Management Services,
1799 to purchase automobiles, trucks, tractors, and other automotive
1800 equipment for the use of institutions under the management of the
1801 Board of Governors of the State University System ~~Division of~~
1802 ~~Universities~~, the Department of Children and Family Services, the
1803 Department of Health, and the Department of Corrections, and for
1804 the use of residential facilities managed or contracted by the
1805 Department of Juvenile Justice.
1806 Section 43. Paragraph (d) of subsection (5) of section
1807 288.15, Florida Statutes, is amended to read:
1808 288.15 Powers of Division of Bond Finance.--There is hereby
1809 granted to and vested in the Division of Bond Finance of the
1810 State Board of Administration the power, right, franchise, and
1811 authority:

1812 (5) In order to carry out the objectives and purposes of
1813 this chapter, the division is authorized to acquire, own,
1814 construct, operate, maintain, improve, and extend public
1815 buildings, facilities, or works within the state which are of the
1816 character hereinafter specifically mentioned. All public
1817 buildings, facilities, and works which the division is authorized
1818 to own, construct, operate, and maintain must be such as can
1819 ultimately be owned and operated by an agency, department, board,
1820 bureau, or commission of the state. All or any such buildings,
1821 facilities, or works may be of a revenue-producing character in
1822 order that the cost of the same or some part of improvements or
1823 extensions thereto may be paid from receipts therefrom, including
1824 in Tallahassee only rentals, leases, and sales to both public and
1825 nonpublic agencies through the issue and sales or disposition of
1826 revenue bonds, notes, or certificates of the division. The
1827 buildings, facilities, and works which the division is hereby
1828 authorized to acquire, construct, operate, maintain, improve, and
1829 extend are:
1830 (d) Public buildings, facilities, and additions or
1831 improvements to existing buildings and facilities for ultimate
1832 use in connection with any of the several state institutions,
1833 departments, bureaus, boards, or commissions; and, in furtherance
1834 of this paragraph, the Department of Management Services, the
1835 Board of Governors of the State University System, and the State
1836 Board of Education are authorized to cooperate with the Division
1837 of Bond Finance and to do and perform all acts and things
1838 necessary thereto. Any property acquired by the Division of Bond
1839 Finance under the provisions of this chapter may ultimately be

1840 conveyed to the state free and clear of all debt or other
1841 encumbrance.
1842 Section 44. Section 288.17, Florida Statutes, is amended to
1843 read:
1844 288.17 Revenue certificates.--The Division of Bond Finance
1845 of the State Board of Administration is authorized to issue
1846 interest-bearing revenue certificates for construction of all
1847 state buildings approved by the Legislature in its appropriation
1848 acts and requested by the Department of Management Services or by
1849 the Board of Governors of the State University System ~~Board of~~
1850 ~~Regents~~.
1851 Section 45. Subsection (7) of section 288.7091, Florida
1852 Statutes, is amended to read:
1853 288.7091 Duties of the Florida Black Business Investment
1854 Board, Inc.--The Florida Black Business Investment Board, Inc.,
1855 shall:
1856 (7) Develop memoranda of understanding with the Departments
1857 of Education, Transportation, Community Affairs, and Management
1858 Services, as well as with Workforce Florida, Inc., the Board of
1859 Governors of the State University System, and the State Board of
1860 Education, detailing efforts of common interest and
1861 collaborations to expand black business development;
1862 Section 46. Subsection (3) of section 288.8175, Florida
1863 Statutes, is amended to read:
1864 288.8175 Linkage institutes between postsecondary
1865 institutions in this state and foreign countries.--
1866 (3) Each institute must be governed by an agreement~~,~~
1867 ~~approved by the department,~~ between the Board of Governors of the
1868 State University System and the State Board of Education ~~Florida~~

1869 ~~Community College System~~ with the counterpart organization in a
1870 foreign country. Each institute must report to the department
1871 regarding its program activities, expenditures, and policies.
1872 Section 47. Paragraph (a) of subsection (4) of section
1873 295.07, Florida Statutes, is amended to read:
1874 295.07 Preference in appointment and retention.--
1875 (4) The following positions are exempt from this section:
1876 (a) Those positions that are exempt from the state Career
1877 Service System under s. 110.205(2); however, all positions under
1878 the University Support Personnel System of the State University
1879 System as well as all Career Service System positions under the
1880 Florida Community College System and the School for the Deaf and
1881 the Blind, or the equivalent of such positions at state
1882 universities, community colleges, or the School for the Deaf and
1883 the Blind, are included.
1884 Section 48. Paragraph (b) of subsection (3) of section
1885 320.08058, Florida Statutes, is amended to read:
1886 320.08058 Specialty license plates.--
1887 (3) COLLEGIATE LICENSE PLATES.--
1888 (b) A collegiate plate annual use fee is to be distributed
1889 to the state or independent university foundation designated by
1890 the purchaser for deposit in an unrestricted account. The Board
1891 of Governors of the State University System ~~Board of Regents~~
1892 shall require each state university to submit a plan for approval
1893 of the expenditure of all funds so designated. These funds may be
1894 used only for academic enhancement, including scholarships and
1895 private fundraising activities.
1896 Section 49. Subsection (4) of section 381.79, Florida
1897 Statutes, is amended to read:

1898 381.79 Brain and Spinal Cord Injury Program Trust Fund.--
1899 (4) The Board of Governors of the State University System
1900 ~~Board of Regents~~ shall establish a program administration process
1901 which shall include: an annual prospective program plan with
1902 goals, research design, proposed outcomes, a proposed budget, an
1903 annual report of research activities and findings, and an annual
1904 end-of-year financial statement. Prospective program plans shall
1905 be submitted to the Board of Governors ~~Board of Regents~~, and
1906 funds shall be released upon acceptance of the proposed program
1907 plans. The annual report of research activities and findings
1908 shall be submitted to the Board of Governors ~~Board of Regents~~,
1909 with the executive summaries submitted to the President of the
1910 Senate, the Speaker of the House of Representatives, and the
1911 Secretary of Health.
1912 Section 50. Subsection (1) of section 403.073, Florida
1913 Statutes, is amended to read:
1914 403.073 Pollution prevention; state goal; agency programs;
1915 public education.--
1916 (1) It is a goal of the state that all its agencies, the
1917 State University System, community colleges ~~the State Board of~~
1918 ~~Community Colleges~~, and all municipalities, counties, regional
1919 agencies, and special districts develop and implement strategies
1920 to prevent pollution, including public information programs and
1921 education programs.
1922 Section 51. Subsection (2) of section 403.074, Florida
1923 Statutes, is amended to read:
1924 403.074 Technical assistance by the department.--
1925 (2) The program shall include onsite, nonregulatory
1926 technical assistance and shall promote and sponsor conferences on

1927 pollution prevention techniques. The program may be conducted in
1928 cooperation with trade associations, trade schools, the State
1929 University System, community colleges ~~the State Board of~~
1930 ~~Community Colleges~~, or other appropriate entities.
1931 Section 52. Paragraph (b) of subsection (1) of section
1932 409.908, Florida Statutes, is amended to read:
1933 409.908 Reimbursement of Medicaid providers.--Subject to
1934 specific appropriations, the agency shall reimburse Medicaid
1935 providers, in accordance with state and federal law, according to
1936 methodologies set forth in the rules of the agency and in policy
1937 manuals and handbooks incorporated by reference therein. These
1938 methodologies may include fee schedules, reimbursement methods
1939 based on cost reporting, negotiated fees, competitive bidding
1940 pursuant to s. 287.057, and other mechanisms the agency considers
1941 efficient and effective for purchasing services or goods on
1942 behalf of recipients. If a provider is reimbursed based on cost
1943 reporting and submits a cost report late and that cost report
1944 would have been used to set a lower reimbursement rate for a rate
1945 semester, then the provider's rate for that semester shall be
1946 retroactively calculated using the new cost report, and full
1947 payment at the recalculated rate shall be effected retroactively.
1948 Medicare-granted extensions for filing cost reports, if
1949 applicable, shall also apply to Medicaid cost reports. Payment
1950 for Medicaid compensable services made on behalf of Medicaid
1951 eligible persons is subject to the availability of moneys and any
1952 limitations or directions provided for in the General
1953 Appropriations Act or chapter 216. Further, nothing in this
1954 section shall be construed to prevent or limit the agency from
1955 adjusting fees, reimbursement rates, lengths of stay, number of

1956 visits, or number of services, or making any other adjustments
1957 necessary to comply with the availability of moneys and any
1958 limitations or directions provided for in the General
1959 Appropriations Act, provided the adjustment is consistent with
1960 legislative intent.
1961 (1) Reimbursement to hospitals licensed under part I of
1962 chapter 395 must be made prospectively or on the basis of
1963 negotiation.
1964 (b) Reimbursement for hospital outpatient care is limited
1965 to $1,500 per state fiscal year per recipient, except for:
1966 1. Such care provided to a Medicaid recipient under age 21,
1967 in which case the only limitation is medical necessity.
1968 2. Renal dialysis services.
1969 3. Other exceptions made by the agency.
1970
1971 The agency is authorized to receive funds from state entities,
1972 including, but not limited to, the Department of Health, the
1973 Board of Governors of the State University System ~~Board of~~
1974 ~~Regents~~, local governments, and other local political
1975 subdivisions, for the purpose of making payments, including
1976 federal matching funds, through the Medicaid outpatient
1977 reimbursement methodologies. Funds received from state entities
1978 and local governments for this purpose shall be separately
1979 accounted for and shall not be commingled with other state or
1980 local funds in any manner.
1981 Section 53. Paragraph (d) of subsection (2) of section
1982 413.051, Florida Statutes, is amended to read:
1983 413.051 Eligible blind persons; operation of vending
1984 stands.--

1985 (2) As used in this section, the term:
1986 (d) "State property" means any building or land owned,
1987 leased, or otherwise controlled by the state, but does not
1988 include any building or land under the control of a state
1989 university board of trustees ~~the Board of Regents~~, a community
1990 college district board of trustees, or any state correctional
1991 institution as defined in s. 944.02.
1992 Section 54. Subsection (2), paragraph (a) of subsection
1993 (4), and subsection (10) of section 447.203, Florida Statutes,
1994 are amended to read:
1995 447.203 Definitions.--As used in this part:
1996 (2) "Public employer" or "employer" means the state or any
1997 county, municipality, or special district or any subdivision or
1998 agency thereof which the commission determines has sufficient
1999 legal distinctiveness properly to carry out the functions of a
2000 public employer. With respect to all public employees determined
2001 by the commission as properly belonging to a statewide bargaining
2002 unit composed of State Career Service System employees or
2003 Selected Professional Service employees, the Governor shall be
2004 deemed to be the public employer; and the Board of Governors of
2005 the State University System, or the board's designee, ~~university~~
2006 ~~board of trustees~~ shall be deemed to be the public employer with
2007 respect to all public employees of each constituent ~~the~~
2008 ~~respective~~ state university. The board of trustees of a community
2009 college shall be deemed to be the public employer with respect to
2010 all employees of the community college. The district school board
2011 shall be deemed to be the public employer with respect to all
2012 employees of the school district. The Board of Trustees of the
2013 Florida School for the Deaf and the Blind shall be deemed to be

2014 the public employer with respect to the academic and academic
2015 administrative personnel of the Florida School for the Deaf and
2016 the Blind. The Governor shall be deemed to be the public employer
2017 with respect to all employees in the Correctional Education
2018 Program of the Department of Corrections established pursuant to
2019 s. 944.801.
2020 (4) "Managerial employees" are those employees who:
2021 (a) Perform jobs that are not of a routine, clerical, or
2022 ministerial nature and require the exercise of independent
2023 judgment in the performance of such jobs and to whom one or more
2024 of the following applies:
2025 1. They formulate or assist in formulating policies which
2026 are applicable to bargaining unit employees.
2027 2. They may reasonably be required on behalf of the
2028 employer to assist in the preparation for the conduct of
2029 collective bargaining negotiations.
2030 3. They have a role in the administration of agreements
2031 resulting from collective bargaining negotiations.
2032 4. They have a significant role in personnel
2033 administration.
2034 5. They have a significant role in employee relations.
2035 ~~6. They are included in the definition of administrative~~
2036 ~~personnel contained in s. 1012.01(3).~~
2037 6.~~7.~~ They have a significant role in the preparation or
2038 administration of budgets for any public agency or institution or
2039 subdivision thereof.
2040
2041 However, in determining whether an individual is a managerial
2042 employee pursuant to either paragraph (a) or paragraph (b),

2043 above, the commission may consider historic relationships of the
2044 employee to the public employer and to coemployees.
2045 (10) "Legislative body" means the State Legislature, the
2046 board of county commissioners, the district school board, the
2047 governing body of a municipality, or the governing body of an
2048 instrumentality or unit of government having authority to
2049 appropriate funds and establish policy governing the terms and
2050 conditions of employment and which, as the case may be, is the
2051 appropriate legislative body for the bargaining unit. For
2052 purposes of s. 447.403, the Board of Governors of the State
2053 University System, or the board's designee, ~~state university~~
2054 ~~board of trustees~~ shall be deemed to be the legislative body with
2055 respect to all employees of each constituent ~~the~~ state
2056 university. For purposes of s. 447.403 the board of trustees of a
2057 community college shall be deemed to be the legislative body with
2058 respect to all employees of the community college.
2059 Section 55. Section 455.2125, Florida Statutes, is amended
2060 to read:
2061 455.2125 Consultation with postsecondary education boards
2062 prior to adoption of changes to training requirements.--Any state
2063 agency or board that has jurisdiction over the regulation of a
2064 profession or occupation shall consult with the Commission for
2065 Independent Education, the Board of Governors of the State
2066 University System ~~Board of Regents~~, and the State Board of
2067 Education prior to adopting any changes to training requirements
2068 relating to entry into the profession or occupation. This
2069 consultation must allow the educational board to provide advice
2070 regarding the impact of the proposed changes in terms of the
2071 length of time necessary to complete the training program and the

2072 fiscal impact of the changes. The educational board must be
2073 consulted only when an institution offering the training program
2074 falls under its jurisdiction.
2075 Section 56. Section 456.028, Florida Statutes, is amended
2076 to read:
2077 456.028 Consultation with postsecondary education boards
2078 prior to adoption of changes to training requirements.--Any state
2079 agency or board that has jurisdiction over the regulation of a
2080 profession or occupation shall consult with the Commission for
2081 Independent Education, the Board of Governors of the State
2082 University System ~~Board of Regents~~, and the State Board of
2083 Education prior to adopting any changes to training requirements
2084 relating to entry into the profession or occupation. This
2085 consultation must allow the educational board to provide advice
2086 regarding the impact of the proposed changes in terms of the
2087 length of time necessary to complete the training program and the
2088 fiscal impact of the changes. The educational board must be
2089 consulted only when an institution offering the training program
2090 falls under its jurisdiction.
2091 Section 57. Subsection (3) of section 489.103, Florida
2092 Statutes, is amended to read:
2093 489.103 Exemptions.--This part does not apply to:
2094 (3) An authorized employee of the United States, this
2095 state, or any municipality, county, irrigation district,
2096 reclamation district, or any other municipal or political
2097 subdivision, except school boards, state university boards of
2098 trustees, and community college boards of trustees ~~the Board of~~
2099 ~~Regents, and community colleges~~, unless for the purpose of
2100 performing routine maintenance or repair or construction not

2101 exceeding $200,000 to existing installations, if the employee
2102 does not hold himself or herself out for hire or otherwise engage
2103 in contracting except in accordance with his or her employment.
2104 If the construction, remodeling, or improvement exceeds $200,000,
2105 school boards, state university boards of trustees, and community
2106 college boards of trustees ~~the Board of Regents, and community~~
2107 ~~colleges,~~ shall not divide the project into separate components
2108 for the purpose of evading this section.
2109 Section 58. Subsection (2) of section 489.503, Florida
2110 Statutes, is amended to read:
2111 489.503 Exemptions.--This part does not apply to:
2112 (2) An authorized employee of the United States, this
2113 state, or any municipality, county, irrigation district,
2114 reclamation district, or any other municipal or political
2115 subdivision of this state, except school boards, state university
2116 boards of trustees, and community college boards of trustees ~~the~~
2117 ~~Board of Regents, and community colleges~~, unless for the purpose
2118 of performing routine maintenance or repair or construction not
2119 exceeding $200,000 to existing installations, as long as the
2120 employee does not hold himself or herself out for hire or
2121 otherwise engage in contracting except in accordance with his or
2122 her employment. If the construction, remodeling, or improvement
2123 exceeds $200,000, school boards, state university boards of
2124 trustees, and community college boards of trustees ~~the Board of~~
2125 ~~Regents, and community colleges,~~ shall not divide the project
2126 into separate components for the purpose of evading this section.
2127 Section 59. Subsection (5) of section 553.71, Florida
2128 Statutes, is amended to read:
2129 553.71 Definitions.--As used in this part, the term:

2130 (5) "Local enforcement agency" means an agency of local
2131 government, a local school board, a community college board of
2132 trustees, or a university board of trustees in the State
2133 University System with jurisdiction to make inspections of
2134 buildings and to enforce the codes which establish standards for
2135 design, construction, erection, alteration, repair, modification,
2136 or demolition of public or private buildings, structures, or
2137 facilities.
2138 Section 60. Subsection (7) of section 633.01, Florida
2139 Statutes, is amended to read:
2140 633.01 State Fire Marshal; powers and duties; rules.--
2141 (7) The State Fire Marshal shall adopt and administer rules
2142 prescribing standards for the safety and health of occupants of
2143 educational and ancillary facilities pursuant to ss. 633.022,
2144 1013.12, 1013.37, and 1013.371. In addition, in any county that
2145 does not employ or appoint a local fire official, the State Fire
2146 Marshal shall assume the duties of the local fire official with
2147 respect to firesafety inspections of educational property
2148 required under s. 1013.12(3)~~(2)~~(b), and the State Fire Marshal
2149 may take necessary corrective action as authorized under s.
2150 1013.12(6)~~(5)~~.
2151 Section 61. Subsection (5) of section 650.03, Florida
2152 Statutes, is amended to read:
2153 650.03 Federal-state agreement; interstate
2154 instrumentalities.--
2155 (5) For purposes of this chapter employees of the
2156 institutions of higher learning under the Board of Governors of
2157 the State University System ~~Board of Regents~~ who are covered by

2158 the Teachers' Retirement System shall be deemed to be covered by
2159 a separate retirement system for each institution.
2160 Section 62. Subsection (2) of section 943.1755, Florida
2161 Statutes, is amended to read:
2162 943.1755 Florida Criminal Justice Executive Institute.--
2163 (2) The institute is established within the Department of
2164 Law Enforcement and affiliated with the State University System.
2165 The Board of Governors of the State University System ~~Board of~~
2166 ~~Regents~~ shall, in cooperation with the Department of Law
2167 Enforcement, determine the specific placement of the institute
2168 within the system.
2169 Section 63. Subsection (3) of section 1000.01, Florida
2170 Statutes, is amended to read:
2171 1000.01 The Florida K-20 education system; technical
2172 provisions.--
2173 (3) PURPOSE.--The purpose of the Florida K-20 Education
2174 Code is to provide by law for a state system of schools, courses,
2175 classes, and educational institutions and services adequate to
2176 allow, for all Florida's students, the opportunity to obtain a
2177 high quality education. This includes the establishment,
2178 maintenance, and operation of institutions of higher learning and
2179 other public education programs that the needs of the people may
2180 require. The Florida K-20 education system is established to
2181 accomplish this purpose; however, nothing in this code shall be
2182 construed to require the provision of free public education
2183 beyond grade 12.
2184 Section 64. Subsection (1) and paragraphs (b) and (c) of
2185 subsection (2) of section 1000.03, Florida Statutes, are amended
2186 to read:

2187 1000.03 Function, mission, and goals of the Florida K-20
2188 education system.--
2189 (1) Florida's K-20 education system shall be a
2190 decentralized system without excess layers of bureaucracy. ~~The~~
2191 ~~State Board of Education may appoint on an ad hoc basis a~~
2192 ~~committee or committees to assist it on any and all issues within~~
2193 ~~the K-20 education system.~~ Florida's K-20 education system shall
2194 maintain a systemwide technology plan based on a common set of
2195 data definitions.
2196 (2)
2197 (b) With the exception of matters directly relating to the
2198 State University System, the State Board of Education shall
2199 oversee the enforcement of all laws and rules, and the timely
2200 provision of direction, resources, assistance, intervention when
2201 needed, and strong incentives and disincentives to force
2202 accountability for results.
2203 (c) The Board of Governors of the State University System
2204 shall oversee the enforcement of all state university laws and
2205 rules and the timely provision of direction, resources,
2206 assistance, intervention when needed, and strong incentives and
2207 disincentives to force accountability for results. ~~The~~
2208 ~~Commissioner of Education shall serve as chief executive officer~~
2209 ~~of the K-20 education system. The commissioner shall be~~
2210 ~~responsible for enforcing compliance with the mission and goals~~
2211 ~~of the K-20 education system. The commissioner's office shall~~
2212 ~~operate all statewide functions necessary to support the State~~
2213 ~~Board of Education and the K-20 education system.~~

2214 Section 65. Paragraphs (d) and (e) of subsection (3) and
2215 subsections (4), (5), and (6) of section 1000.05, Florida
2216 Statutes, are amended to read:
2217 1000.05 Discrimination against students and employees in
2218 the Florida K-20 public education system prohibited; equality of
2219 access required.--
2220 (3)
2221 (d) A public K-20 educational institution which operates or
2222 sponsors interscholastic, intercollegiate, club, or intramural
2223 athletics shall provide equal athletic opportunity for members of
2224 both genders.
2225 1. The Board of Governors of the State University System
2226 shall determine whether equal opportunities are available at
2227 state universities.
2228 2. The Commissioner of Education shall determine whether
2229 equal opportunities are available in school districts and
2230 community colleges. In determining whether equal opportunities
2231 are available in school districts and community colleges, the
2232 Commissioner of Education shall consider, among other factors:
2233 a. ~~1.~~ Whether the selection of sports and levels of
2234 competition effectively accommodate the interests and abilities
2235 of members of both genders.
2236 b. ~~2.~~ The provision of equipment and supplies.
2237 c. ~~3.~~ Scheduling of games and practice times.
2238 d. ~~4.~~ Travel and per diem allowances.
2239 e. ~~5.~~ Opportunities to receive coaching and academic
2240 tutoring.
2241 f. ~~6.~~ Assignment and compensation of coaches and tutors.

2242 g.~~7.~~ Provision of locker room, practice, and competitive
2243 facilities.
2244 h.~~8.~~ Provision of medical and training facilities and
2245 services.
2246 i.~~9.~~ Provision of housing and dining facilities and
2247 services.
2248 j.~~10.~~ Publicity.
2249
2250 Unequal aggregate expenditures for members of each gender or
2251 unequal expenditures for male and female teams if a public school
2252 or community college ~~K-20 educational institution~~ operates or
2253 sponsors separate teams do not constitute nonimplementation of
2254 this subsection, but the Commissioner of Education shall consider
2255 the failure to provide necessary funds for teams for one gender
2256 in assessing equality of opportunity for members of each gender.
2257 (e) A public school or community college ~~K-20 educational~~
2258 ~~institution~~ may provide separate toilet, locker room, and shower
2259 facilities on the basis of gender, but such facilities shall be
2260 comparable to such facilities provided for students of the other
2261 gender.
2262 (4) Public schools and community colleges ~~Educational~~
2263 ~~institutions within the state public K-20 education system~~ shall
2264 develop and implement methods and strategies to increase the
2265 participation of students of a particular race, ethnicity,
2266 national origin, gender, disability, or marital status in
2267 programs and courses in which students of that particular race,
2268 ethnicity, national origin, gender, disability, or marital status
2269 have been traditionally underrepresented, including, but not
2270 limited to, mathematics, science, computer technology,

2271 electronics, communications technology, engineering, and career
2272 education.
2273 (5)(a) The State Board of Education shall adopt rules to
2274 implement this section as it relates to school districts and
2275 community colleges.
2276 (b) The Board of Governors of the State University System
2277 shall adopt rules to implement this section as it relates to
2278 state universities.
2279 (6) The functions of the Office of Equal Educational
2280 Opportunity of the Department of Education shall include, but are
2281 not limited to:
2282 (a) Requiring all district school boards and~~,~~ community
2283 college boards of trustees~~, and state university boards of~~
2284 ~~trustees~~ to develop and submit plans for the implementation of
2285 this section to the Department of Education.
2286 (b) Conducting periodic reviews of school districts and
2287 community colleges ~~public K-20 educational agencies~~ to determine
2288 compliance with this section and, after a finding that a school
2289 district or a community college ~~an educational agency~~ is not in
2290 compliance with this section, notifying the entity ~~agency~~ of the
2291 steps that it must take to attain compliance and performing
2292 followup monitoring.
2293 (c) Providing technical assistance, including assisting
2294 school districts or community colleges ~~public K-20 educational~~
2295 ~~agencies~~ in identifying unlawful discrimination and instructing
2296 them in remedies for correction and prevention of such
2297 discrimination and performing followup monitoring.
2298 (d) Conducting studies of the effectiveness of methods and
2299 strategies designed to increase the participation of students in

2300 programs and courses in which students of a particular race,
2301 ethnicity, national origin, gender, disability, or marital status
2302 have been traditionally underrepresented and monitoring the
2303 success of students in such programs or courses, including
2304 performing followup monitoring.
2305 (e) Requiring all district school boards and~~,~~ community
2306 college boards of trustees~~, and state university boards of~~
2307 ~~trustees~~ to submit data and information necessary to determine
2308 compliance with this section. The Commissioner of Education shall
2309 prescribe the format and the date for submission of such data and
2310 any other educational equity data. If any board does not submit
2311 the required compliance data or other required educational equity
2312 data by the prescribed date, the commissioner shall notify the
2313 board of this fact and, if the board does not take appropriate
2314 action to immediately submit the required report, the State Board
2315 of Education shall impose monetary sanctions.
2316 (f) Based upon rules of the State Board of Education,
2317 developing and implementing enforcement mechanisms with
2318 appropriate penalties to ensure that public K-12 schools and~~,~~
2319 community colleges~~, and state universities~~ comply with Title IX
2320 of the Education Amendments of 1972 and subsection (3) of this
2321 section. However, the State Board of Education may not force a
2322 public school or community college ~~an educational agency~~ to
2323 conduct, nor penalize such entity ~~an educational agency~~ for not
2324 conducting, a program of athletic activity or athletic
2325 scholarship for female athletes unless it is an athletic activity
2326 approved for women by a recognized association whose purpose is
2327 to promote athletics and a conference or league exists to promote

2328 interscholastic or intercollegiate competition for women in that
2329 athletic activity.
2330 (g) Reporting to the Commissioner of Education any district
2331 school board or~~,~~ community college board of trustees~~, or state~~
2332 ~~university board of trustees~~ found to be out of compliance with
2333 rules of the State Board of Education adopted as required by
2334 paragraph (f) or paragraph (3)(d). To penalize the board, the
2335 State Board of Education shall:
2336 1. Declare the school district or community college
2337 ~~educational agency~~ ineligible for competitive state grants.
2338 2. Notwithstanding the provisions of s. 216.192, direct the
2339 Chief Financial Officer to withhold general revenue funds
2340 sufficient to obtain compliance from the school district or
2341 community college ~~educational agency~~.
2342
2343 The school district or community college ~~educational agency~~ shall
2344 remain ineligible and the funds shall not be paid until the
2345 institution ~~agency~~ comes into compliance or the State Board of
2346 Education approves a plan for compliance.
2347 Section 66. Section 1001.02, Florida Statutes, is amended
2348 to read:
2349 1001.02 General powers of State Board of Education.--
2350 (1) The State Board of Education is the chief implementing
2351 and coordinating body of public education in Florida, and it
2352 shall focus on high-level policy decisions. It has authority to
2353 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement
2354 the provisions of law conferring duties upon it for the
2355 improvement of the state system of K-20 public education. Except
2356 as otherwise provided herein, it may, as it finds appropriate,

2357 delegate its general powers to the Commissioner of Education or
2358 the directors of the divisions of the department.
2359 (2) The State Board of Education has the following duties:
2360 (a) To adopt comprehensive educational objectives for
2361 public education.
2362 (b) To adopt comprehensive long-range plans and short-range
2363 programs for the development of the state system of public
2364 education.
2365 (c) To exercise general supervision over the divisions of
2366 the Department of Education as necessary to ensure coordination
2367 of educational plans and programs and resolve controversies and
2368 to minimize problems of articulation and student transfers, to
2369 ensure that students moving from one level of education to the
2370 next have acquired competencies necessary for satisfactory
2371 performance at that level, and to ensure maximum utilization of
2372 facilities.
2373 (d) To adopt, in consultation with the Board of Governors
2374 of the State University System ~~for state universities and~~
2375 ~~community colleges~~, and from time to time modify, minimum and
2376 uniform standards of college-level communication and computation
2377 skills generally associated with successful performance and
2378 progression through the baccalaureate level and to identify
2379 college-preparatory high school coursework and postsecondary-
2380 level coursework that prepares students with the academic skills
2381 necessary to succeed in postsecondary education.
2382 (e) To adopt and submit to the Governor and Legislature, as
2383 provided in s. 216.023 ~~on or before September 1 of each year~~, a
2384 coordinated K-20 education budget that estimates the expenditure
2385 requirements for the Board of Governors of the State University

2386 System, the State Board of Education, including the Department of
2387 Education and~~,~~ the Commissioner of Education, and all of the
2388 boards, institutions, agencies, and services under the general
2389 supervision of the Board of Governors or the State Board of
2390 Education for the ensuing fiscal year. Any program recommended by
2391 the Board of Governors or the State Board of Education which will
2392 require increases in state funding for more than 1 year must be
2393 presented in a multiyear budget plan.
2394 (f) To hold meetings, transact business, keep records,
2395 adopt a seal, and, except as otherwise provided by law, perform
2396 such other duties as may be necessary for the enforcement of ~~all~~
2397 laws and rules relating to the state system of public education.
2398 (g) To approve plans for cooperating with the Federal
2399 Government.
2400 (h) To approve plans for cooperating with other public
2401 agencies in the development of rules and in the enforcement of
2402 laws for which the state board and such agencies are jointly
2403 responsible.
2404 (i) To review plans for cooperating with appropriate
2405 nonpublic agencies for the improvement of conditions relating to
2406 the welfare of schools.
2407 (j) To create such subordinate advisory bodies as are
2408 required by law or as it finds necessary for the improvement of
2409 education.
2410 (k) To constitute any education bodies or other structures
2411 as required by federal law.
2412 (l) To assist in the economic development of the state by
2413 developing a state-level planning process to identify future
2414 training needs for industry, especially high-technology industry.

2415 (m) To assist in the planning and economic development of
2416 the state by establishing a clearinghouse for information on
2417 educational programs of value to economic development.
2418 (n) To adopt cohesive rules pursuant to ss. 120.536(1) and
2419 120.54, within statutory authority, for education systemwide
2420 issues.
2421 (o) To authorize the allocation of resources in accordance
2422 with law and rule.
2423 (p) To contract with independent institutions accredited by
2424 an agency whose standards are comparable to the minimum standards
2425 required to operate a postsecondary educational institution at
2426 that level in the state. The purpose of the contract is to
2427 provide those educational programs and facilities which will meet
2428 needs unfulfilled by the state system of public postsecondary
2429 education.
2430 (q) To recommend that a district school board take action
2431 consistent with the state board's decision relating to an appeal
2432 of a charter school application.
2433 (r) To enforce systemwide education goals and policies,
2434 except as otherwise provided by law.
2435 (s) To establish a detailed procedure for the
2436 implementation and operation of a systemwide K-20 technology plan
2437 that is based on a common set of data definitions.
2438 (t) To establish accountability standards for existing
2439 legislative performance goals, standards, and measures, and order
2440 the development of mechanisms to implement new legislative goals,
2441 standards, and measures.
2442 (u) To adopt criteria and implementation plans for future
2443 growth issues, such as new community colleges and ~~universities~~

2444 ~~and~~ campus mergers, and to provide for cooperative agreements
2445 between and within public and private education sectors.
2446 (v) To develop, in conjunction with the Board of Governors
2447 of the State University System, and periodically review for
2448 adjustment, a coordinated 5-year plan for postsecondary
2449 enrollment and annually submit the plan to the Legislature.
2450 ~~(w) To approve a new program at the professional level or~~
2451 ~~doctoral level, if:~~
2452 ~~1. The university has taken into account the need and~~
2453 ~~demand for the program, the university's mission, and similar~~
2454 ~~program offerings by public and nonpublic counterparts.~~
2455 ~~2. The addition of the program will not alter the~~
2456 ~~university's emphasis on undergraduate education.~~
2457 ~~(x) To review, and approve or disapprove, degree programs~~
2458 ~~identified as unique pursuant to s. 1007.25.~~
2459 ~~(y) To recommend to the Legislature a plan for implementing~~
2460 ~~block tuition programs and providing other incentives to~~
2461 ~~encourage students to graduate within 4 years.~~
2462 ~~(3) The State Board of Education shall adopt rules to~~
2463 ~~establish the criteria for assigning, reviewing, and removing~~
2464 ~~limited access status to an educational program. The State Board~~
2465 ~~of Education shall monitor the extent of limited access programs~~
2466 ~~within the state universities and report to the Legislature~~
2467 ~~admissions and enrollment data for limited access programs. Such~~
2468 ~~report shall be submitted annually by December 1 and shall assist~~
2469 ~~in determining the potential need for academic program contracts~~
2470 ~~with independent institutions pursuant to paragraph (2)(p). The~~
2471 ~~report must specify, for each limited access program within each~~
2472 ~~institution, the following categories, by race and gender:~~

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2473 ~~(a) The number of applicants.~~
2474 ~~(b) The number of applicants granted admission.~~
2475 ~~(c) The number of applicants who are granted admission and~~
2476 ~~enroll.~~
2477 ~~(d) The number of applicants denied admission.~~
2478 ~~(e) The number of applicants neither granted admission nor~~
2479 ~~denied admission.~~
2480
2481 ~~Each category must be reported for each term. Each category must~~
2482 ~~be reported by type of student, including the following~~
2483 ~~subcategories: native students, community college associate in~~
2484 ~~arts degree transfer students, and other students. Each category~~
2485 ~~and subcategory must further be reported according to the number~~
2486 ~~of students who meet or exceed the minimum eligibility~~
2487 ~~requirements for admission to the program and the number of~~
2488 ~~students who do not meet or exceed the minimum eligibility~~
2489 ~~requirements for admission to the program.~~
2490 ~~(4) The State Board of Education shall review, and approve~~
2491 ~~or disapprove, baccalaureate degree programs that exceed 120~~
2492 ~~semester hours, after considering accreditation requirements,~~
2493 ~~employment and earnings of graduates, comparative program lengths~~
2494 ~~nationally, and comparisons with similar programs offered by~~
2495 ~~independent institutions. By December 31 of each year, the State~~
2496 ~~Board of Education must report to the Legislature any degrees in~~
2497 ~~the state universities that require more than 120 hours, along~~
2498 ~~with appropriate evidence of need. At least every 5 years, the~~
2499 ~~State Board of Education must determine whether the programs~~
2500 ~~still require more than the standard length of 120 hours.~~

2501 (3) ~~(5)~~ (a) The State Board of Education shall adopt a
2502 ~~systemwide~~ strategic plan that specifies goals and objectives for
2503 the state's public schools ~~state universities~~ and community
2504 colleges. ~~In developing this plan, the State Board of Education~~
2505 ~~shall consider the role of individual public and independent~~
2506 ~~institutions within the state.~~ The plan shall be formulated in
2507 conjunction with plans of the Board of Governors of the State
2508 University System in order to provide for the roles of the
2509 universities and community colleges to be coordinated to best
2510 meet state needs and reflect cost-effective use of state
2511 resources. The strategic plan must clarify mission statements and
2512 identify degree programs to be offered at each ~~university and~~
2513 community college in accordance with the objectives provided in
2514 this subsection. The ~~systemwide~~ strategic plan must cover a
2515 period of 5 years, with modification of the program lists after 2
2516 years. Development of each 5-year plan must be coordinated with
2517 and initiated after completion of the master plan. The ~~systemwide~~
2518 ~~and university and community college~~ strategic plans must
2519 specifically include programs and procedures for responding to
2520 the educational needs of teachers and students in the public
2521 schools of this state. The state board shall submit a report to
2522 the President of the Senate and the Speaker of the House of
2523 Representatives upon modification of the ~~system~~ plan.
2524 (b) The State Board of Education shall develop long-range
2525 plans and annual reports for financial aid in this state. The
2526 long-range plans shall establish goals and objectives for a
2527 comprehensive program of financial aid for Florida students and
2528 shall be updated every 5 years. The annual report shall include
2529 programs administered by the department as well as awards made

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2530 from financial aid fee revenues, any other funds appropriated by
2531 the Legislature for financial assistance, and the value of
2532 tuition and fees waived for students enrolled in a dual
2533 enrollment course at a public postsecondary educational
2534 institution. The annual report shall include an assessment of
2535 progress made in achieving goals and objectives established in
2536 the long-range plans and recommendations for repealing or
2537 modifying existing financial aid programs or establishing new
2538 programs. A long-range plan shall be submitted by January 1,
2539 2004, and every 5 years thereafter. An annual report shall be
2540 submitted on January 1, 2004, and in each successive year that a
2541 long-range plan is not submitted, to the President of the Senate
2542 and the Speaker of the House of Representatives and the Board of
2543 Governors of the State University System.
2544 ~~(6) The State Board of Education shall coordinate the~~
2545 ~~programs with the Council for Education Policy Research and~~
2546 ~~Improvement, including doctoral programs. The programs shall be~~
2547 ~~reviewed every 5 years or whenever the state board determines~~
2548 ~~that the effectiveness or efficiency of a program is jeopardized.~~
2549 ~~The State Board of Education shall define the indicators of~~
2550 ~~quality and the criteria for program review for every program.~~
2551 ~~Such indicators include need, student demand, industry driven~~
2552 ~~competencies for advanced technology and related programs, and~~
2553 ~~resources available to support continuation. The results of the~~
2554 ~~program reviews must be tied to the university and community~~
2555 ~~college budget requests.~~
2556 (4) ~~(7)~~ The State Board of Education shall:

2557 (a) Provide for each community college to offer educational
2558 training and service programs designed to meet the needs of both
2559 students and the communities served.
2560 (b) Specify, by rule, procedures to be used by the
2561 community college boards of trustees in the annual evaluations of
2562 presidents and review the evaluations of presidents by the boards
2563 of trustees.
2564 (c) Establish, in conjunction with the Board of Governors
2565 of the State University System, an effective information system
2566 that will provide composite data concerning the community
2567 colleges and state universities and ensure that special analyses
2568 and studies concerning the institutions are conducted, as
2569 necessary, for provision of accurate and cost-effective
2570 information concerning the institutions.
2571 (d) Establish criteria for making recommendations for
2572 modifying district boundary lines for community colleges.
2573 (e) Establish criteria for making recommendations
2574 concerning all proposals for the establishment of additional
2575 centers or campuses for community colleges ~~and state~~
2576 ~~universities~~.
2577 (f) Examine the annual administrative review of each
2578 community college ~~and state university~~.
2579 (g) Specify, by rule, the college-credit ~~degree program~~
2580 courses that may be taken by community college students
2581 concurrently enrolled in college-preparatory instruction.
2582 (h) Adopt and submit to the Legislature a 3-year list of
2583 priorities for fixed-capital-outlay projects.
2584 (5) ~~(8)~~ The State Board of Education is responsible for
2585 reviewing and administering the state program of support for the

2586 community colleges and, subject to existing law, shall establish
2587 the tuition and out-of-state fees for college-preparatory
2588 instruction and for credit instruction that may be counted toward
2589 an associate in arts degree, an associate in applied science
2590 degree, or an associate in science degree.
2591 (6) ~~(9)~~ The State Board of Education shall prescribe minimum
2592 standards, definitions, and guidelines for community colleges ~~and~~
2593 ~~state universities~~ that will ensure the quality of education,
2594 coordination among the community colleges and state universities,
2595 and efficient progress toward accomplishing the community college
2596 ~~and state university~~ mission. At a minimum, these rules must
2597 address:
2598 (a) Personnel.
2599 (b) Contracting.
2600 (c) Program offerings and classification, including
2601 college-level communication and computation skills associated
2602 with successful performance in college and with tests and other
2603 assessment procedures that measure student achievement of those
2604 skills. The performance measures must provide that students
2605 moving from one level of education to the next acquire the
2606 necessary competencies for that level.
2607 (d) Provisions for curriculum development, graduation
2608 requirements, college calendars, and program service areas. These
2609 provisions must include rules that:
2610 1. Provide for the award of an associate in arts degree to
2611 a student who successfully completes 60 semester credit hours at
2612 the community college.
2613 2. Require all of the credits accepted for the associate in
2614 arts degree to be in the statewide course numbering system as

2615 credits toward a baccalaureate degree offered by a state
2616 university.
2617 3. Require no more than 36 semester credit hours in general
2618 education courses in the subject areas of communication,
2619 mathematics, social sciences, humanities, and natural sciences.
2620
2621 The rules should encourage community colleges to enter into
2622 agreements with state universities that allow community college
2623 students to complete upper-division-level courses at a community
2624 college. An agreement may provide for concurrent enrollment at
2625 the community college and the state university and may authorize
2626 the community college to offer an upper-division-level course or
2627 distance learning.
2628 (e) Student admissions, conduct and discipline,
2629 nonclassroom activities, and fees.
2630 (f) Budgeting.
2631 (g) Business and financial matters.
2632 (h) Student services.
2633 (i) Reports, surveys, and information systems, including
2634 forms and dates of submission.
2635 Section 67. Subsections (8), (9), (10), and (13) of section
2636 1001.03, Florida Statutes, are amended to read:
2637 1001.03 Specific powers of State Board of Education.--
2638 (8) SYSTEMWIDE ENFORCEMENT.--<u>Except as otherwise provided</u>
2639 <u>by law,</u> the State Board of Education shall enforce compliance
2640 with law and state board rule by all school districts and public
2641 postsecondary educational institutions, in accordance with the
2642 provisions of s. 1008.32.

2643 (9) MANAGEMENT INFORMATION DATABASES.--To facilitate
2644 oversight by the Legislature of the expenditure of public funds,
2645 the State Board of Education, in conjunction with the Board of
2646 Governors of the State University System, shall continue to
2647 collect and maintain, at a minimum, the management information
2648 databases for state universities, and all other components of the
2649 public K-20 education system as such databases existed on June
2650 30, 2002.
2651 (10) COMMON PLACEMENT TESTING FOR PUBLIC POSTSECONDARY
2652 EDUCATION.--The State Board of Education, in consultation with
2653 the Board of Governors of the State University System, shall
2654 develop and implement a common placement test to assess the basic
2655 computation and communication skills of students who intend to
2656 enter a degree program at any community college or state
2657 university.
2658 (13) CYCLIC REVIEW OF POSTSECONDARY ACADEMIC PROGRAMS.--The
2659 State Board of Education shall provide for the cyclic review of
2660 all academic programs in community colleges ~~and state~~
2661 ~~universities~~ at least every 7 years. Program reviews shall
2662 document how individual academic programs are achieving stated
2663 student learning and program objectives within the context of the
2664 institution's mission. The results of the program reviews shall
2665 inform strategic planning, program development, and budgeting
2666 decisions at the institutional level.
2667 Section 68. Section 1001.10, Florida Statutes, is amended
2668 to read:
2669 1001.10 Commissioner of Education; general powers and
2670 duties.--

2671 (1) The Commissioner of Education is the chief educational
2672 officer of the state, and is responsible for giving full
2673 assistance to the State Board of Education in enforcing
2674 compliance with the mission and goals of the seamless K-20
2675 education system.
2676 (2) The commissioner's office shall operate all statewide
2677 functions necessary to support the State Board of Education,
2678 including strategic planning and budget development, general
2679 administration, assessment, and accountability.
2680 (3) To facilitate innovative practices and to allow local
2681 selection of educational methods, the State Board of Education
2682 may authorize the commissioner to waive, upon the request of a
2683 district school board, State Board of Education rules that relate
2684 to district school instruction and school operations, except
2685 those rules pertaining to civil rights, and student health,
2686 safety, and welfare. The Commissioner of Education is not
2687 authorized to grant waivers for any provisions in rule pertaining
2688 to the allocation and appropriation of state and local funds for
2689 public education; the election, compensation, and organization of
2690 school board members and superintendents; graduation and state
2691 accountability standards; financial reporting requirements;
2692 reporting of out-of-field teaching assignments under s. 1012.42;
2693 public meetings; public records; or due process hearings governed
2694 by chapter 120. No later than January 1 of each year, the
2695 commissioner shall report to the Legislature and the State Board
2696 of Education all approved waiver requests in the preceding year.
2697 (4) Additionally, the commissioner has the following
2698 general powers and duties:

2699 (a) ~~(1)~~ To appoint staff necessary to carry out his or her
2700 powers and duties.
2701 (b) ~~(2)~~ To advise and counsel with the State Board of
2702 Education on all matters pertaining to education; to recommend to
2703 the State Board of Education actions and policies as, in the
2704 commissioner's opinion, should be acted upon or adopted; and to
2705 execute or provide for the execution of all acts and policies as
2706 are approved.
2707 (c) ~~(3)~~ To keep such records as are necessary to set forth
2708 clearly all acts and proceedings of the State Board of Education.
2709 (d) ~~(4)~~ To have a seal for his or her office with which, in
2710 connection with his or her own signature, the commissioner shall
2711 authenticate true copies of decisions, acts, or documents.
2712 (e) ~~(5)~~ To recommend to the State Board of Education
2713 policies and steps designed to protect and preserve the principal
2714 of the State School Fund; to provide an assured and stable income
2715 from the fund; to execute such policies and actions as are
2716 approved; and to administer the State School Fund.
2717 (f) ~~(6)~~ To take action on the release of mineral rights
2718 based upon the recommendations of the Board of Trustees of the
2719 Internal Improvement Trust Fund.
2720 (g) ~~(7)~~ To submit to the State Board of Education, on or
2721 before October 1 ~~August 1~~ of each year, recommendations for a
2722 coordinated K-20 education budget that estimates the expenditures
2723 for the Board of Governors of the State University System, the
2724 State Board of Education, including the Department of Education
2725 and~~,~~ the Commissioner of Education, and all of the boards,
2726 institutions, agencies, and services under the general
2727 supervision of the Board of Governors or the State Board of

2728 Education for the ensuing fiscal year. Any program recommended to
2729 the State Board of Education that will require increases in state
2730 funding for more than 1 year must be presented in a multiyear
2731 budget plan.
2732 (h) ~~(8)~~ To develop and implement a plan for cooperating with
2733 the Federal Government in carrying out any or all phases of the
2734 educational program and to recommend policies for administering
2735 funds that are appropriated by Congress and apportioned to the
2736 state for any or all educational purposes.
2737 (i) ~~(9)~~ To develop and implement policies for cooperating
2738 with other public agencies in carrying out those phases of the
2739 program in which such cooperation is required by law or is deemed
2740 by the commissioner to be desirable and to cooperate with public
2741 and nonpublic agencies in planning and bringing about
2742 improvements in the educational program.
2743 (j) ~~(10)~~ To prepare forms and procedures as are necessary to
2744 be used by district school boards and all other educational
2745 agencies to assure uniformity, accuracy, and efficiency in the
2746 keeping of records, the execution of contracts, the preparation
2747 of budgets, or the submission of reports; and to furnish at state
2748 expense, when deemed advisable by the commissioner, those forms
2749 that can more economically and efficiently be provided.
2750 (k) ~~(11)~~ To implement a program of school improvement and
2751 education accountability designed to provide all students the
2752 opportunity to make adequate learning gains in each year of
2753 school as provided by statute and State Board of Education rule
2754 based upon the achievement of the state education goals,
2755 recognizing the following:

2756 ~~(a) The State Board of Education is the body corporate~~
2757 ~~responsible for the supervision of the system of public~~
2758 ~~education.~~
2759 1.~~(b)~~ The district school board is responsible for school
2760 and student performance.
2761 2.~~(c)~~ The individual school is the unit for education
2762 accountability.
2763 3.~~(d)~~ The community college board of trustees is
2764 responsible for community college performance and student
2765 performance.
2766 ~~(e) The university board of trustees is responsible for~~
2767 ~~university performance and student performance.~~
2768 (l)~~(12)~~ To maintain ~~establish~~ a Citizen Information Center
2769 responsible for the preparation, publication, and dissemination
2770 ~~distribution~~ of user-friendly materials relating to the state's
2771 ~~state system of seamless K-20 public~~ education system, including
2772 the state's K-12 scholarship programs and the Voluntary
2773 Prekindergarten Education Program.
2774 (m)~~(13)~~ To prepare and publish annually reports giving
2775 statistics and other useful information pertaining to the
2776 states's K-12 scholarship programs and the Voluntary
2777 Prekindergarten Education Program ~~Opportunity Scholarship~~
2778 ~~Program~~.
2779 (n)~~(14)~~ To have printed or electronic copies of school
2780 laws, forms, instruments, instructions, and rules of the State
2781 Board of Education and provide for their distribution.
2782 (o)~~(15)~~ To develop criteria for use by state instructional
2783 materials committees in evaluating materials submitted for
2784 adoption consideration. The criteria shall, as appropriate, be

2785 based on instructional expectations reflected in curriculum
2786 frameworks and student performance standards. The criteria for
2787 each subject or course shall be made available to publishers of
2788 instructional materials pursuant to the requirements of chapter
2789 1006.
2790 (p) ~~(16)~~ To prescribe procedures for evaluating
2791 instructional materials submitted by publishers and manufacturers
2792 in each adoption.
2793
2794 ~~The commissioner's office shall operate all statewide functions~~
2795 ~~necessary to support the State Board of Education and the K-20~~
2796 ~~education system, including strategic planning and budget~~
2797 ~~development, general administration, and assessment and~~
2798 ~~accountability.~~
2799 Section 69. Subsection (2) of section 1001.11, Florida
2800 Statutes, is amended to read:
2801 1001.11 Commissioner of Education; other duties.--
2802 (2) ~~(a)~~ The Commissioner of Education shall annually report
2803 the state's educational performance on state and national
2804 measures and shall recommend to the State Board of Education
2805 performance goals addressing the educational needs of the state
2806 ~~for the K-20 education system. The Council for Education Policy~~
2807 ~~Research and Improvement, as an independent entity, shall develop~~
2808 ~~a report card assigning grades to indicate Florida's progress~~
2809 ~~toward meeting those goals. The annual report card shall contain~~
2810 ~~information showing Florida's performance relative to other~~
2811 ~~states on selected measures, as well as Florida's ability to meet~~
2812 ~~the need for postsecondary degrees and programs and how well the~~
2813 ~~Legislature has provided resources to meet this need. The~~

2814 ~~information shall include the results of the National Assessment~~
2815 ~~of Educational Progress or a similar national assessment program~~
2816 ~~administered to students in Florida. By January 1 of each year,~~
2817 ~~the Council for Education Policy Research and Improvement shall~~
2818 ~~submit the report card to the Legislature, the Governor, and the~~
2819 ~~public~~.
2820 ~~(b) Prior to the regular legislative session, the~~
2821 ~~Commissioner of Education shall present to the Legislature a plan~~
2822 ~~for correcting any deficiencies identified in the report card.~~
2823 Section 70. Paragraph (e) of subsection (4) of section
2824 1001.20, Florida Statutes, is amended to read:
2825 1001.20 Department under direction of state board.--
2826 (4) The Department of Education shall establish the
2827 following offices within the Office of the Commissioner of
2828 Education which shall coordinate their activities with all other
2829 divisions and offices:
2830 (e) Office of Inspector General.--Organized using existing
2831 resources and funds and responsible for promoting accountability,
2832 efficiency, and effectiveness and detecting fraud and abuse
2833 within school districts, the Florida School for the Deaf and the
2834 Blind , community colleges, and state universities in Florida. If
2835 the Commissioner of Education determines that a district school
2836 board, the Board of Trustees for the Florida School for the Deaf
2837 and the Blind, or a <u>community college</u> ~~public postsecondary~~
2838 ~~educational institution~~ board <u>of trustees</u> is unwilling or unable
2839 to address substantiated allegations made by any person relating
2840 to waste, fraud, or financial mismanagement <u>within a school</u>
2841 <u>district, the Florida School for the Deaf and the Blind, or a</u>
2842 <u>community college</u>, the office shall conduct, coordinate, or

2843 request investigations into such ~~substantiated~~ allegations ~~made~~
2844 ~~by any person relating to waste, fraud, or financial~~
2845 ~~mismanagement within school districts, the Florida School for the~~
2846 ~~Deaf and the Blind , community colleges, and state universities~~
2847 ~~in Florida~~. If the Chancellor of the State University System
2848 determines that a state university board of trustees is unwilling
2849 or unable to address substantiated allegations relating to waste,
2850 fraud, or financial mismanagement within state universities in
2851 Florida, the office shall conduct, coordinate, or request
2852 investigations into such allegations. The office shall have
2853 access to all information and personnel necessary to perform its
2854 duties and shall have all of its current powers, duties, and
2855 responsibilities authorized in s. 20.055.
2856 Section 71. Paragraph (b) of subsection (2) of section
2857 1001.25, Florida Statutes, is amended to read:
2858 1001.25 Educational television.--
2859 (2) POWERS OF DEPARTMENT.--
2860 (b) The department shall provide through educational
2861 television and other electronic media a means of extending
2862 educational services to all the state system of public education,
2863 except the state universities, which provision by the department
2864 is limited by paragraph (c) and by s. 1001.26(1) ~~1006.26(1)~~. The
2865 department shall recommend to the State Board of Education rules
2866 necessary to provide such services.
2867 Section 72. Section 1001.28, Florida Statutes, is amended
2868 to read:
2869 1001.28 Distance learning duties.--The duties of the
2870 Department of Education concerning distance learning include, but
2871 are not limited to, the duty to:

2872 (1) Facilitate the implementation of a statewide
2873 coordinated system and resource system for cost-efficient
2874 advanced telecommunications services and distance education which
2875 will increase overall student access to education.
2876 (2) Coordinate the use of existing resources, including,
2877 but not limited to, the state's satellite transponders on the
2878 education satellites, the SUNCOM Network, the Florida Information
2879 Resource Network (FIRN), the Department of Management Services,
2880 the Department of Corrections, and the Department of Children and
2881 Family Services' satellite communication facilities to support a
2882 statewide advanced telecommunications services and distance
2883 learning network.
2884 (3) Assist in the coordination of the utilization of the
2885 production and uplink capabilities available through Florida's
2886 public television stations, eligible facilities, independent
2887 colleges and universities, private firms, and others as needed.
2888 (4) Seek the assistance and cooperation of Florida's cable
2889 television providers in the implementation of the statewide
2890 advanced telecommunications services and distance learning
2891 network.
2892 (5) Seek the assistance and cooperation of Florida's
2893 telecommunications carriers to provide affordable student access
2894 to advanced telecommunications services and to distance learning.
2895 (6) Coordinate partnerships for development, acquisition,
2896 use, and distribution of distance learning.
2897 (7) Secure and administer funding for programs and
2898 activities for distance learning from federal, state, local, and
2899 private sources and from fees derived from services and
2900 materials.

2901 (8) Manage the state's satellite transponder resources and
2902 enter into lease agreements to maximize the use of available
2903 transponder time. All net revenue realized through the leasing of
2904 available transponder time, after deducting the costs of
2905 performing the management function, shall be recycled to support
2906 the public education distance learning in this state based upon
2907 an allocation formula of one-third to the Department of
2908 Education, one-third to community colleges, and one-third to
2909 state universities.
2910 (9) Hire appropriate staff which may include a position
2911 that shall be exempt from part II of chapter 110 and is included
2912 in the Senior Management Service in accordance with s. 110.205.
2913
2914 Nothing in this section shall be construed to abrogate,
2915 supersede, alter, or amend the powers and duties of any state
2916 agency, district school board, community college board of
2917 trustees, university board of trustees, the Board of Governors of
2918 the State University System, or the State Board of Education.
2919 Section 73. Subsection (17) of section 1001.64, Florida
2920 Statutes, is amended to read:
2921 1001.64 Community college boards of trustees; powers and
2922 duties.--
2923 (17) Each board of trustees is accountable for performance
2924 in certificate career education and diploma programs pursuant to
2925 s. 1008.43 ~~1008.44~~.
2926 Section 74. Section 1001.70, Florida Statutes, is amended
2927 to read:
2928 1001.70 Board of Governors of the State University
2929 System.--

2930 (1) Pursuant to s. 7(d), Art. IX of the State Constitution,
2931 the Board of Governors of the State University System is
2932 established as a body corporate comprised of 17 members as
2933 follows: 14 citizen members appointed by the Governor subject to
2934 confirmation by the Senate; the Commissioner of Education; the
2935 chair of the advisory council of faculty senates or the
2936 equivalent; and the president of the Florida student association
2937 or the equivalent. The appointed members shall serve staggered 7-
2938 year terms. In order to achieve staggered terms, beginning July
2939 1, 2003, of the initial appointments, 4 members shall serve 2-
2940 year terms, 5 members shall serve 3-year terms, and 5 members
2941 shall serve 7-year terms.
2942 (2) Members of the Board of Governors shall receive no
2943 compensation but may be reimbursed for travel and per diem
2944 expenses as provided in s. 112.061.
2945 (3) The Board of Governors in exercising its authority
2946 under the State Constitution and statutes shall exercise its
2947 authority in a manner that supports, promotes, and enhances a K-
2948 20 education system that provides affordable access to
2949 postsecondary educational opportunities for residents of the
2950 state to the extent authorized by state law.
2951 Section 75. Section 1001.706, Florida Statutes, is created
2952 to read:
2953 1001.706 Powers and duties of the Board of Governors of the
2954 State University System subject to the powers of the
2955 Legislature.--
2956 (1) GENERAL PROVISIONS.--
2957 (a) For each constituent university, the Board of Governors
2958 of the State University System, or the board's designee, shall be

2959 responsible for cost-effective policy decisions appropriate to
2960 the university's mission, the implementation and maintenance of
2961 high quality education programs within law, the measurement of
2962 performance, the reporting of information, and the provision of
2963 input regarding state policy, budgeting, and education standards.
2964 (b) The Board of Governors shall adopt rules pursuant to
2965 ss. 120.536 (1) and 120.54 when acting pursuant to statutory
2966 authority derived from the Legislature.
2967 (2) POWERS AND DUTIES RELATING TO ORGANIZATION AND
2968 OPERATION OF STATE UNIVERSITIES.--
2969 (a) The Board of Governors, or the board's designee, shall
2970 develop guidelines and procedures related to data and technology,
2971 including information systems, communications systems, computer
2972 hardware and software, and networks.
2973 (b) The Board of Governors shall develop guidelines
2974 relating to divisions of sponsored research, pursuant to the
2975 provisions of s. 1004.22, to serve the function of administration
2976 and promotion of the programs of research.
2977 (c) The Board of Governors shall prescribe conditions for
2978 direct-support organizations and university health services
2979 support organizations to be certified and to use university
2980 property and services. Conditions relating to certification must
2981 provide for audit review and oversight by the Board of Governors.
2982 (d) The Board of Governors shall develop guidelines for
2983 supervising faculty practice plans for the academic health
2984 science centers.
2985 (e) For each constituent university, the Board of
2986 Governors, or the board's designee, shall identify the
2987 university's core curricula and work with school districts to

2988 ensure that a school district's curricula coordinate with the
2989 core curricula of the university and prepare students for
2990 college-level work.
2991 (f) The Board of Governors shall ensure that students at
2992 state universities have access to general education courses.
2993 (g) The Board of Governors shall approve baccalaureate
2994 degree programs that require more than 120 semester credit hours
2995 of coursework prior to such programs being offered by a state
2996 university. At least half of the required coursework for any
2997 baccalaureate degree must be offered at the lower-division level,
2998 except in program areas approved by the Board of Governors.
2999 (h) The Board of Governors, or the board's designee, shall
3000 adopt a written antihazing policy, appropriate penalties for
3001 violations of such policy, and a program for enforcing such
3002 policy.
3003 (i) The Board of Governors, or the board's designee, may
3004 establish a uniform code of conduct and appropriate penalties for
3005 violations of its rules by students and student organizations,
3006 including rules governing student academic honesty. Such
3007 penalties, unless otherwise provided by law, may include
3008 reasonable fines, the withholding of diplomas or transcripts
3009 pending compliance with rules or payment of fines, and the
3010 imposition of probation, suspension, or dismissal.
3011 (3) POWERS AND DUTIES RELATING TO FINANCE.--
3012 (a) The Board of Governors, or the board's designee, shall
3013 account for expenditures of all state, local, federal, and other
3014 funds. Such accounting systems shall have appropriate audit and
3015 internal controls in place that will enable the constituent
3016 universities to satisfactorily and timely perform all accounting

3017 and reporting functions required by state and federal law and
3018 rules.
3019 (b) The Board of Governors shall prepare the legislative
3020 budget requests for the State University System, including a
3021 request for fixed capital outlay, and submit them to the State
3022 Board of Education for inclusion in the K-20 legislative budget
3023 request. The Board of Governors shall provide the state
3024 universities with fiscal policy guidelines, formats, and
3025 instruction for the development of individual university budget
3026 requests.
3027 (c) The Board of Governors, or the board's designee, shall
3028 establish tuition and fees pursuant to ss. 1009.24 and 1009.26.
3029 (d) The Board of Governors, or the board's designee, is
3030 authorized to secure comprehensive general liability insurance
3031 pursuant to s. 1004.24.
3032 (4) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.--
3033 (a) The Board of Governors shall develop a strategic plan
3034 specifying goals and objectives for the State University System
3035 and each constituent university.
3036 (b) The Board of Governors shall develop an accountability
3037 plan for the State University System and each constituent
3038 university.
3039 (c) The Board of Governors shall maintain an effective
3040 information system to provide accurate, timely, and cost-
3041 effective information about each university. The board shall
3042 continue to collect and maintain, at a minimum, the management
3043 information databases as such databases existed on June 30, 2002.
3044 (5) POWERS AND DUTIES RELATING TO PERSONNEL.--

3045 (a) The Board of Governors, or the board's designee, shall
3046 establish the personnel program for all employees of a state
3047 university, including the president.
3048 (b) The Department of Management Services shall retain
3049 authority over state university employees for programs
3050 established in ss. 110.123, 110.161, 110.1232, 110.1234, and
3051 110.1238 and in chapters 121, 122, and 238. Unless specifically
3052 authorized by law, neither the Board of Governors nor a state
3053 university may offer group insurance programs for employees as a
3054 substitute for or as an alternative to the health insurance
3055 programs offered pursuant to chapter 110.
3056 (c) Except as otherwise provided by law, university
3057 employees are public employees for purposes of chapter 112 and
3058 any payment for travel and per diem expenses shall not exceed the
3059 level specified in s. 112.061.
3060 (d) To the extent the Board of Governors delegates
3061 authority for personnel programs to individual university boards
3062 of trustees, the Board of Governors shall develop guidelines
3063 relating to compensation and other conditions of employment,
3064 recruitment and selection, nonreappointment, standards for
3065 performance and conduct, evaluation, benefits and hours of work,
3066 leave policies, inventions and works, travel, learning
3067 opportunities, exchange programs, academic freedom and
3068 responsibility, promotion, assignment, demotion, transfer, tenure
3069 and permanent status, ethical obligations and conflicts of
3070 interests, restrictive covenants, disciplinary actions,
3071 complaints, appeals and grievance procedures, and separation and
3072 termination from employment. Such guidelines shall not conflict

3073 with current provisions of law or the General Appropriations Act
3074 relating to state employees or public employees.
3075 (6) POWERS AND DUTIES RELATING TO PROPERTY.--
3076 (a) The Board of Governors shall develop guidelines for
3077 university boards of trustees relating to the acquisition of real
3078 and personal property and the sale and disposal thereof and the
3079 approval and execution of contracts for the purchase, sale,
3080 lease, license, or acquisition of commodities, goods, equipment,
3081 contractual services, leases of real and personal property, and
3082 construction. The acquisition may include purchase by installment
3083 or lease-purchase. Such contracts may provide for payment of
3084 interest on the unpaid portion of the purchase price. Title to
3085 all real property acquired prior to January 7, 2003, and to all
3086 real property acquired with funds appropriated by the Legislature
3087 shall be vested in the Board of Trustees of the Internal
3088 Improvement Trust Fund and shall be transferred and conveyed by
3089 it. Notwithstanding any other provisions of this subsection, each
3090 board of trustees shall comply with the provisions of s. 287.055
3091 for the procurement of professional services as defined therein.
3092 Any acquisition pursuant to this paragraph is subject to the
3093 provisions of s. 1010.62.
3094 (b) The Board of Governors shall develop guidelines for
3095 university boards of trustees relating to the use, maintenance,
3096 protection, and control of university-owned or university-
3097 controlled buildings and grounds, property and equipment, name,
3098 trademarks and other proprietary marks, and the financial and
3099 other resources of the university. Such authority may include
3100 placing restrictions on activities and on access to facilities,
3101 firearms, food, tobacco, alcoholic beverages, distribution of

3102 printed materials, commercial solicitation, animals, and sound.
3103 The authority provided the board of trustees in this subsection
3104 includes the prioritization of the use of space, property,
3105 equipment, and resources and the imposition of charges for those
3106 items.
3107 (c) The Board of Governors, or the board's designee, shall
3108 administer a program for the maintenance and construction of
3109 facilities pursuant to chapter 1013.
3110 (d) The Board of Governors, or the board's designee, shall
3111 ensure compliance with the provisions of s. 287.09451 for all
3112 procurement and ss. 255.101 and 255.102 for construction
3113 contracts, and rules adopted pursuant thereto, relating to the
3114 utilization of minority business enterprises, except that
3115 procurements costing less than the amount provided for in
3116 CATEGORY FIVE as provided in s. 287.017 shall not be subject to
3117 s. 287.09451.
3118 (e) Notwithstanding the provisions of s. 253.025, but
3119 subject to the provisions of s. 1010.62, the Board of Governors,
3120 or the board's designee, may, with the consent of the Board of
3121 Trustees of the Internal Improvement Trust Fund, sell, convey,
3122 transfer, exchange, trade, or purchase real property and related
3123 improvements necessary and desirable to serve the needs and
3124 purposes of the university.
3125 1. The Board of Governors, or the board's designee, may
3126 secure appraisals and surveys. The Board of Governors, or the
3127 board's designee, shall comply with the rules of the Board of
3128 Trustees of the Internal Improvement Trust Fund in securing
3129 appraisals. Whenever the Board of Governors, or the board's
3130 designee, finds it necessary for timely property acquisition, it

3131 may contract, without the need for competitive selection, with
3132 one or more appraisers whose names are contained on the list of
3133 approved appraisers maintained by the Division of State Lands in
3134 the Department of Environmental Protection.
3135 2. The Board of Governors, or the board's designee, may
3136 negotiate and enter into an option contract before an appraisal
3137 is obtained. The option contract must state that the final
3138 purchase price may not exceed the maximum value allowed by law.
3139 The consideration for such an option contract may not exceed 10
3140 percent of the estimate obtained by the Board of Governors, or
3141 the board's designee, or 10 percent of the value of the parcel,
3142 whichever is greater, unless otherwise authorized by the Board of
3143 Governors, or the board's designee.
3144 3. This subsection is not intended to abrogate in any
3145 manner the authority delegated to the Board of Trustees of the
3146 Internal Improvement Trust Fund or the Division of State Lands to
3147 approve a contract for purchase of state lands or to require
3148 policies and procedures to obtain clear legal title to parcels
3149 purchased for state purposes. Title to property acquired by a
3150 university board of trustees prior to January 7, 2003, and to
3151 property acquired with funds appropriated by the Legislature
3152 shall vest in the Board of Trustees of the Internal Improvement
3153 Trust Fund.
3154 (f) The Board of Governors, or the board's designee, shall
3155 prepare and adopt a campus master plan pursuant to s. 1013.30.
3156 (g) The Board of Governors, or the board's designee, shall
3157 prepare, adopt, and execute a campus development agreement
3158 pursuant to s. 1013.30.

3159 (h) Notwithstanding the provisions of s. 216.351, the Board
3160 of Governors, or the board's designee, may authorize the rent or
3161 lease of parking facilities, provided that such facilities are
3162 funded through parking fees or parking fines imposed by a
3163 university. The Board of Governors, or the board's designee, may
3164 authorize a university board of trustees to charge fees for
3165 parking at such rented or leased parking facilities.
3166 (i) Notwithstanding the provisions of s. 267.062, the Board
3167 of Governors may approve a request from a university board of
3168 trustees to name a state building, road, bridge, park,
3169 recreational complex, or similar facility on the campus of a
3170 state university for a living person. The Board of Governors
3171 shall develop minimum criteria to be used in evaluating such
3172 requests including, but not limited to, significant contributions
3173 by the person or persons being honored to the institution, the
3174 community, and the state.
3175 (7) COMPLIANCE WITH LAWS, RULES, REGULATIONS, AND
3176 REQUIREMENTS.--The Board of Governors has responsibility for
3177 compliance with state and federal laws, rules, regulations, and
3178 requirements.
3179 (8) COOPERATION WITH OTHER BOARDS.--The Board of Governors
3180 shall implement a plan for working on a regular basis with the
3181 State Board of Education, the Commission for Independent
3182 Education, the university boards of trustees, representatives of
3183 the community college boards of trustees, representatives of the
3184 private colleges and universities, and representatives of the
3185 district school boards, to achieve a seamless education system.
3186 Section 76. Subsections (3) and (4) of section 1001.71,
3187 Florida Statutes, are amended to read:

3188 1001.71 University boards of trustees; membership.--
3189 (3) In accordance with s. 3, Art. II of the State
3190 Constitution, university boards of trustees are a part of the
3191 executive branch of state government. ~~Each board of trustees~~
3192 ~~shall select its chair and vice chair from the appointed members~~
3193 ~~at its first regular meeting after July 1. The chair shall serve~~
3194 ~~for 2 years and may be reselected for one additional consecutive~~
3195 ~~term. The duties of the chair shall include presiding at all~~
3196 ~~meetings of the board of trustees, calling special meetings of~~
3197 ~~the board of trustees, and attesting to actions of the board of~~
3198 ~~trustees. The duty of the vice chair is to act as chair during~~
3199 ~~the absence or disability of the chair.~~
3200 ~~(4) The university president shall serve as executive~~
3201 ~~officer and corporate secretary of the board of trustees and~~
3202 ~~shall be responsible to the board of trustees for all operations~~
3203 ~~of the university and for setting the agenda for meetings of the~~
3204 ~~board of trustees in consultation with the chair.~~
3205 Section 77. Subsections (2) and (4) of section 1001.73,
3206 Florida Statutes, are amended to read:
3207 1001.73 University board empowered to act as trustee.--
3208 (2) Deeds, mortgages, leases, and other contracts of the
3209 university board of trustees relating to real property of any
3210 such trust or any interest therein may be executed by the
3211 university board of trustees, as trustee, in the same manner as
3212 is provided by the laws of the state for the execution of similar
3213 documents by other corporations or may be executed by the
3214 signatures of a majority of the members of the board of trustees;
3215 however, to be effective, any such deed, mortgage, or lease
3216 contract for more than 10 years of any trust property, executed

3217 hereafter by the university board of trustees, shall be approved
3218 by a resolution of the Board of Governors of the State University
3219 System ~~State Board of Education~~; and such approving resolution
3220 may be evidenced by the signature of either the chair or the
3221 secretary of the Board of Governors of the State University
3222 System ~~State Board of Education~~ to an endorsement on the
3223 instrument approved, reciting the date of such approval, and
3224 bearing the seal of the Board of Governors of the State
3225 University System ~~State Board of Education~~. Such signed and
3226 sealed endorsement shall be a part of the instrument and entitled
3227 to record without further proof.
3228 (4) Nothing herein shall be construed to authorize a
3229 university board of trustees to contract a debt on behalf of, or
3230 in any way to obligate, the state; and the satisfaction of any
3231 debt or obligation incurred by the university board as trustee
3232 under the provisions of this section shall be exclusively from
3233 the trust property, mortgaged or encumbered; and nothing herein
3234 shall in any manner affect or relate to the provisions of ~~ss.~~
3235 ~~1010.61-1010.619 or~~ s. 1013.78, and any mortgage, lease, or other
3236 agreement entered into pursuant to this section is subject to the
3237 provisions of s. 1010.62.
3238 Section 78. Section 1001.74, Florida Statutes, is amended
3239 to read:
3240 (Substantial rewording of section. See
3241 s. 1001.74, F.S., for present text.)
3242 1001.74 Powers and duties of university boards of
3243 trustees.--
3244 (1) GENERAL PROVISIONS.--

3245 (a) Pursuant to s. 7(c), Art. IX of the State Constitution
3246 and except as otherwise provided by law, the Board of Governors
3247 of the State University System shall establish the powers and
3248 duties of the university boards of trustees.
3249 (b) To the extent delegated by the Board of Governors
3250 pursuant to s. 1001.706, the boards of trustees shall be
3251 responsible for cost-effective policy decisions appropriate to
3252 the university's mission, the implementation and maintenance of
3253 high quality education programs within law and guidelines of the
3254 Board of Governors, the measurement of performance, the reporting
3255 of information, and the provision of input regarding state
3256 policy, budgeting, and education standards.
3257 (c) Each board of trustees is vested with the authority to
3258 govern its university, as necessary to provide proper governance
3259 and improvement of the university in accordance with law and with
3260 guidelines of the Board of Governors.
3261 (d) Each board of trustees shall perform all duties
3262 assigned by law or by the Board of Governors.
3263 (e) A board of trustees shall have the power to take action
3264 without a recommendation from the president and shall have the
3265 power to require the president to deliver to the board of
3266 trustees all data and information required by the board of
3267 trustees in the performance of its duties.
3268 (f) Each board of trustees shall adopt rules pursuant to
3269 ss. 120.536(1) and 120.54 when acting pursuant to statutory
3270 authority derived from the Legislature.
3271 (2) POWERS AND DUTIES RELATING TO ORGANIZATION AND
3272 OPERATION OF STATE UNIVERSITIES.--

3273 (a) Each board of trustees constitutes the contracting
3274 agent of the university.
3275 (b) Each board of trustees shall submit to the Board of
3276 Governors, for approval, all new campuses and instructional
3277 centers.
3278 (c) Each board of trustees shall establish student
3279 performance standards for the award of degrees and certificates.
3280 (d) Each board of trustees has responsibility for requiring
3281 no more than 120 semester hours of coursework for baccalaureate
3282 degree programs unless approved by the Board of Governors. At
3283 least half of the required coursework for any baccalaureate
3284 degree must be offered at the lower-division level, except in
3285 program areas approved by the Board of Governors.
3286 (e) Each board of trustees has responsibility for ensuring
3287 that students have access to general education courses as
3288 identified by the university.
3289 (f) To the extent delegated by the Board of Governors
3290 pursuant to s. 1001.706, each board of trustees shall identify
3291 its core curricula and work with school districts to ensure that
3292 curricula of the school district coordinate with the core
3293 curricula of the university and prepare students for college-
3294 level work.
3295 (g) To the extent delegated by the Board of Governors
3296 pursuant to s. 1001.706, each board of trustees shall adopt a
3297 written antihazing policy, appropriate penalties for violations
3298 of such policy, and a program for enforcing such policy.
3299 (h) To the extent delegated by the Board of Governors
3300 pursuant to s. 1001.706, each board of trustees may establish a
3301 uniform code of conduct and appropriate penalties for violations

3302 of its rules by students and student organizations, including
3303 rules governing student academic honesty. Such penalties, unless
3304 otherwise provided by law, may include reasonable fines, the
3305 withholding of diplomas or transcripts pending compliance with
3306 rules or payment of fines, and the imposition of probation,
3307 suspension, or dismissal.
3308 (i) Each board of trustees is authorized to create
3309 divisions of sponsored research pursuant to the provisions of s.
3310 1004.22 and guidelines of the Board of Governors to serve the
3311 function of administration and promotion of the programs of
3312 research.
3313 (j) Each board of trustees may develop and produce work
3314 products relating to educational endeavors that are subject to
3315 trademark, copyright, or patent statutes pursuant to s. 1004.23.
3316 (k) To the extent delegated by the Board of Governors
3317 pursuant to s. 1001.706, each board of trustees shall develop
3318 guidelines and procedures related to data and technology,
3319 including information systems, communications systems, computer
3320 hardware and software, and networks.
3321 (l) Each board of trustees may govern traffic on its campus
3322 pursuant to s. 1006.66.
3323 (m) A board of trustees has responsibility for supervising
3324 faculty practice plans for the academic health science centers
3325 pursuant to guidelines of the Board of Governors.
3326 (n) Each board of trustees may certify direct-support
3327 organizations and university health services support
3328 organizations to use university property and services in
3329 accordance with guidelines of the Board of Governors.

3330 (o) Each board of trustees may establish educational
3331 research centers for child development pursuant to s. 1011.48.
3332 (3) POWERS AND DUTIES RELATING TO FINANCE.--
3333 (a) To the extent delegated by the Board of Governors
3334 pursuant to s. 1001.706, each board of trustees shall account for
3335 expenditures of all state, local, federal, and other funds. Such
3336 accounting systems shall have appropriate audit and internal
3337 controls in place that will enable the university to
3338 satisfactorily and timely perform all accounting and reporting
3339 functions required by state and federal law and rules.
3340 (b) Each board of trustees shall submit an institutional
3341 budget request, including a request for fixed capital outlay, and
3342 an operating budget to the Board of Governors for approval in
3343 accordance with guidelines established by the Board of Governors.
3344 (c) To the extent delegated by the Board of Governors
3345 pursuant to s. 1001.706, each board of trustees shall establish
3346 tuition and fees pursuant to ss. 1009.24 and 1009.26.
3347 (d) To the extent delegated by the Board of Governors
3348 pursuant to s. 1001.706, each board of trustees is authorized to
3349 secure comprehensive general liability insurance pursuant to s.
3350 1004.24.
3351 (e) Each board of trustees may provide for payment of the
3352 costs of civil actions against officers, employees, or agents of
3353 the board pursuant to s. 1012.965.
3354 (f) Each board of trustees may enter into agreements for,
3355 and accept, credit card payments as compensation for goods,
3356 services, tuition, and fees.
3357 (4) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.--

3358 (a) Each board of trustees shall develop a strategic plan
3359 specifying institutional goals and objectives for the university
3360 for recommendation to and approval by the Board of Governors.
3361 (b) Each board of trustees shall develop an accountability
3362 plan pursuant to guidelines established by the Board of
3363 Governors.
3364 (c) Each board of trustees shall maintain an effective
3365 information system to provide accurate, timely, and cost-
3366 effective information about the university pursuant to guidelines
3367 of the Board of Governors.
3368 (5) POWERS AND DUTIES RELATING TO PERSONNEL.—
3369 (a) To the extent delegated by the Board of Governors
3370 pursuant to s. 1001.706, each board of trustees shall establish
3371 the personnel program for all employees of the university,
3372 including the president.
3373 (b) The Department of Management Services shall retain
3374 authority over state university employees for programs
3375 established in ss. 110.123, 110.161, 110.1232, 110.1234, and
3376 110.1238 and in chapters 121, 122, and 238. Unless specifically
3377 authorized by law, neither the Board of Governors nor a state
3378 university may offer group insurance programs for employees as a
3379 substitute for or as an alternative to the health insurance
3380 programs offered pursuant to chapter 110.
3381 (c) Except as otherwise provided by law, university
3382 employees are public employees for purposes of chapter 112 and
3383 the payment for travel and per diem shall not exceed the level
3384 specified in s. 112.061.
3385 (6) POWERS AND DUTIES RELATING TO PROPERTY.--

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

V

3386 (a) Each board of trustees shall have the authority to
3387 acquire real and personal property and contract for its sale and
3388 disposal and approve and execute contracts for the purchase,
3389 sale, lease, license, or acquisition of commodities, goods,
3390 equipment, contractual services, leases of real and personal
3391 property, and construction in accordance with law and guidelines
3392 of the Board of Governors. The acquisition may include purchase
3393 by installment or lease-purchase. Such contracts may provide for
3394 payment of interest on the unpaid portion of the purchase price.
3395 Title to all real property acquired prior to January 7, 2003, and
3396 to all real property acquired with funds appropriated by the
3397 Legislature shall be vested in the Board of Trustees of the
3398 Internal Improvement Trust Fund and shall be transferred and
3399 conveyed by it. Notwithstanding any other provisions of this
3400 subsection, each board of trustees shall comply with the
3401 provisions of s. 287.055 for the procurement of professional
3402 services as defined therein. Any acquisition pursuant to this
3403 paragraph is subject to the provisions of s. 1010.62.
3404 (b) Each board of trustees shall have responsibility for
3405 the use, maintenance, protection, and control of university-owned
3406 or university-controlled buildings and grounds, property and
3407 equipment, name, trademarks and other proprietary marks, and the
3408 financial and other resources of the university pursuant to
3409 guidelines of the Board of Governors. Such authority may include
3410 placing restrictions on activities and on access to facilities,
3411 firearms, food, tobacco, alcoholic beverages, distribution of
3412 printed materials, commercial solicitation, animals, and sound.
3413 The authority vested in the board of trustees in this subsection
3414 includes the prioritization of the use of space, property,

3415 equipment, and resources and the imposition of charges for those
3416 items.
3417 (c) To the extent delegated by the Board of Governors
3418 pursuant to s. 1001.706, each board of trustees shall administer
3419 a program for the maintenance and construction of facilities
3420 pursuant to chapter 1013.
3421 (d) To the extent delegated by the Board of Governors
3422 pursuant to s. 1001.706, each board of trustees shall ensure
3423 compliance with the provisions of s. 287.09451 for all
3424 procurement and ss. 255.101 and 255.102 for construction
3425 contracts, and rules adopted pursuant thereto, relating to the
3426 utilization of minority business enterprises, except that
3427 procurements costing less than the amount provided for in
3428 CATEGORY FIVE as provided in s. 287.017 shall not be subject to
3429 s. 287.09451.
3430 (e) Each board of trustees may exercise the right of
3431 eminent domain pursuant to the provisions of chapter 1013. Any
3432 suits or actions brought by the board of trustees shall be
3433 brought in the name of the board of trustees, and the Department
3434 of Legal Affairs shall conduct the proceedings for, and act as
3435 the counsel of, the board of trustees.
3436 (f) Notwithstanding the provisions of s. 253.025, but
3437 subject to the provisions of s. 1010.62, each board of trustees
3438 may, to the extent delegated by the Board of Governors pursuant
3439 to s. 1001.706 and with the consent of the Board of Trustees of
3440 the Internal Improvement Trust Fund, sell, convey, transfer,
3441 exchange, trade, or purchase real property and related
3442 improvements necessary and desirable to serve the needs and
3443 purposes of the university.

3444 1. To the extent delegated by the Board of Governors
3445 pursuant to s. 1001.706, each board of trustees may secure
3446 appraisals and surveys. The board of trustees shall comply with
3447 the rules of the Board of Trustees of the Internal Improvement
3448 Trust Fund in securing appraisals. Whenever the board of trustees
3449 finds it necessary for timely property acquisition, it may
3450 contract, without the need for competitive selection, with one or
3451 more appraisers whose names are contained on the list of approved
3452 appraisers maintained by the Division of State Lands in the
3453 Department of Environmental Protection.
3454 2. To the extent delegated by the Board of Governors
3455 pursuant to s. 1001.706, each board of trustees may negotiate and
3456 enter into an option contract before an appraisal is obtained.
3457 The option contract must state that the final purchase price may
3458 not exceed the maximum value allowed by law. The consideration
3459 for such an option contract may not exceed 10 percent of the
3460 estimate obtained by the board of trustees or 10 percent of the
3461 value of the parcel, whichever is greater, unless otherwise
3462 authorized by the board of trustees.
3463 3. This paragraph is not intended to abrogate in any manner
3464 the authority delegated to the Board of Trustees of the Internal
3465 Improvement Trust Fund or the Division of State Lands to approve
3466 a contract for purchase of state lands or to require policies and
3467 procedures to obtain clear legal title to parcels purchased for
3468 state purposes. Title to property acquired by a university board
3469 of trustees prior to January 7, 2003, and to property acquired
3470 with funds appropriated by the Legislature shall vest in the
3471 Board of Trustees of the Internal Improvement Trust Fund.

3472 (g) To the extent delegated by the Board of Governors
3473 pursuant to s. 1001.706, each board of trustees shall prepare and
3474 adopt a campus master plan pursuant to s. 1013.30.
3475 (h) To the extent delegated by the Board of Governors
3476 pursuant to s. 1001.706, each board of trustees shall prepare,
3477 adopt, and execute a campus development agreement pursuant to s.
3478 1013.30.
3479 (i) Notwithstanding the provisions of s. 216.351 and to the
3480 extent delegated by the Board of Governors pursuant to s.
3481 1001.706, a board of trustees may authorize the rent or lease of
3482 parking facilities, provided that such facilities are funded
3483 through parking fees or parking fines imposed by a university.
3484 With authorization from the Board of Governors, a board of
3485 trustees may charge fees for parking at such rented or leased
3486 parking facilities.
3487 (7) COMPLIANCE WITH LAWS, RULES, REGULATIONS, AND
3488 REQUIREMENTS.-- Each board of trustees has responsibility for
3489 compliance with state and federal laws, rules, regulations, and
3490 requirements.
3491 (8) OTHER POWERS AND DUTIES.--A board of trustees shall
3492 perform such other duties as are provided by law or at the
3493 direction of the Board of Governors.
3494 Section 79. Section 1001.75, Florida Statutes, is amended
3495 to read:
3496 (Substantial rewording of section. See
3497 s. 1001.75, F.S., for present text.)
3498 1001.75 University presidents; powers and duties.--The
3499 president is the chief executive officer of the state university

3500 and is responsible for the operation and administration of the
3501 university. Each state university president shall:
3502 (1) Recommend the adoption of rules, as appropriate, to the
3503 university board of trustees to implement provisions of law
3504 governing the operation and administration of the university,
3505 which shall include the specific powers and duties enumerated in
3506 this section. Such rules shall be consistent with the mission of
3507 the university and the guidelines and policies of the Board of
3508 Governors of the State University System.
3509 (2) Prepare a budget request and an operating budget for
3510 approval by the university board of trustees.
3511 (3) Approve, execute, and administer contracts for and on
3512 behalf of the university board of trustees for licenses; the
3513 acquisition or provision of commodities, goods, equipment, and
3514 services; leases of real and personal property; and planning and
3515 construction to be rendered to or by the university, provided
3516 such contracts are within law and guidelines of the Board of
3517 Governors of the State University System and in conformance with
3518 policies of the university board of trustees, and are for the
3519 implementation of approved programs of the university. University
3520 presidents shall comply with the provisions of s. 287.055 for the
3521 procurement of professional services and may approve and execute
3522 all contracts on behalf of the board of trustees for planning,
3523 construction, and equipment. For the purposes of a university
3524 president's contracting authority, a "continuing contract" for
3525 professional services under the provisions of s. 287.055 is one
3526 in which construction costs do not exceed $1 million or the fee
3527 for study activity does not exceed $100,000. Contracts executed

3528 pursuant to this subsection are subject to the requirements of s.
3529 1010.62.
3530 (4) Act for the university board of trustees as custodian
3531 of all university property.
3532 (5) Administer the university's program of intercollegiate
3533 athletics.
3534 (6) Recommend to the board of trustees a schedule of
3535 tuition and fees to be charged by the university.
3536 (7) Organize the university to efficiently and effectively
3537 achieve the goals of the university.
3538 (8) Review periodically the operations of the university in
3539 order to determine how effectively and efficiently the university
3540 is being administered.
3541 (9) Provide purchasing, contracting, and budgetary review
3542 processes for student government organizations.
3543 (10) Ensure compliance with federal and state laws, rules,
3544 regulations, and other requirements that are applicable to the
3545 university.
3546 (11) Maintain all data and information pertaining to the
3547 operation of the university.
3548 (12) Adjust property records and dispose of state-owned
3549 tangible personal property in the university's custody in
3550 accordance with procedures established by the university board of
3551 trustees in accordance with the provisions of chapter 273.
3552 Notwithstanding the provisions of s. 273.055(5), all moneys
3553 received from the disposition of state-owned tangible personal
3554 property shall be retained by the university and disbursed for
3555 the acquisition of tangible personal property and for all

3556 necessary operating expenditures. The university shall maintain
3557 records of the accounts into which such moneys are deposited.
3558 Section 80. Paragraph (a) of subsection (2) and subsection
3559 (4) of section 1002.35, Florida Statutes, are amended to read:
3560 1002.35 New World School of the Arts.--
3561 (2)(a) For purposes of governance, the New World School of
3562 the Arts is assigned to Miami-Dade Community College, the Dade
3563 County School District, and one or more universities designated
3564 by the State Board of Education. The State Board of Education, in
3565 consultation with the Board of Governors of the State University
3566 System, shall assign to the New World School of the Arts a
3567 university partner or partners. In this selection, the State
3568 Board of Education and the Board of Governors shall consider the
3569 accreditation status of the core programs. Florida International
3570 University, in its capacity as the provider of university
3571 services to Dade County, shall be a partner to serve the New
3572 World School of the Arts, upon meeting the accreditation
3573 criteria. The respective boards shall appoint members to an
3574 executive board for administration of the school. The executive
3575 board may include community members and shall reflect
3576 proportionately the participating institutions. Miami-Dade
3577 Community College shall serve as fiscal agent for the school.
3578 (4) The State Board of Education and the Board of Governors
3579 shall utilize resources, programs, and faculty from the various
3580 state universities in planning and providing the curriculum and
3581 courses at the New World School of the Arts, drawing on program
3582 strengths at each state university.

3583 Section 81. Subsection (8) of section 1002.41, Florida
3584 Statutes, is amended, subsection (9) is renumbered as subsection
3585 (10), and a new subsection (9) is added to that section, to read:
3586 1002.41 Home education programs.--
3587 (8) Home education students are eligible for admission to
3588 state universities in accordance with the policies and guidelines
3589 of the Board of Governors of the State University System
3590 ~~provisions of s. 1007.261~~.
3591 (9) A home education student who has completed a home
3592 education program in accordance with this section shall not be
3593 required to document completion of a specified 18 credit college
3594 preparatory curriculum.
3595 Section 82. Subsections (1) and (3) of section 1004.03,
3596 Florida Statutes, are amended to read:
3597 1004.03 Program approval.--
3598 (1) The Board of Governors of the State University System
3599 ~~State Board of Education~~ shall establish criteria for the
3600 approval of new programs at state universities that will receive
3601 any support from tuition and fees assessed pursuant to s. 1009.24
3602 or from funds appropriated by the Legislature through the General
3603 Appropriations Act or other law. These~~, which~~ criteria include,
3604 but are not limited to, the following:
3605 (a) New programs may not be approved unless the same
3606 objectives cannot be met through use of educational technology.
3607 (b) Unnecessary duplication of programs offered by public
3608 and independent institutions shall be avoided.
3609 (c) Cooperative programs, particularly within regions,
3610 should be encouraged.

3611 (d) New programs shall be approved only if they are
3612 consistent with the strategic plan ~~state master plans~~ adopted by
3613 the Board of Governors ~~State Board of Education~~.
3614 (e) A new graduate-level program or professional-level
3615 program may be approved if:
3616 1. The university has taken into account the offerings of
3617 its counterparts, including institutions in other sectors,
3618 particularly at the regional level.
3619 2. The addition of the program will not alter the emphasis
3620 on undergraduate education.
3621 3. The regional need and demand for the graduate program or
3622 professional program was addressed and the community needs are
3623 obvious.
3624 (3) New colleges, schools, or functional equivalents of any
3625 program that leads ~~leading~~ to a degree that is offered as a
3626 credential for a specific license granted under the Florida
3627 Statutes or the State Constitution and that will receive any
3628 support from tuition and fees or from funds appropriated by the
3629 Legislature through the General Appropriations Act or other law
3630 shall not be established without the specific approval of the
3631 Legislature.
3632 Section 83. Paragraph (b) of subsection (5) of section
3633 1004.04, Florida Statutes, is amended to read:
3634 1004.04 Public accountability and state approval for
3635 teacher preparation programs.--
3636 (5) CONTINUED PROGRAM APPROVAL.--Notwithstanding subsection
3637 (4), failure by a public or nonpublic teacher preparation program
3638 to meet the criteria for continued program approval shall result
3639 in loss of program approval. The Department of Education, in

3640 collaboration with the departments and colleges of education,
3641 shall develop procedures for continued program approval that
3642 document the continuous improvement of program processes and
3643 graduates' performance.
3644 (b) Additional criteria for continued program approval for
3645 public institutions may be approved by the State Board of
3646 Education. Such criteria must emphasize instruction in classroom
3647 management and must provide for the evaluation of the teacher
3648 candidates' performance in this area. The criteria shall also
3649 require instruction in working with underachieving students.
3650 Program evaluation procedures must include, but are not limited
3651 to, program graduates' satisfaction with instruction and the
3652 program's responsiveness to local school districts. Additional
3653 criteria for continued program approval for nonpublic
3654 institutions shall be developed in the same manner as for public
3655 institutions; however, such criteria must be based upon
3656 significant, objective, and quantifiable graduate performance
3657 measures. Responsibility for collecting data on outcome measures
3658 through survey instruments and other appropriate means shall be
3659 shared by the postsecondary educational institutions and the
3660 Department of Education. By January 1 of each year, the
3661 Department of Education shall report this information for each
3662 postsecondary educational institution that has state-approved
3663 programs of teacher education to the Governor, the State Board of
3664 Education, the Board of Governors of the State University System,
3665 the Commissioner of Education, the President of the Senate, the
3666 Speaker of the House of Representatives, all Florida
3667 postsecondary teacher preparation programs, and interested
3668 members of the public. This report must analyze the data and make

3669 recommendations for improving teacher preparation programs in the
3670 state.
3671 Section 84. Section 1004.07, Florida Statutes, is amended
3672 to read:
3673 1004.07 Student withdrawal from courses due to military
3674 service; effect.--
3675 (1) Each district school board, community college district
3676 board of trustees, and university board of trustees shall
3677 establish~~, by rule and pursuant to guidelines of the State Board~~
3678 ~~of Education,~~ policies regarding currently enrolled students who
3679 are called to, or enlist in, active military service.
3680 (2) Such policies shall provide that any student enrolled
3681 in a postsecondary course or courses at a career center, a public
3682 community college, a public college, or a state university shall
3683 not incur academic or financial penalties by virtue of performing
3684 military service on behalf of our country. Such student shall be
3685 permitted the option of either completing the course or courses
3686 at a later date without penalty or withdrawing from the course or
3687 courses with a full refund of fees paid. If the student chooses
3688 to withdraw, the student's record shall reflect that the
3689 withdrawal is due to active military service.
3690 (3) Policies of district school boards and community
3691 college boards of trustees shall be established by rule and
3692 pursuant to guidelines of the State Board of Education.
3693 (4) Policies of state university boards of trustees shall
3694 be established by rule and pursuant to guidelines of the Board of
3695 Governors of the State University System.
3696 Section 85. Section 1004.21, Florida Statutes, is amended
3697 to read:

3698 (Substantial rewording of section.
3699 See s. 1004.21, F.S., for present text.)
3700 1004.21 State universities; general provisions.—Pursuant to
3701 s. 3, Art. II and s. 7, Art. IX of the State Constitution, state
3702 universities are part of the executive branch of state government
3703 and are administered by a board of trustees as provided in s.
3704 1001.74.
3705 Section 86. Subsections (1), (2), (6), and (7) of section
3706 1004.22, Florida Statutes, are amended to read:
3707 1004.22 Divisions of sponsored research at state
3708 universities.--
3709 (1) Each university is authorized to create, in accordance
3710 with guidelines of the Board of Governors of the State University
3711 System ~~as it deems advisable~~, divisions of sponsored research
3712 which will serve the function of administration and promotion of
3713 the programs of research, including sponsored training programs,
3714 of the university at which they are located. ~~A division of~~
3715 ~~sponsored research created under the provisions of this section~~
3716 ~~shall be under the supervision of the president of that~~
3717 ~~university.~~
3718 (2) The university shall set such policies to regulate the
3719 activities of the divisions of sponsored research as it may
3720 consider necessary ~~to effectuate the purposes of this act and~~ to
3721 administer the research programs in a manner which assures
3722 efficiency and effectiveness, producing the maximum benefit for
3723 the educational programs and maximum service to the state. To
3724 this end, materials that relate to methods of manufacture or
3725 production, potential trade secrets, potentially patentable
3726 material, actual trade secrets, business transactions, or

3727 proprietary information received, generated, ascertained, or
3728 discovered during the course of research conducted within the
3729 state universities shall be confidential and exempt from the
3730 provisions of s. 119.07(1), except that a division of sponsored
3731 research shall make available upon request the title and
3732 description of a research project, the name of the researcher,
3733 and the amount and source of funding provided for such project.
3734 (6)(a) Each university shall submit to the Board of
3735 Governors of the State University System ~~State Board of Education~~
3736 a report of the activities of each division of sponsored research
3737 together with an estimated budget for the next fiscal year.
3738 (b) Not less than 90 days prior to the convening of each
3739 regular session of the Legislature in which an appropriation
3740 shall be made, the Board of Governors of the State University
3741 System ~~State Board of Education~~ shall submit to the chair of the
3742 appropriations committee of each house of the Legislature a
3743 compiled report, together with a compiled estimated budget for
3744 the next fiscal year. A copy of such report and estimated budget
3745 shall be furnished to the Governor, as the chief budget officer
3746 of the state.
3747 (7) All purchases of a division of sponsored research shall
3748 be made in accordance with the policies and procedures of the
3749 university in accordance with guidelines of the Board of
3750 Governors; however, upon certification addressed to the
3751 university president that it is necessary for the efficient or
3752 expeditious prosecution of a research project, the president may
3753 exempt the purchase of material, supplies, equipment, or services
3754 for research purposes from the general purchasing requirement of
3755 the Florida Statutes.

3756 Section 87. Section 1004.24, Florida Statutes, is amended
3757 to read:
3758 1004.24 Board of Governors of the State University System,
3759 or the board's designee, ~~State Board of Education~~ authorized to
3760 secure liability insurance.--
3761 (1) The Board of Governors of the State University System,
3762 or the board's designee, ~~State Board of Education~~ is authorized
3763 to secure, or otherwise provide as a self-insurer, or by a
3764 combination thereof, comprehensive general liability insurance,
3765 including professional liability for health care and veterinary
3766 sciences, for:
3767 (a) The Board of Governors of the State University System
3768 ~~State Board of Education~~ and its officers and members.
3769 (b) A university board of trustees and its officers and
3770 members.
3771 (c) The faculty and other employees and agents of a
3772 university board of trustees.
3773 (d) The students of a state university.
3774 (e) A state university or any college, school, institute,
3775 center, or program thereof.
3776 (f) Any not-for-profit corporation organized pursuant to
3777 chapter 617, and the directors, officers, employees, and agents
3778 thereof, which is affiliated with a state university, if the
3779 corporation is operated for the benefit of the state university
3780 in a manner consistent with the best interests of the state, and
3781 if such participation is approved by a self-insurance program
3782 council, the university president, and the board of trustees.
3783 (2) In the event the Board of Governors of the State
3784 University System, or the board's designee, ~~State Board of~~

3785 ~~Education~~ adopts a self-insurance program, a governing council
3786 chaired by the vice president for health affairs or his or her
3787 academic equivalent shall be established to administer the
3788 program and its duties and responsibilities, including the
3789 administration of self-insurance program assets and expenditure
3790 policies, which shall be defined in rules as authorized by this
3791 section. The council shall have an annual actuary review
3792 performed to establish funding requirements to maintain the
3793 fiscal integrity of the self-insurance program. The assets of a
3794 self-insurance program shall be deposited outside the State
3795 Treasury and shall be administered in accordance with rules as
3796 authorized by this section.
3797 (3) Any self-insurance program created under this section
3798 shall be funded by the entities and individuals protected by such
3799 program. There shall be no funds appropriated to any self-
3800 insurance program. The assets of the self-insurance program shall
3801 be the property of the board that adopts the self-insurance
3802 program ~~State Board of Education~~ and shall be used only to pay
3803 the administrative expenses of the self-insurance program and to
3804 pay any claim, judgment, or claims bill arising out of activities
3805 for which the self-insurance program was created. Investment
3806 income that is in excess of that income necessary to ensure the
3807 solvency of a self-insurance program as established by a casualty
3808 actuary may be used to defray the annual contribution paid into
3809 the program by the entities and individuals protected by the
3810 program.
3811 (4) No self-insurance program adopted by the Board of
3812 Governors of the State University System, or a designee of the
3813 board, ~~State Board of Education~~ may sue or be sued. The claims

3814 files of any such program are privileged and confidential, exempt
3815 from the provisions of s. 119.07(1), and are only for the use of
3816 the program in fulfilling its duties. Any self-insurance trust
3817 fund and revenues generated by that fund shall only be used to
3818 pay claims and administration expenses.
3819 (5) Each self-insurance program council shall make
3820 provision for an annual financial audit pursuant to s. 11.45 of
3821 its accounts to be conducted by an independent certified public
3822 accountant. The annual audit report must include a management
3823 letter and shall be submitted to the Board of Governors of the
3824 State University System and the university board of trustees
3825 ~~State Board of Education~~ for review. The State Board of Education
3826 shall have the authority to require and receive from the self-
3827 insurance program council or from its independent auditor any
3828 detail or supplemental data relative to the operation of the
3829 self-insurance program.
3830 ~~(6) The State Board of Education may make such rules as are~~
3831 ~~necessary to carry out the provisions of this section.~~
3832 Section 88. Section 1004.25, Florida Statutes, is amended
3833 to read:
3834 1004.25 State universities; payment of costs of civil
3835 action.--
3836 (1) A university may defray all costs of defending any
3837 civil action brought against any officer or employee of the
3838 university for any act or omission arising out of and in the
3839 course of the performance of his or her duties and
3840 responsibilities, which costs may include reasonable attorney's
3841 fees and expenses together with costs of appeal, and may save
3842 harmless and protect such person from any financial loss

3843 resulting from the lawful performance of his or her duties and
3844 responsibilities. Claims based on such actions or omissions may
3845 be settled prior to or after the filing of suit thereon. The
3846 university may arrange for and pay the premium for appropriate
3847 insurance to cover all such losses and expenses. The university
3848 may use funds available, not subject to the obligation of
3849 contract, covenant, or trust, to carry out the purposes of this
3850 section in the amount necessary. <u>However, any attorney's fees</u>
3851 <u>paid from public funds for any officer or employee who is found</u>
3852 <u>to be personally liable by virtue of acting outside the scope of</u>
3853 <u>his or her employment or acting in bad faith, with malicious</u>
3854 <u>purpose, or in a manner exhibiting wanton and willful disregard</u>
3855 <u>of human rights, safety, or property may be recovered by the</u>
3856 <u>state, county, municipality, or political subdivision in a civil</u>
3857 <u>action against such officer or employee.</u>
3858 <u>(2)</u> Failure by the university to perform any act authorized
3859 by this section shall not constitute a cause of action against
3860 the university or its members, officers, or employees.
3861 Section 89. Paragraph (c) is added to subsection (1) of
3862 section 1004.28, Florida Statutes, and paragraph (b) of
3863 subsection (2) and subsections (5), (6), and (7) of that section
3864 are amended, to read:
3865 1004.28 Direct-support organizations; use of property;
3866 board of directors; activities; audit; facilities.--
3867 (1) DEFINITIONS.--For the purposes of this section:
3868 <u>(c) "Property" does not include student fee revenues</u>
3869 <u>collected pursuant to s. 1009.24.</u>
3870 (2) USE OF PROPERTY.--

3871 (b) The board of trustees, in accordance with rules and
3872 guidelines of the Board of Governors of the State University
3873 System, shall prescribe by rule conditions with which a
3874 university direct-support organization must comply in order to
3875 use property, facilities, or personal services at any state
3876 university. Such rules shall provide for budget and audit review
3877 and oversight by the board of trustees.
3878 (5) ANNUAL AUDIT.--Each direct-support organization shall
3879 provide for an annual financial audit of its accounts and records
3880 to be conducted by an independent certified public accountant in
3881 accordance with rules adopted by the Auditor General pursuant to
3882 s. 11.45(8) and by the university board of trustees. The annual
3883 audit report shall be submitted, within 9 months after the end of
3884 the fiscal year, to the Auditor General and the Board of
3885 Governors of the State University System ~~State Board of Education~~
3886 for review. The Board of Governors ~~State Board of Education~~, the
3887 university board of trustees, the Auditor General, and the Office
3888 of Program Policy Analysis and Government Accountability shall
3889 have the authority to require and receive from the organization
3890 or from its independent auditor any records relative to the
3891 operation of the organization. The identity of donors who desire
3892 to remain anonymous shall be protected, and that anonymity shall
3893 be maintained in the auditor's report. All records of the
3894 organization other than the auditor's report, management letter,
3895 and any supplemental data requested by the Board of Governors
3896 ~~State Board of Education~~, the university board of trustees, the
3897 Auditor General, and the Office of Program Policy Analysis and
3898 Government Accountability shall be confidential and exempt from
3899 the provisions of s. 119.07(1).

3900 (6) FACILITIES.--~~In addition to issuance of indebtedness~~
3901 ~~pursuant to s. 1010.60(2),~~ Each direct-support organization is
3902 authorized to enter into agreements to finance, design and
3903 construct, lease, lease-purchase, purchase, or operate facilities
3904 necessary and desirable to serve the needs and purposes of the
3905 university, as determined by the systemwide strategic plan
3906 adopted by the Board of Governors of the State University System
3907 ~~State Board of Education~~. Such agreements are subject to the
3908 provisions of ss. ~~s.~~ 1013.171 and 1010.62.
3909 (7) ANNUAL BUDGETS AND REPORTS.--Each direct-support
3910 organization shall submit to the university president and the
3911 Board of Governors of the State University System ~~State Board of~~
3912 ~~Education~~ its federal Internal Revenue Service Application for
3913 Recognition of Exemption form (Form 1023) and its federal
3914 Internal Revenue Service Return of Organization Exempt from
3915 Income Tax form (Form 990).
3916 Section 90. Subsections (3) and (5) of section 1004.29,
3917 Florida Statutes, are amended to read:
3918 1004.29 University health services support organizations.--
3919 (3) A state university board of trustees, in accordance
3920 with rules and guidelines of the Board of Governors of the State
3921 University System, may prescribe, by rule, conditions with which
3922 a university health services support organization must comply in
3923 order to be certified and to use property, facilities, or
3924 personal services at any state university. The rules must provide
3925 for budget, audit review, and oversight by the board of trustees.
3926 Such rules shall provide that the university health services
3927 support organization may provide salary supplements and other
3928 compensation or benefits for university faculty and staff

3929 employees only as set forth in the organization's budget, which
3930 shall be subject to approval by the university president.
3931 (5) Each university health services support organization
3932 shall provide for an annual financial audit in accordance with s.
3933 1004.28(5). The auditor's report, management letter, and any
3934 supplemental data requested by the Board of Governors of the
3935 State University System ~~State Board of Education~~, the university
3936 board of trustees, and the Auditor General shall be considered
3937 public records, pursuant to s. 119.07.
3938 Section 91. Subsection (5) of section 1004.39, Florida
3939 Statutes, is amended to read:
3940 1004.39 College of law at Florida International
3941 University.--
3942 (5) ~~The Florida International University Board of Trustees~~
3943 ~~shall commence the planning of a college of law at Florida~~
3944 ~~International University. In planning the college of law,~~ The
3945 Florida International University Board of Trustees and the Board
3946 of Governors of the State University System ~~State Board of~~
3947 ~~Education~~ may accept grants, donations, gifts, and moneys
3948 available for this purpose, including moneys for planning and
3949 constructing the college. The Florida International University
3950 Board of Trustees may procure and accept any federal funds that
3951 are available for the planning, creation, and establishment of
3952 the college of law. ~~Classes must commence by the fall semester~~
3953 ~~2003.~~ If the American Bar Association or any other nationally
3954 recognized association for the accreditation of colleges of law
3955 issues a third disapproval of an application for provisional
3956 approval or for full approval or fails to grant, within 5 years
3957 following the graduation of the first class, a provisional

3958 approval, to the college of law at Florida International
3959 University, the Board of Governors of the State University System
3960 ~~State Board of Education~~ shall make recommendations to the
3961 Governor and the Legislature as to whether the college of law
3962 will cease operations at the end of the full academic year
3963 subsequent to the receipt by the college of law of any such third
3964 disapproval, or whether the college of law will continue
3965 operations and any conditions for continued operations. If the
3966 college of law ceases operations pursuant to this section, the
3967 following conditions apply:
3968 (a) The authority for the college of law at Florida
3969 International University and the authority of the Florida
3970 International University Board of Trustees and the Board of
3971 Governors of the State University System ~~State Board of Education~~
3972 provided in this section shall terminate upon the cessation of
3973 operations of the college of law at Florida International
3974 University. The college of law at Florida International
3975 University shall receive no moneys allocated for the planning,
3976 construction, or operation of the college of law after its
3977 cessation of operations other than moneys to be expended for the
3978 cessation of operations of the college of law. Any moneys
3979 allocated to the college of law at Florida International
3980 University not expended prior to or scheduled to be expended
3981 after the date of the cessation of the college of law shall be
3982 appropriated for other use by the Legislature of the State of
3983 Florida.
3984 (b) Any buildings of the college of law at Florida
3985 International University constructed from the expenditure of
3986 capital outlay funds appropriated by the Legislature shall be

3987 owned by the Board of Trustees of the Internal Improvement Trust
3988 Fund and managed by the Florida International University Board of
3989 Trustees upon the cessation of the college of law.
3990
3991 Nothing in this section shall undermine commitments to current
3992 students receiving support as of the date of the enactment of
3993 this section from the law school scholarship program of the
3994 Florida Education Fund as provided in s. 1009.70(8). Students
3995 attending the college of law at Florida International University
3996 shall be eligible for financial, academic, or other support from
3997 the Florida Education Fund as provided in s. 1009.70(8) without
3998 the college's obtaining accreditation by the American Bar
3999 Association.
4000 Section 92. Subsection (5) of section 1004.40, Florida
4001 Statutes, is amended to read:
4002 1004.40 College of law at Florida Agricultural and
4003 Mechanical University.--
4004 (5) ~~The Florida Agricultural and Mechanical University~~
4005 ~~Board of Trustees shall commence the planning of a college of law~~
4006 ~~under the auspices of Florida Agricultural and Mechanical~~
4007 ~~University to be located in the I-4 corridor area. In planning~~
4008 ~~the college of law,~~ The Florida Agricultural and Mechanical
4009 University Board of Trustees and the Board of Governors of the
4010 State University System ~~State Board of Education~~ may accept
4011 grants, donations, gifts, and moneys available for this purpose,
4012 including moneys for planning and constructing the college. The
4013 Florida Agricultural and Mechanical University Board of Trustees
4014 may procure and accept any federal funds that are available for
4015 the planning, creation, and establishment of the college of law.

4016 ~~Classes must commence by the fall semester 2003.~~ If the American
4017 Bar Association or any other nationally recognized association
4018 for the accreditation of colleges of law issues a third
4019 disapproval of an application for provisional approval or for
4020 full approval or fails to grant, within 5 years following the
4021 graduation of the first class, a provisional approval, to the
4022 college of law at Florida Agricultural and Mechanical University,
4023 the Board of Governors of the State University System ~~State Board~~
4024 ~~of Education~~ shall make recommendations to the Governor and
4025 Legislature as to whether the college of law will cease
4026 operations at the end of the full academic year subsequent to the
4027 receipt by the college of law of any such third disapproval, or
4028 whether the college of law will continue operations and any
4029 conditions for continued operations. If the college of law ceases
4030 operations of the college of law pursuant to this section, the
4031 following conditions apply:
4032 (a) The authority for the college of law at Florida
4033 Agricultural and Mechanical University and the authority of the
4034 Florida Agricultural and Mechanical University Board of Trustees
4035 and the Board of Governors of the State University System ~~State~~
4036 ~~Board of Education~~ provided in this section shall terminate upon
4037 the cessation of operations of the college of law at Florida
4038 Agricultural and Mechanical University. The college of law at
4039 Florida Agricultural and Mechanical University shall receive no
4040 moneys allocated for the planning, construction, or operation of
4041 the college of law after its cessation of operations other than
4042 moneys to be expended for the cessation of operations of the
4043 college of law. Any moneys allocated to the college of law at
4044 Florida Agricultural and Mechanical University not expended prior

4045 to or scheduled to be expended after the date of the cessation of
4046 the college of law shall be appropriated for other use by the
4047 Legislature of the State of Florida.
4048 (b) Any buildings of the college of law at Florida
4049 Agricultural and Mechanical University constructed from the
4050 expenditure of capital outlay funds appropriated by the
4051 Legislature shall be owned by the Board of Trustees of the
4052 Internal Improvement Trust Fund and managed by the Florida
4053 Agricultural and Mechanical University Board of Trustees upon the
4054 cessation of the college of law.
4055
4056 Nothing in this section shall undermine commitments to current
4057 students receiving support as of the date of the enactment of
4058 this section from the law school scholarship program of the
4059 Florida Education Fund as provided in s. 1009.70(8). Students
4060 attending the college of law at Florida Agricultural and
4061 Mechanical University shall be eligible for financial, academic,
4062 or other support from the Florida Education Fund as provided in
4063 s. 1009.70(8) without the college's obtaining accreditation by
4064 the American Bar Association.
4065 Section 93. Paragraph (e) of subsection (4) of section
4066 1004.41, Florida Statutes, is amended to read:
4067 1004.41 University of Florida; J. Hillis Miller Health
4068 Center.--
4069 (4)
4070 (e) In the event that the lease of the hospital facilities
4071 to the not-for-profit corporation is terminated for any reason,
4072 the University of Florida Board of Trustees shall resume
4073 management and operation of the hospital facilities. In such

4074 event, the board of trustees of the University of Florida
4075 ~~Administration Commission~~ is authorized to utilize ~~appropriate~~
4076 revenues generated from the operation of the hospital facilities
4077 to the University of Florida Board of Trustees to pay the costs
4078 and expenses of operating the hospital facility for the remainder
4079 of the fiscal year in which such termination occurs.
4080 Section 94. Section 1004.43, Florida Statutes, is amended
4081 to read:
4082 1004.43 H. Lee Moffitt Cancer Center and Research
4083 Institute.--There is established the H. Lee Moffitt Cancer Center
4084 and Research Institute at the University of South Florida.
4085 (1) The Board of Governors of the State University System
4086 ~~State Board of Education~~ shall enter into an agreement for the
4087 utilization of the facilities on the campus of the University of
4088 South Florida to be known as the H. Lee Moffitt Cancer Center and
4089 Research Institute, including all furnishings, equipment, and
4090 other chattels used in the operation of said facilities, with a
4091 Florida not-for-profit corporation organized solely for the
4092 purpose of governing and operating the H. Lee Moffitt Cancer
4093 Center and Research Institute. This not-for-profit corporation,
4094 acting as an instrumentality of the State of Florida, shall
4095 govern and operate the H. Lee Moffitt Cancer Center and Research
4096 Institute in accordance with the terms of the agreement between
4097 the Board of Governors of the State University System ~~State Board~~
4098 ~~of Education~~ and the not-for-profit corporation. The not-for-
4099 profit corporation may, with the prior approval of the Board of
4100 Governors of the State University System ~~State Board of~~
4101 ~~Education~~, create either for-profit or not-for-profit corporate
4102 subsidiaries, or both, to fulfill its mission. For-profit

4103 subsidiaries of the not-for-profit corporation may not compete
4104 with for-profit health care providers in the delivery of
4105 radiation therapy services to patients. The not-for-profit
4106 corporation and its subsidiaries are authorized to receive, hold,
4107 invest, and administer property and any moneys received from
4108 private, local, state, and federal sources, as well as technical
4109 and professional income generated or derived from practice
4110 activities of the institute, for the benefit of the institute and
4111 the fulfillment of its mission. The affairs of the corporation
4112 shall be managed by a board of directors who shall serve without
4113 compensation. The President of the University of South Florida
4114 and the chair of the Board of Governors of the State University
4115 System ~~State Board of Education~~, or his or her designee, shall be
4116 directors of the not-for-profit corporation, together with 5
4117 representatives of the state universities and no more than 14 nor
4118 fewer than 10 directors who are not medical doctors or state
4119 employees. Each director shall have only one vote, shall serve a
4120 term of 3 years, and may be reelected to the board. Other than
4121 the President of the University of South Florida and the chair of
4122 the Board of Governors of the State University System ~~State Board~~
4123 ~~of Education~~, directors shall be elected by a majority vote of
4124 the board. The chair of the board of directors shall be selected
4125 by majority vote of the directors.
4126 (2) The Board of Governors of the State University System
4127 ~~State Board of Education~~ shall provide in the agreement with the
4128 not-for-profit corporation for the following:
4129 (a) Approval of the articles of incorporation of the not-
4130 for-profit corporation by the Board of Governors of the State
4131 University System ~~State Board of Education~~.

4132 (b) Approval of the articles of incorporation of any not-
4133 for-profit corporate subsidiary created by the not-for-profit
4134 corporation.
4135 (c) Utilization of lands, facilities, and personnel by the
4136 not-for-profit corporation and its subsidiaries for research,
4137 education, treatment, prevention, and the early detection of
4138 cancer and for mutually approved teaching and research programs
4139 conducted by the University of South Florida or other accredited
4140 medical schools or research institutes.
4141 (d) Preparation of an annual financial audit of the not-
4142 for-profit corporation's accounts and records and the accounts
4143 and records of any subsidiaries to be conducted by an independent
4144 certified public accountant. The annual audit report shall
4145 include a management letter, as defined in s. 11.45, and shall be
4146 submitted to the Auditor General and the Board of Governors of
4147 the State University System ~~State Board of Education~~. The Board
4148 of Governors of the State University System ~~State Board of~~
4149 ~~Education~~, the Auditor General, and the Office of Program Policy
4150 Analysis and Government Accountability shall have the authority
4151 to require and receive from the not-for-profit corporation and
4152 any subsidiaries or from their independent auditor any detail or
4153 supplemental data relative to the operation of the not-for-profit
4154 corporation or subsidiary.
4155 (e) Provision by the not-for-profit corporation and its
4156 subsidiaries of equal employment opportunities to all persons
4157 regardless of race, color, religion, sex, age, or national
4158 origin.
4159 (3) The Board of Governors of the State University System
4160 ~~State Board of Education~~ is authorized to secure comprehensive

4161 general liability protection, including professional liability
4162 protection, for the not-for-profit corporation and its
4163 subsidiaries pursuant to s. 1004.24. The not-for-profit
4164 corporation and its subsidiaries shall be exempt from any
4165 participation in any property insurance trust fund established by
4166 law, including any property insurance trust fund established
4167 pursuant to chapter 284, so long as the not-for-profit
4168 corporation and its subsidiaries maintain property insurance
4169 protection with comparable or greater coverage limits.
4170 (4) In the event that the agreement between the not-for-
4171 profit corporation and the Board of Governors of the State
4172 University System ~~State Board of Education~~ is terminated for any
4173 reason, the Board of Governors of the State University System
4174 ~~State Board of Education~~ shall resume governance and operation of
4175 said facilities.
4176 (5) The institute shall be administered by a chief
4177 executive officer who shall serve at the pleasure of the board of
4178 directors of the not-for-profit corporation and who shall have
4179 the following powers and duties subject to the approval of the
4180 board of directors:
4181 (a) The chief executive officer shall establish programs
4182 which fulfill the mission of the institute in research,
4183 education, treatment, prevention, and the early detection of
4184 cancer; however, the chief executive officer shall not establish
4185 academic programs for which academic credit is awarded and which
4186 terminate in the conference of a degree without prior approval of
4187 the Board of Governors of the State University System ~~State Board~~
4188 ~~of Education~~.

4189 (b) The chief executive officer shall have control over the
4190 budget and the dollars appropriated or donated to the institute
4191 from private, local, state, and federal sources, as well as
4192 technical and professional income generated or derived from
4193 practice activities of the institute. However, professional
4194 income generated by university faculty from practice activities
4195 at the institute shall be shared between the institute and the
4196 university as determined by the chief executive officer and the
4197 appropriate university dean or vice president.
4198 (c) The chief executive officer shall appoint members to
4199 carry out the research, patient care, and educational activities
4200 of the institute and determine compensation, benefits, and terms
4201 of service. Members of the institute shall be eligible to hold
4202 concurrent appointments at affiliated academic institutions.
4203 University faculty shall be eligible to hold concurrent
4204 appointments at the institute.
4205 (d) The chief executive officer shall have control over the
4206 use and assignment of space and equipment within the facilities.
4207 (e) The chief executive officer shall have the power to
4208 create the administrative structure necessary to carry out the
4209 mission of the institute.
4210 (f) The chief executive officer shall have a reporting
4211 relationship to the Commissioner of Education.
4212 (g) The chief executive officer shall provide a copy of the
4213 institute's annual report to the Governor and Cabinet, the
4214 President of the Senate, the Speaker of the House of
4215 Representatives, and the chair of the Board of Governors of the
4216 State University System ~~State Board of Education~~.

4217 (6) The board of directors of the not-for-profit
4218 corporation shall create a council of scientific advisers to the
4219 chief executive officer comprised of leading researchers,
4220 physicians, and scientists. This council shall review programs
4221 and recommend research priorities and initiatives so as to
4222 maximize the state's investment in the institute. The council
4223 shall be appointed by the board of directors of the not-for-
4224 profit corporation. Each member of the council shall be appointed
4225 to serve a 2-year term and may be reappointed to the council.
4226 (7) In carrying out the provisions of this section, the
4227 not-for-profit corporation and its subsidiaries are not
4228 "agencies" within the meaning of s. 20.03(11).
4229 (8)(a) Records of the not-for-profit corporation and of its
4230 subsidiaries are public records unless made confidential or
4231 exempt by law.
4232 (b) Proprietary confidential business information is
4233 confidential and exempt from the provisions of s. 119.07(1) and
4234 s. 24(a), Art. I of the State Constitution. However, the Auditor
4235 General, the Office of Program Policy Analysis and Government
4236 Accountability, and the Board of Governors of the State
4237 University System ~~State Board of Education~~, pursuant to their
4238 oversight and auditing functions, must be given access to all
4239 proprietary confidential business information upon request and
4240 without subpoena and must maintain the confidentiality of
4241 information so received. As used in this paragraph, the term
4242 "proprietary confidential business information" means
4243 information, regardless of its form or characteristics, which is
4244 owned or controlled by the not-for-profit corporation or its
4245 subsidiaries; is intended to be and is treated by the not-for-

4246 profit corporation or its subsidiaries as private and the
4247 disclosure of which would harm the business operations of the
4248 not-for-profit corporation or its subsidiaries; has not been
4249 intentionally disclosed by the corporation or its subsidiaries
4250 unless pursuant to law, an order of a court or administrative
4251 body, a legislative proceeding pursuant to s. 5, Art. III of the
4252 State Constitution, or a private agreement that provides that the
4253 information may be released to the public; and which is
4254 information concerning:
4255 1. Internal auditing controls and reports of internal
4256 auditors;
4257 2. Matters reasonably encompassed in privileged attorney-
4258 client communications;
4259 3. Contracts for managed-care arrangements, including
4260 preferred provider organization contracts, health maintenance
4261 organization contracts, and exclusive provider organization
4262 contracts, and any documents directly relating to the
4263 negotiation, performance, and implementation of any such
4264 contracts for managed-care arrangements;
4265 4. Bids or other contractual data, banking records, and
4266 credit agreements the disclosure of which would impair the
4267 efforts of the not-for-profit corporation or its subsidiaries to
4268 contract for goods or services on favorable terms;
4269 5. Information relating to private contractual data, the
4270 disclosure of which would impair the competitive interest of the
4271 provider of the information;
4272 6. Corporate officer and employee personnel information;
4273 7. Information relating to the proceedings and records of
4274 credentialing panels and committees and of the governing board of

4275 the not-for-profit corporation or its subsidiaries relating to
4276 credentialing;
4277 8. Minutes of meetings of the governing board of the not-
4278 for-profit corporation and its subsidiaries, except minutes of
4279 meetings open to the public pursuant to subsection (9);
4280 9. Information that reveals plans for marketing services
4281 that the corporation or its subsidiaries reasonably expect to be
4282 provided by competitors;
4283 10. Trade secrets as defined in s. 688.002, including:
4284 a. Information relating to methods of manufacture or
4285 production, potential trade secrets, potentially patentable
4286 materials, or proprietary information received, generated,
4287 ascertained, or discovered during the course of research
4288 conducted by the not-for-profit corporation or its subsidiaries;
4289 and
4290 b. Reimbursement methodologies or rates;
4291 11. The identity of donors or prospective donors of
4292 property who wish to remain anonymous or any information
4293 identifying such donors or prospective donors. The anonymity of
4294 these donors or prospective donors must be maintained in the
4295 auditor's report; or
4296 12. Any information received by the not-for-profit
4297 corporation or its subsidiaries from an agency in this or another
4298 state or nation or the Federal Government which is otherwise
4299 exempt or confidential pursuant to the laws of this or another
4300 state or nation or pursuant to federal law.
4301
4302 As used in this paragraph, the term "managed care" means systems
4303 or techniques generally used by third-party payors or their

4304 agents to affect access to and control payment for health care
4305 services. Managed-care techniques most often include one or more
4306 of the following: prior, concurrent, and retrospective review of
4307 the medical necessity and appropriateness of services or site of
4308 services; contracts with selected health care providers;
4309 financial incentives or disincentives related to the use of
4310 specific providers, services, or service sites; controlled access
4311 to and coordination of services by a case manager; and payor
4312 efforts to identify treatment alternatives and modify benefit
4313 restrictions for high-cost patient care.
4314 (c) Subparagraphs 10. and 12. of paragraph (b) are subject
4315 to the Open Government Sunset Review Act of 1995 in accordance
4316 with s. 119.15 and shall stand repealed on October 2, 2010,
4317 unless reviewed and saved from repeal through reenactment by the
4318 Legislature.
4319 (9) Meetings of the governing board of the not-for-profit
4320 corporation and meetings of the subsidiaries of the not-for-
4321 profit corporation at which the expenditure of dollars
4322 appropriated to the not-for-profit corporation by the state are
4323 discussed or reported must remain open to the public in
4324 accordance with s. 286.011 and s. 24(b), Art. I of the State
4325 Constitution, unless made confidential or exempt by law. Other
4326 meetings of the governing board of the not-for-profit corporation
4327 and of the subsidiaries of the not-for-profit corporation are
4328 exempt from s. 286.011 and s. 24(b), Art. I of the State
4329 Constitution.
4330 (10) In addition to the continuing appropriation to the
4331 institute provided in s. 210.20(2), any appropriation to the
4332 institute provided in a general appropriations act shall be paid

4333 directly to the board of directors of the not-for-profit
4334 corporation by warrant drawn by the Chief Financial Officer from
4335 the State Treasury.
4336 Section 95. Section 1004.445, Florida Statutes, is amended
4337 to read:
4338 1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and
4339 Research Institute.--
4340 (1) The Johnnie B. Byrd, Sr., Alzheimer's Center and
4341 Research Institute is established at the University of South
4342 Florida.
4343 (2)(a) The Board of Governors of the State University
4344 System ~~State Board of Education~~ shall enter into an agreement for
4345 the utilization of the facilities on the campus of the University
4346 of South Florida to be known as the Johnnie B. Byrd, Sr.,
4347 Alzheimer's Center and Research Institute, including all
4348 furnishings, equipment, and other chattels used in the operation
4349 of those facilities, with a Florida not-for-profit corporation
4350 organized solely for the purpose of governing and operating the
4351 Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute.
4352 This not-for-profit corporation, acting as an instrumentality of
4353 the state, shall govern and operate the Johnnie B. Byrd, Sr.,
4354 Alzheimer's Center and Research Institute in accordance with the
4355 terms of the agreement between the Board of Governors of the
4356 State University System ~~State Board of Education~~ and the not-for-
4357 profit corporation. The not-for-profit corporation may, with the
4358 prior approval of the Board of Governors of the State University
4359 System ~~State Board of Education~~, create either for-profit or not-
4360 for-profit corporate subsidiaries, or both, to fulfill its
4361 mission. The not-for-profit corporation and its subsidiaries are

4362 authorized to receive, hold, invest, and administer property and
4363 any moneys acquired from private, local, state, and federal
4364 sources, as well as technical and professional income generated
4365 or derived from practice activities of the institute, for the
4366 benefit of the institute and the fulfillment of its mission.
4367 (b)1. The affairs of the not-for-profit corporation shall
4368 be managed by a board of directors who shall serve without
4369 compensation. The board of directors shall consist of the
4370 President of the University of South Florida and the chair of the
4371 Board of Governors of the State University System ~~State Board of~~
4372 ~~Education~~, or their designees, 5 representatives of the state
4373 universities, and no fewer than 9 nor more than 14
4374 representatives of the public who are neither medical doctors nor
4375 state employees. Each director who is a representative of a state
4376 university or of the public shall be appointed to serve a term of
4377 3 years. The chair of the board of directors shall be selected by
4378 a majority vote of the directors. Each director shall have only
4379 one vote.
4380 2. The initial board of directors shall consist of the
4381 President of the University of South Florida and the chair of the
4382 Board of Governors of the State University System ~~State Board of~~
4383 ~~Education~~, or their designees; the five university
4384 representatives, of whom one shall be appointed by the Governor,
4385 two by the President of the Senate, and two by the Speaker of the
4386 House of Representatives; and nine public representatives, of
4387 whom three shall be appointed by the Governor, three by the
4388 President of the Senate, and three by the Speaker of the House of
4389 Representatives. Upon the expiration of the terms of the initial
4390 appointed directors, all directors subject to 3-year terms of

4391 office under this paragraph shall be appointed by a majority vote
4392 of the directors and the board may be expanded to include
4393 additional public representative directors up to the maximum
4394 number allowed. Any vacancy in office shall be filled for the
4395 remainder of the term by majority vote of the directors. Any
4396 director may be reappointed.
4397 (3) The Board of Governors of the State University System
4398 ~~State Board of Education~~ shall provide in the agreement with the
4399 not-for-profit corporation for the following:
4400 (a) Approval by the Board of Governors of the State
4401 University System ~~State Board of Education~~ of the articles of
4402 incorporation of the not-for-profit corporation.
4403 (b) Approval by the Board of Governors of the State
4404 University System ~~State Board of Education~~ of the articles of
4405 incorporation of any not-for-profit corporate subsidiary created
4406 by the not-for-profit corporation.
4407 (c) Utilization of lands, facilities, and personnel by the
4408 not-for-profit corporation and its subsidiaries for research,
4409 education, treatment, prevention, and the early detection of
4410 Alzheimer's disease and for mutually approved teaching and
4411 research programs conducted by the University of South Florida or
4412 other accredited medical schools or research institutes.
4413 (d) Preparation of an annual financial audit pursuant to s.
4414 11.45 of the not-for-profit corporation's accounts and the
4415 accounts of any subsidiaries to be conducted by an independent
4416 certified public accountant. The annual audit report shall
4417 include management letters and shall be submitted to the Auditor
4418 General and the Board of Governors of the State University System
4419 ~~State Board of Education~~ for review. The Board of Governors of

4420 the State University System ~~State Board of Education~~, the Auditor
4421 General, and the Office of Program Policy Analysis and Government
4422 Accountability shall have the authority to require and receive
4423 from the not-for-profit corporation and any subsidiaries, or from
4424 their independent auditor, any detail or supplemental data
4425 relative to the operation of the not-for-profit corporation or
4426 subsidiary.
4427 (e) Provision by the not-for-profit corporation and its
4428 subsidiaries of equal employment opportunities for all persons
4429 regardless of race, color, religion, gender, age, or national
4430 origin.
4431 (4) The Board of Governors of the State University System
4432 ~~State Board of Education~~ is authorized to secure comprehensive
4433 general liability protection, including professional liability
4434 protection, for the not-for-profit corporation and its
4435 subsidiaries, pursuant to s. 1004.24. The not-for-profit
4436 corporation and its subsidiaries shall be exempt from any
4437 participation in any property insurance trust fund established by
4438 law, including any property insurance trust fund established
4439 pursuant to chapter 284, so long as the not-for-profit
4440 corporation and its subsidiaries maintain property insurance
4441 protection with comparable or greater coverage limits.
4442 (5) In the event that the agreement between the not-for-
4443 profit corporation and the Board of Governors of the State
4444 University System ~~State Board of Education~~ is terminated for any
4445 reason, the Board of Governors of the State University System
4446 ~~State Board of Education~~ shall assume governance and operation of
4447 the facilities.

4448 (6) The institute shall be administered by a chief
4449 executive officer, who shall be appointed by and serve at the
4450 pleasure of the board of directors of the not-for-profit
4451 corporation, and who shall exercise the following powers and
4452 duties, subject to the approval of the board of directors:
4453 (a) The chief executive officer shall establish programs
4454 that fulfill the mission of the institute in research, education,
4455 treatment, prevention, and early detection of Alzheimer's
4456 disease; however, the chief executive officer may not establish
4457 academic programs for which academic credit is awarded and which
4458 culminate in the conferring of a degree, without prior approval
4459 of the Board of Governors of the State University System ~~State~~
4460 ~~Board of Education~~.
4461 (b) The chief executive officer shall have control over the
4462 budget and the moneys appropriated or donated to the institute
4463 from private, local, state, and federal sources, as well as
4464 technical and professional income generated or derived from
4465 practice activities of the institute. However, professional
4466 income generated by university faculty from practice activities
4467 at the institute shall be shared between the institute and the
4468 university as determined by the chief executive officer and the
4469 appropriate university dean or vice president.
4470 (c) The chief executive officer shall appoint
4471 representatives of the institute to carry out the research,
4472 patient care, and educational activities of the institute and
4473 establish the compensation, benefits, and terms of service of
4474 such representatives. Representatives of the institute shall be
4475 eligible to hold concurrent appointments at affiliated academic

4476 institutions. University faculty shall be eligible to hold
4477 concurrent appointments at the institute.
4478 (d) The chief executive officer shall have control over the
4479 use and assignment of space and equipment within the facilities.
4480 (e) The chief executive officer shall have the power to
4481 create the administrative structure necessary to carry out the
4482 mission of the institute.
4483 (f) The chief executive officer shall have a reporting
4484 relationship to the Commissioner of Education.
4485 (g) The chief executive officer shall provide a copy of the
4486 institute's annual report to the Governor and Cabinet, the
4487 President of the Senate, the Speaker of the House of
4488 Representatives, and the chair of the State Board of Education.
4489 (7) The board of directors of the not-for-profit
4490 corporation shall create a council of scientific advisers to the
4491 chief executive officer comprised of leading researchers,
4492 physicians, and scientists. The council shall review programs and
4493 recommend research priorities and initiatives to maximize the
4494 state's investment in the institute. The members of the council
4495 shall be appointed by the board of directors of the not-for-
4496 profit corporation. Each member of the council shall be appointed
4497 to serve a 2-year term and may be reappointed to the council.
4498 (8) In carrying out the provisions of this section, the
4499 not-for-profit corporation and its subsidiaries are not agencies
4500 within the meaning of s. 20.03(11).
4501 (9) The following information is confidential and exempt
4502 from the provisions of s. 119.07(1) and s. 24, Art. I of the
4503 State Constitution:

4504 (a) Personal identifying information relating to clients of
4505 programs created or funded through the Johnnie B. Byrd, Sr.,
4506 Alzheimer's Center and Research Institute which is held by the
4507 institute, University of South Florida, or Board of Governors of
4508 the State University System ~~State Board of Education~~ or by
4509 persons who provide services to clients of programs created or
4510 funded through contracts with the Johnnie B. Byrd, Sr.,
4511 Alzheimer's Center and Research Institute;
4512 (b) Any medical or health records relating to patients
4513 which may be created or received by the institute;
4514 (c) Materials that relate to methods of manufacture or
4515 production, potential trade secrets, potentially patentable
4516 material, actual trade secrets as defined in s. 688.002, or
4517 proprietary information received, generated, ascertained, or
4518 discovered during the course of research conducted by or through
4519 the institute and business transactions resulting from such
4520 research;
4521 (d) The identity of a donor or prospective donor to the
4522 Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute
4523 who wishes to remain anonymous, and all information identifying
4524 such donor or prospective donor;
4525 (e) Any information received by the institute in the
4526 performance of its duties and responsibilities which is otherwise
4527 confidential and exempt by law; and
4528 (f) Any information received by the institute from a person
4529 from another state or nation or the Federal Government which is
4530 otherwise confidential or exempt pursuant to that state's or
4531 nation's laws or pursuant to federal law.
4532

4533 Any governmental entity that demonstrates a need to access such
4534 confidential and exempt information in order to perform its
4535 duties and responsibilities shall have access to such information
4536 and shall otherwise keep such information confidential and
4537 exempt. This section is subject to the Open Government Sunset
4538 Review Act of 1995 in accordance with s. 119.15 and shall stand
4539 repealed on October 2, 2006, unless reviewed and saved from
4540 repeal through reenactment by the Legislature.
4541 (10) Any appropriation to the institute provided in a
4542 general appropriations act shall be paid directly to the board of
4543 directors of the not-for-profit corporation by warrant drawn by
4544 the Chief Financial Officer from the State Treasury.
4545 Section 96. Section 1004.58, Florida Statutes, is amended
4546 to read:
4547 (Substantial rewording of section. See
4548 s. 1004.58, F.S., for present text.)
4549 1004.58 Leadership Board for Applied Research and Public
4550 Service.--
4551 (1) There is created the Leadership Board for Applied
4552 Research and Public Service to be staffed by the Department of
4553 Education.
4554 (2) The purpose of the board is to advise the Board of
4555 Governors of the State University System, the State Board of
4556 Education, and the Legislature on how to focus, coordinate, and
4557 maximize university resources on current issues and events
4558 affecting the state's residents and elected officials. Emphasis
4559 shall be placed on being responsive to and providing accurate,
4560 timely, useful, and relevant information to decisionmakers in
4561 state and local governments.

4562 (3) The board shall set forth a process to provide
4563 comprehensive guidance and advice for improving the types and
4564 quality of services to be delivered by the state universities.
4565 Specifically, the board shall work to better identify and define
4566 the missions and roles of existing institutes and centers at each
4567 state university, work to eliminate duplication and confusion
4568 over conflicting roles and missions, and seek to involve more
4569 students in learning with applied research and public service
4570 activities.
4571 (4) The board shall meet at least quarterly.
4572 (5) The board may create internal management councils that
4573 may include working institute and center directors.
4574 (6) The board is responsible for, but is not limited to:
4575 (a) Providing strategic direction, planning, and
4576 accompanying decisions that support a coordinated applied public
4577 service and research approach in the state.
4578 (b) Addressing state university policy matters and making
4579 recommendations to the State Board of Education, the Board of
4580 Governors of the State University System, and the Legislature as
4581 they relate to applied public service and research.
4582 (c) Serving as a clearinghouse for services requested by
4583 public officials.
4584 (d) Providing input on funding and fiscal initiatives
4585 involving applied public service and research.
4586 (7) Membership of the board shall be the following persons
4587 or their designees:
4588 (a) The Commissioner of Education, who shall serve as
4589 chair.

4590 (b) The director of the Office of Planning and Budgeting of
4591 the Executive Office of the Governor.
4592 (c) The secretary of the Department of Management Services.
4593 (d) The director of Economic and Demographic Research.
4594 (e) The director of the Office of Program Policy Analysis
4595 and Government Accountability.
4596 (f) The President of the Florida League of Cities.
4597 (g) The President of the Florida Association of Counties.
4598 (h) The President of the Florida School Board Association.
4599 (i) Five additional university president members,
4600 designated by the commissioner, to rotate annually.
4601 (8) The board shall prepare a report for the Board of
4602 Governors of the State University System and the State Board of
4603 Education to be submitted to the Governor, the President of the
4604 Senate, and the Speaker of the House of Representatives by
4605 January 1 of each year which summarizes the work and
4606 recommendations of the board in meeting its purpose and mission.
4607 Section 97. Paragraph (d) of subsection (1) of section
4608 1005.03, Florida Statutes, is amended to read:
4609 1005.03 Designation "college" or "university".--
4610 (1) The use of the designation "college" or "university" in
4611 combination with any series of letters, numbers, or words is
4612 restricted in this state to colleges or universities as defined
4613 in s. 1005.02 that offer degrees as defined in s. 1005.02 and
4614 fall into at least one of the following categories:
4615 (d) A college that is ~~under the jurisdiction of the~~
4616 ~~Division of Colleges and Universities of the Department of~~
4617 ~~Education, whose students are~~ eligible to participate in ~~for~~ the
4618 William L. Boyd, IV, Florida Resident Access Grant Program, and

4619 that is a nonprofit independent college or university located and
4620 chartered in this state and accredited by the Commission on
4621 Colleges of the Southern Association of Colleges and Schools to
4622 grant baccalaureate degrees.
4623 Section 98. Paragraph (c) of subsection (1) of section
4624 1005.06, Florida Statutes, is amended to read:
4625 1005.06 Institutions not under the jurisdiction or purview
4626 of the commission.--
4627 (1) Except as otherwise provided in law, the following
4628 institutions are not under the jurisdiction or purview of the
4629 commission and are not required to obtain licensure:
4630 (c) Any institution that is ~~under the jurisdiction of the~~
4631 ~~Division of Colleges and Universities of the Department of~~
4632 ~~Education, whose students are~~ eligible to participate in ~~for~~ the
4633 William L. Boyd, IV, Florida Resident Access Grant Program, and
4634 that is a nonprofit independent college or university located and
4635 chartered in this state and accredited by the Commission on
4636 Colleges of the Southern Association of Colleges and Schools to
4637 grant baccalaureate degrees.
4638 Section 99. Paragraph (e) of subsection (2) of section
4639 1005.22, Florida Statutes, is amended to read:
4640 1005.22 Powers and duties of commission.--
4641 (2) The commission may:
4642 (e) Advise the Governor, the Legislature, the State Board
4643 of Education, ~~the Council for Education Policy Research and~~
4644 ~~Improvement,~~ and the Commissioner of Education on issues relating
4645 to private postsecondary education.
4646 Section 100. Section 1006.53, Florida Statutes, is amended
4647 to read:

4648 1006.53 Religious observances.--Each public postsecondary
4649 educational institution shall adopt a policy ~~in accordance with~~
4650 ~~rules of the State Board of Education~~ which reasonably
4651 accommodates the religious observance, practice, and belief of
4652 individual students in regard to admissions, class attendance,
4653 and the scheduling of examinations and work assignments. Each
4654 policy shall include a grievance procedure by which a student who
4655 believes that he or she has been unreasonably denied an
4656 educational benefit due to his or her religious belief or
4657 practices may seek redress. Such policy shall be made known to
4658 faculty and students annually in inclusion in the institution's
4659 handbook, manual, or other similar document regularly provided to
4660 faculty and students.
4661 Section 101. Subsection (3) of section 1006.60, Florida
4662 Statutes, is amended to read:
4663 1006.60 Codes of conduct; disciplinary measures; rulemaking
4664 authority.--
4665 (3) Sanctions authorized by such codes of conduct may be
4666 imposed only for acts or omissions in violation of rules adopted
4667 by the institution, including rules adopted under this section,
4668 rules of the State Board of Education <u>or the Board of Governors</u>
4669 <u>of the State University System</u>, county and municipal ordinances,
4670 and the laws of this state, the United States, or any other
4671 state.
4672 Section 102. Subsection (1) of section 1006.61, Florida
4673 Statutes, is amended to read:
4674 1006.61 Participation by students in disruptive activities
4675 at public postsecondary educational institution; penalties.--

4676 (1) Any person who accepts the privilege extended by the
4677 laws of this state of attendance at any public postsecondary
4678 educational institution shall, by attending such institution, be
4679 deemed to have given his or her consent to the policies of that
4680 institution, the State Board of Education, the Board of Governors
4681 of the State University System, and the laws of this state. Such
4682 policies shall include prohibition against disruptive activities
4683 at public postsecondary educational institutions.
4684 Section 103. Subsections (1) and (3) of section 1006.62,
4685 Florida Statutes, are amended to read:
4686 1006.62 Expulsion and discipline of students of community
4687 colleges and state universities.--
4688 (1) Each student in a community college or state university
4689 is subject to federal and state law, respective county and
4690 municipal ordinances, and all rules and regulations of the State
4691 Board of Education, the Board of Governors of the State
4692 University System, or the board of trustees of the institution.
4693 (3) Each president of a community college or state
4694 university may, after notice to the student of the charges and
4695 after a hearing thereon, ~~to~~ expel, suspend, or otherwise
4696 discipline any student who is found to have violated any law,
4697 ordinance, or rule or regulation of the State Board of Education,
4698 the Board of Governors of the State University System, or ~~of~~ the
4699 board of trustees of the institution. A student may be entitled
4700 to waiver of expulsion:
4701 (a) If the student provides substantial assistance in the
4702 identification, arrest, or conviction of any of his or her
4703 accomplices, accessories, coconspirators, or principals or of any

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

V

4704 other person engaged in violations of chapter 893 within a state
4705 university or community college;
4706 (b) If the student voluntarily discloses his or her
4707 violations of chapter 893 prior to his or her arrest; or
4708 (c) If the student commits himself or herself, or is
4709 referred by the court in lieu of sentence, to a state-licensed
4710 drug abuse program and successfully completes the program.
4711 Section 104. Section 1006.65, Florida Statutes, is amended
4712 to read:
4713 1006.65 Safety issues in courses offered by public
4714 postsecondary educational institutions.--
4715 (1) The State Board of Education shall adopt rules to
4716 ensure that policies and procedures are in place to protect the
4717 health and safety of students, instructional personnel, and
4718 visitors who participate in courses offered by a community
4719 college ~~public postsecondary educational institution~~.
4720 (2) The Board of Governors of the State University System
4721 shall adopt rules to ensure that policies and procedures are in
4722 place to protect the health and safety of students, instructional
4723 personnel, and visitors who participate in courses offered by a
4724 state university.
4725 (3) ~~(2)~~ Such policies and procedures shall be guided by
4726 industry standards for practices in the course content area and
4727 shall conform with all related and relevant state and federal
4728 health and safety requirements.
4729 Section 105. Section 1006.71, Florida Statutes, is amended
4730 to read:
4731 1006.71 Gender equity in intercollegiate athletics.--
4732 (1) GENDER EQUITY PLAN.--

4733 (a) Each community college and state university shall
4734 develop a gender equity plan pursuant to s. 1000.05.
4735 (b) The plan shall include consideration of equity in
4736 sports offerings, participation, availability of facilities,
4737 scholarship offerings, and funds allocated for administration,
4738 recruitment, comparable coaching, publicity and promotion, and
4739 other support costs.
4740 (c) The Commissioner of Education shall annually assess the
4741 progress of each community college's ~~institution's~~ plan and
4742 advise the State Board of Education and the Legislature regarding
4743 compliance.
4744 (d) The Chancellor of the State University System shall
4745 annually assess the progress of each state university's plan and
4746 advise the Board of Governor's of the State University System and
4747 the Legislature regarding compliance.
4748 (e) ~~(d)~~ Each board of trustees of a public community college
4749 or state university shall annually evaluate the presidents on the
4750 extent to which the gender equity goals have been achieved.
4751 (f) ~~(e)~~ To determine the proper level of support for women's
4752 athletic scholarships, an equity plan may determine, where
4753 appropriate, that support for women's scholarships may be
4754 disproportionate to the support of scholarships for men.
4755 (g)1. ~~(f)~~ If a community college ~~or state university~~ is not
4756 in compliance with Title IX of the Education Amendments of 1972
4757 and the Florida Educational Equity Act, the State Board of
4758 Education shall:
4759 a. ~~1.~~ Declare the institution ineligible for competitive
4760 state grants.
4761 b. ~~2.~~ Withhold funds sufficient to obtain compliance.

4762
4763 The institution shall remain ineligible and the funds shall not
4764 be paid until the institution comes into compliance or the
4765 Commissioner of Education approves a plan for compliance.
4766 2. If a state university is not in compliance with Title IX
4767 of the Education Amendments of 1972 and the Florida Educational
4768 Equity Act, the Board of Governors of the State University System
4769 shall:
4770 a. Declare the institution ineligible for competitive state
4771 grants.
4772 b. Withhold funds sufficient to obtain compliance.
4773
4774 The institution shall remain ineligible and the funds shall not
4775 be paid until the institution comes into compliance or the Board
4776 of Governors approves a plan for compliance.
4777 (2) FUNDING.--
4778 (a) An equitable portion of all separate athletic fees
4779 shall be designated for women's intercollegiate athletics.
4780 (b) The level of funding and percentage share of support
4781 for women's intercollegiate athletics for community colleges
4782 shall be determined by the State Board of Education. The level of
4783 funding and percentage share of support for women's
4784 intercollegiate athletics for state universities shall be
4785 determined by the Board of Governors of the State University
4786 System. The level of funding and percentage share attained in the
4787 1980-1981 fiscal year shall be the minimum level and percentage
4788 maintained by each institution, except as the State Board of
4789 Education or the Board of Governors of the State University
4790 System otherwise directs its respective institutions for the

4791 purpose of assuring equity. Consideration shall be given by the
4792 State Board of Education or the Board of Governors of the State
4793 University System to emerging athletic programs at institutions
4794 which may not have the resources to secure external funds to
4795 provide athletic opportunities for women. It is the intent that
4796 the effect of any redistribution of funds among institutions
4797 shall not negate the requirements as set forth in this section.
4798 (c) In addition to the above amount, an amount equal to the
4799 sales taxes collected from admission to athletic events sponsored
4800 by a state university shall be retained and utilized by each
4801 university to support women's athletics.
4802 (3) STATE BOARD OF EDUCATION.--The State Board of Education
4803 shall assure equal opportunity for female athletes at community
4804 colleges and establish:
4805 (a) Guidelines for reporting of intercollegiate athletics
4806 data concerning financial, program, and facilities information
4807 for review by the State Board of Education annually.
4808 (b) Systematic audits for the evaluation of such data.
4809 (c) Criteria for determining and assuring equity.
4810 (4) BOARD OF GOVERNORS OF THE STATE UNIVERSITY SYSTEM.--The
4811 Board of Governors of the State University System shall assure
4812 equal opportunity for female athletes at state universities and
4813 establish:
4814 (a) Guidelines for reporting of intercollegiate athletics
4815 data concerning financial, program, and facilities information
4816 for review by the Board of Governors annually.
4817 (b) Systematic audits for the evaluation of such data.
4818 (c) Criteria for determining and assuring equity.

4819 Section 106. Subsection (2) of section 1007.01, Florida
4820 Statutes, is amended to read:
4821 1007.01 Articulation; legislative intent; purpose; role of
4822 the State Board of Education.--
4823 (2) To improve and facilitate articulation systemwide, the
4824 State Board of Education shall recommend ~~develop~~ policies and
4825 guidelines to the Legislature with input from the Board of
4826 Governors of the State University System and statewide K-20
4827 advisory groups established by the Commissioner of Education
4828 relating to:
4829 (a) The alignment between the exit requirements of one
4830 system and the admissions requirements of another system into
4831 which students typically transfer.
4832 (b) The identification of common courses, the level of
4833 courses, institutional participation in a statewide course
4834 numbering system, and the transferability of credits among such
4835 institutions.
4836 (c) Identification of courses that meet general education
4837 or common degree program prerequisite requirements at public
4838 postsecondary educational institutions.
4839 (d) Dual enrollment course equivalencies.
4840 (e) Articulation agreements.
4841 Section 107. Subsection (1) of section 1007.22, Florida
4842 Statutes, is amended to read:
4843 1007.22 Articulation; postsecondary institution
4844 coordination and collaboration.--
4845 (1) The university boards of trustees, community college
4846 boards of trustees, and district school boards are encouraged to
4847 ~~may~~ establish intrainstitutional and interinstitutional programs

4848 to maximize articulation. Programs may include upper-division-
4849 level courses offered at the community college, distance
4850 learning, transfer agreements that facilitate the transfer of
4851 credits between public and nonpublic postsecondary institutions,
4852 and the concurrent enrollment of students at a community college
4853 and a state university to enable students to take any level of
4854 baccalaureate degree coursework.
4855 Section 108. Subsections (1) and (2) of section 1007.23,
4856 Florida Statutes, are amended to read:
4857 1007.23 Statewide articulation agreement.--
4858 (1) To maximize the use of funds appropriated by the
4859 Legislature to provide Florida residents with affordable access
4860 to postsecondary education programs at public postsecondary
4861 educational institutions, the State Board of Education, with
4862 input from the Board of Governors of the State University System,
4863 shall establish ~~in rule~~ a statewide articulation agreement that
4864 governs:
4865 (a) Articulation between secondary and postsecondary
4866 education;
4867 (b) Admission of associate in arts degree graduates from
4868 community colleges and state universities;
4869 (c) Admission of applied technology diploma program
4870 graduates from community colleges or career centers;
4871 (d) Admission of associate in science degree and associate
4872 in applied science degree graduates from community colleges;
4873 (e) The use of acceleration mechanisms, including
4874 nationally standardized examinations through which students may
4875 earn credit;

4876 (f) General education requirements and statewide course
4877 numbers as provided for in ss. 1007.24 and 1007.25; and
4878 (g) Articulation among programs in nursing.
4879 (2) The articulation agreement must specifically provide
4880 that every associate in arts graduate of a community college who
4881 is a Florida resident shall have met all general education
4882 requirements and must be granted admission to the upper division
4883 of a state university except to a limited access or teacher
4884 certification program or a major program requiring an audition.
4885 ~~After admission has been granted to students under provisions of~~
4886 ~~this section and to university students who have successfully~~
4887 ~~completed 60 credit hours of coursework, including 36 hours of~~
4888 ~~general education, and met the requirements of s. 1008.29,~~
4889 ~~admission shall be granted to state university and community~~
4890 ~~college students who have successfully completed 60 credit hours~~
4891 ~~of work, including 36 hours of general education.~~ Community
4892 college associate in arts graduates shall receive priority for
4893 admission to a state university over out-of-state students.
4894 Orientation programs and student handbooks provided to freshman
4895 enrollees and transfer students at state universities must
4896 include an explanation of this provision of the articulation
4897 agreement.
4898 Section 109. Subsections (1), (3), (4), and (7) of section
4899 1007.24, Florida Statutes, are amended to read:
4900 1007.24 Statewide course numbering system.--
4901 (1) To maximize the use of funds appropriated by the
4902 Legislature to provide Florida residents with affordable access
4903 to postsecondary education program at public postsecondary
4904 educational institutions, the Department of Education shall

4905 develop, coordinate, and maintain a statewide course numbering
4906 system for postsecondary and dual enrollment education in school
4907 districts, public postsecondary educational institutions, and
4908 participating nonpublic postsecondary educational institutions.
4909 It is the intent of the Legislature that the statewide course
4910 numbering system ~~that will~~ improve program planning, increase
4911 communication among all delivery systems, and facilitate student
4912 acceleration and the transfer of students and credits between
4913 public school districts, public postsecondary educational
4914 institutions, and participating nonpublic educational
4915 institutions. The continuing maintenance of the system shall be
4916 accomplished with the assistance of appropriate faculty
4917 committees representing public and participating nonpublic
4918 educational institutions.
4919 (3) The Commissioner of Education shall recommend to the
4920 State Board of Education the levels for the courses. The State
4921 Board of Education, with input from the Board of Governors of the
4922 State University System, shall approve the levels for the
4923 courses.
4924 (4) The statewide course numbering system shall include the
4925 courses at the approved ~~recommended~~ levels.
4926 (7) To maximize the use of funds appropriated by the
4927 Legislature to provide access to a postsecondary education, any
4928 student who transfers among postsecondary institutions that are
4929 fully accredited by a regional or national accrediting agency
4930 recognized by the United States Department of Education and that
4931 participate in the statewide course numbering system shall be
4932 awarded credit by the receiving institution for courses
4933 satisfactorily completed by the student at the previous

4934 institutions. Credit shall be awarded if the courses are judged
4935 by the appropriate statewide course numbering system faculty
4936 committees representing school districts, public postsecondary
4937 educational institutions, and participating nonpublic
4938 postsecondary educational institutions to be academically
4939 equivalent to courses offered at the receiving institution,
4940 including equivalency of faculty credentials, regardless of the
4941 public or nonpublic control of the previous institution. The
4942 Department of Education shall ensure that credits to be accepted
4943 by a receiving institution are generated in courses for which the
4944 faculty possess credentials that are comparable to those required
4945 by the accrediting association of the receiving institution. The
4946 award of credit may be limited to courses that are entered in the
4947 statewide course numbering system. Credits awarded pursuant to
4948 this subsection shall satisfy institutional requirements on the
4949 same basis as credits awarded to native students.
4950 Section 110. Subsections (3), (5), (6), (8), (9), and (11)
4951 of section 1007.25, Florida Statutes, are amended to read:
4952 1007.25 General education courses; common prerequisites;
4953 and other degree requirements.--
4954 (3) The department shall identify those courses that meet
4955 general education requirements within the subject areas of
4956 communication, mathematics, social sciences, humanities, and
4957 natural sciences. The courses shall be identified by their
4958 statewide course code number. <u>To maximize the use of funds</u>
4959 <u>appropriated by the Legislature to provide Florida residents with</u>
4960 <u>affordable access to postsecondary education programs at public</u>
4961 <u>postsecondary educational institutions,</u> all public postsecondary

CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

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4962 educational institutions shall accept these general education
4963 courses.
4964 (5) The department shall identify common prerequisite
4965 courses and course substitutions for degree programs across all
4966 institutions. To maximize the use of funds appropriated by the
4967 Legislature to provide Florida residents with affordable access
4968 to postsecondary education programs at public postsecondary
4969 educational institutions, common degree program prerequisites
4970 shall be offered and accepted by all state universities and
4971 community colleges, except in cases approved by the State Board
4972 of Education for community colleges and the Board of Governors of
4973 the State University System for state universities ~~pursuant to s.~~
4974 ~~1001.02(2)(x)~~. The department shall develop a centralized
4975 database containing the list of courses and course substitutions
4976 that meet the prerequisite requirements for each baccalaureate
4977 degree program.
4978 (6) The boards of trustees of the community colleges ~~and~~
4979 ~~state universities~~ shall identify their core curricula, which
4980 shall include courses required by the State Board of Education.
4981 The boards of trustees of the state universities shall identify
4982 their core curricula, which shall include courses required by the
4983 Board of Governors of the State University System. The
4984 universities and community colleges shall work with their school
4985 districts to assure that high school curricula coordinate with
4986 the core curricula and to prepare students for college-level
4987 work. Core curricula for associate in arts programs shall be
4988 adopted in rule by the State Board of Education and shall include
4989 36 semester hours of general education courses in the subject

4990 areas of communication, mathematics, social sciences, humanities,
4991 and natural sciences.
4992 (8) To maximize the use of resources appropriated by the
4993 Legislature to provide Florida residents with affordable access
4994 to undergraduate degree programs, a baccalaureate degree program
4995 shall require no more than 120 semester hours of college credit,
4996 including 36 semester hours of general education coursework,
4997 unless prior approval has been granted by the Board of Governors
4998 of the State University System for baccalaureate degree programs
4999 offered by state universities and by the State Board of Education
5000 for baccalaureate degree programs offered by community colleges.
5001 (9) A student who received an associate in arts degree for
5002 successfully completing 60 semester credit hours may continue to
5003 earn additional credits at a community college. The university
5004 must provide credit toward the student's baccalaureate degree for
5005 an additional community college course if, according to the
5006 statewide course numbering, the community college course is a
5007 course listed in the university catalog as required for the
5008 degree or as prerequisite to a course required for the degree. Of
5009 the courses required for the degree, at least half of the credit
5010 hours required for the degree shall be achievable through courses
5011 designated as lower division, except in degree programs approved
5012 by the State Board of Education for programs offered by community
5013 colleges and by the Board of Governors of the State University
5014 System for programs offered by state universities.
5015 (11) The Commissioner of Education shall appoint faculty
5016 committees representing both community college and public school
5017 faculties to recommend to the commissioner for approval by the
5018 State Board of Education a standard program length and

5019 appropriate occupational completion points for each postsecondary
5020 career certificate program, diploma, and degree offered by a
5021 school district or a community college.
5022 Section 111. Section 1007.262, Florida Statutes, is amended
5023 to read:
5024 1007.262 Foreign language competence; equivalence
5025 determinations.--The Department of Education shall identify the
5026 competencies demonstrated by students upon the successful
5027 completion of 2 credits of sequential high school foreign
5028 language instruction. For the purpose of determining
5029 postsecondary equivalence ~~pursuant to s. 1007.261(1)(b)~~, the
5030 department shall develop rules through which community colleges
5031 correlate such competencies to the competencies required of
5032 students in the colleges' respective courses. Based on this
5033 correlation, each community college shall identify the minimum
5034 number of postsecondary credits that students must earn in order
5035 to demonstrate a level of competence in a foreign language at
5036 least equivalent to that of students who have completed 2 credits
5037 of such instruction in high school. The department may also
5038 specify alternative means by which students can demonstrate
5039 equivalent foreign language competence, including means by which
5040 a student whose native language is not English may demonstrate
5041 proficiency in the native language. A student who demonstrates
5042 proficiency in a native language other than English may be ~~is~~
5043 exempt from a ~~the~~ requirement of completing foreign language
5044 courses at the secondary or postsecondary level.
5045 Section 112. Section 1007.264, Florida Statutes, is amended
5046 to read:

5047 1007.264 Impaired and learning disabled persons; admission
5048 to postsecondary educational institutions; substitute
5049 requirements; rules.--
5050 (1) Any student with a disability, as defined in s.
5051 1007.02(2), except those students who have been documented as
5052 having mental retardation, shall be eligible for reasonable
5053 substitution for any requirement for admission into a public
5054 postsecondary educational institution where documentation can be
5055 provided that the person's failure to meet the admission
5056 requirement is related to the disability.
5057 (2) The State Board of Education shall adopt rules to
5058 implement this section for community colleges and shall develop
5059 substitute admission requirements where appropriate.
5060 (3) The Board of Governors of the State University System
5061 shall adopt rules to implement this section and shall develop
5062 substitute admissions requirements where appropriate.
5063 Section 113. Section 1007.265, Florida Statutes, is amended
5064 to read:
5065 1007.265 Impaired and learning disabled persons;
5066 graduation, study program admission, and upper-division entry;
5067 substitute requirements; rules.--
5068 (1) Any student with a disability, as defined in s.
5069 1007.02(2), in a public postsecondary educational institution,
5070 except those students who have been documented as having mental
5071 retardation, shall be eligible for reasonable substitution for
5072 any requirement for graduation, for admission into a program of
5073 study, or for entry into the upper division where documentation
5074 can be provided that the person's failure to meet the requirement
5075 is related to the disability and where failure to meet the

5076 graduation requirement or program admission requirement does not
5077 constitute a fundamental alteration in the nature of the program.
5078 (2) The State Board of Education shall adopt rules to
5079 implement this section for community colleges and shall develop
5080 substitute requirements where appropriate.
5081 (3) The Board of Governors of the State University System
5082 shall adopt rules to implement this section and shall develop
5083 substitute admissions requirements where appropriate.
5084 Section 114. Subsections (3), (8), (9), and (11) of section
5085 1007.27, Florida Statutes, are amended to read:
5086 1007.27 Articulated acceleration mechanisms.--
5087 (3) To maximize the use of funds appropriated by the
5088 Legislature to provide Florida residents with affordable access
5089 to postsecondary education programs at public postsecondary
5090 educational institutions, each community college and state
5091 university must award credit for specific courses for which
5092 competency has been demonstrated by successful passage of one of
5093 the examinations in subsection (2) unless the award of credit
5094 duplicates credit already awarded. Community colleges and state
5095 universities may not exempt students from courses without the
5096 award of credit if competencies have been so demonstrated.
5097 (8) The International Baccalaureate Program shall be the
5098 curriculum in which eligible secondary students are enrolled in a
5099 program of studies offered through the International
5100 Baccalaureate Program administered by the International
5101 Baccalaureate Office. The State Board of Education shall
5102 ~~establish rules which~~ specify in the statewide articulation
5103 agreement the cutoff scores and International Baccalaureate
5104 Examinations which will be used to grant postsecondary credit at

5105 community colleges and universities. Any changes to the cutoff
5106 scores ~~such rules~~, which have the effect of raising the required
5107 cutoff score or of changing the International Baccalaureate
5108 Examinations which will be used to grant postsecondary credit,
5109 shall only apply to students taking International Baccalaureate
5110 Examinations after such changes ~~rules~~ are adopted by the State
5111 Board of Education. Students shall be awarded a maximum of 30
5112 semester credit hours pursuant to this subsection. The specific
5113 course for which a student receives such credit shall be
5114 determined by the department. Students enrolled pursuant to this
5115 subsection shall be exempt from the payment of any fees for
5116 administration of the examinations regardless of whether or not
5117 the student achieves a passing score on the examination.
5118 (9) The Advanced International Certificate of Education
5119 Program and the International General Certificate of Secondary
5120 Education (pre-AICE) Program shall be the curricula in which
5121 eligible secondary students are enrolled in programs of study
5122 offered through the Advanced International Certificate of
5123 Education Program or the International General Certificate of
5124 Secondary Education (pre-AICE) Program administered by the
5125 University of Cambridge Local Examinations Syndicate. The State
5126 Board of Education shall ~~establish rules which~~ specify in the
5127 statewide articulation agreement the cutoff scores and Advanced
5128 International Certificate of Education examinations which will be
5129 used to grant postsecondary credit at community colleges and
5130 universities. Any changes to the cutoff scores ~~such rules~~, which
5131 have the effect of raising the required cutoff score or of
5132 changing the Advanced International Certification of Education
5133 examinations which will be used to grant postsecondary credit,

5134 shall apply to students taking Advanced International Certificate
5135 of Education examinations after such changes ~~rules~~ are adopted by
5136 the State Board of Education. Students shall be awarded a maximum
5137 of 30 semester credit hours pursuant to this subsection. The
5138 specific course for which a student receives such credit shall be
5139 determined by the community college or university that accepts
5140 the student for admission. Students enrolled in either program of
5141 study pursuant to this subsection shall be exempt from the
5142 payment of any fees for administration of the examinations
5143 regardless of whether the student achieves a passing score on the
5144 examination.
5145 ~~(11)(a) The State Board of Education shall conduct a review~~
5146 ~~of the extent to which the acceleration mechanisms authorized by~~
5147 ~~this section are currently utilized by school districts and~~
5148 ~~public postsecondary educational institutions and shall submit a~~
5149 ~~report to the Governor and the Legislature by December 31, 2003.~~
5150 ~~(b) The report must include a summary of ongoing activities~~
5151 ~~and a plan to increase and enhance the use of acceleration~~
5152 ~~mechanisms as a way to shorten the length of time as well as the~~
5153 ~~funding required for a student, including a student with a~~
5154 ~~documented disability, to obtain a postsecondary degree.~~
5155 ~~(c) The review and plan shall address, but are not limited~~
5156 ~~to, the following issues:~~
5157 ~~1. The manner in which students, including students with~~
5158 ~~documented disabilities, are advised regarding the availability~~
5159 ~~of acceleration mechanism options.~~
5160 ~~2. The availability of acceleration mechanism options to~~
5161 ~~eligible students, including students with documented~~
5162 ~~disabilities, who wish to participate.~~

5163 ~~3. The grading practices, including weighting of courses,~~
5164 ~~of school districts and public postsecondary educational~~
5165 ~~institutions with regard to credit earned through acceleration~~
5166 ~~mechanisms.~~
5167 ~~4. The extent to which credit earned through an~~
5168 ~~acceleration mechanism is used to meet the general education~~
5169 ~~requirements of a public postsecondary educational institution.~~
5170 ~~5. The extent to which the secondary instruction associated~~
5171 ~~with acceleration mechanism options could be offered at sites~~
5172 ~~other than public K through 12 school sites to assist in meeting~~
5173 ~~class size reduction needs.~~
5174 ~~6. The manner in which funding for instruction associated~~
5175 ~~with acceleration mechanism options is provided.~~
5176 ~~7. The feasibility of providing students, including~~
5177 ~~students with documented disabilities, the option of choosing~~
5178 ~~Advanced Placement credit or College Level Examination Program~~
5179 ~~(CLEP) credit as an alternative to dual enrollment credit upon~~
5180 ~~completion of a dual enrollment course.~~
5181 Section 115. Section 1007.28, Florida Statutes, is amended
5182 to read:
5183 1007.28 Computer-assisted student advising system.--The
5184 Department ~~State Board~~ of Education shall establish and maintain
5185 ~~within the Department of Education~~ a single, statewide computer-
5186 assisted student advising system, which must be an integral part
5187 of the process of advising, registering, and certifying students
5188 for graduation~~. It is intended that an advising system be the~~
5189 ~~primary advising and tracking tool for students enrolled in~~
5190 ~~public postsecondary educational institutions~~ and must be
5191 accessible to all Florida students. The state universities and

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5192 community colleges shall interface institutional systems with the
5193 computer-assisted advising system required by this section. The
5194 State Board of Education, in collaboration with the Board of
5195 Governors of the State University System, shall prescribe by rule
5196 the roles and responsibilities of the department, the state
5197 universities, and the community colleges in the design,
5198 implementation, promotion, development, and analysis of the
5199 system. The system shall consist of a degree audit and an
5200 articulation component that includes the following
5201 characteristics:
5202 (1) The system shall constitute an integral part of the
5203 process of advising students and assisting them in course
5204 selection. The system shall be accessible to students in the
5205 following ways:
5206 (a) A student must be able to access the system, at any
5207 time, to identify course options that will meet the requirements
5208 of a selected path toward a degree.
5209 (b) A status report from the system shall be generated and
5210 sent with each grade report to each student enrolled in public
5211 postsecondary educational institutions with a declared major.
5212 (2) The system shall be an integral part of the
5213 registration process at public postsecondary educational
5214 institutions. As part of the process, the system shall:
5215 (a) Provide reports that document each student's status
5216 toward completion of a degree.
5217 (b) Verify that a student has completed requirements for
5218 graduation.
5219 (3) The system must provide students information related to
5220 career descriptions and corresponding educational requirements,

5221 admissions requirements, and available sources of student
5222 financial assistance. Such advising must enable students to
5223 examine their interests and aptitudes for the purpose of
5224 curricular and career planning.
5225 (4) The system must provide management information to
5226 decisionmakers, including information relating student enrollment
5227 patterns and course demands to plans for corresponding course
5228 offerings and information useful in planning the student
5229 registration process.
5230 Section 116. Subsection (3) of section 1007.33, Florida
5231 Statutes, is amended to read:
5232 1007.33 Site-determined baccalaureate degree access.--
5233 (3) A community college may develop a proposal to deliver
5234 specified baccalaureate degree programs in its district to meet
5235 local workforce needs. The proposal must be submitted to the
5236 State Board of Education for approval. The community college's
5237 proposal must include the following information:
5238 (a) Demand for the baccalaureate degree program is
5239 identified by the workforce development board, local businesses
5240 and industry, local chambers of commerce, and potential students.
5241 (b) Unmet need for graduates of the proposed degree program
5242 is substantiated.
5243 (c) The community college has the facilities and academic
5244 resources to deliver the program.
5245
5246 ~~The proposal must be submitted to the Council for Education~~
5247 ~~Policy Research and Improvement for review and comment.~~ Upon
5248 approval of the State Board of Education for the specific degree
5249 program or programs, the community college shall pursue regional

5250 accreditation by the Commission on Colleges of the Southern
5251 Association of Colleges and Schools. Any additional baccalaureate
5252 degree programs the community college wishes to offer must be
5253 approved by the State Board of Education.
5254 Section 117. Subsections (2), (4), (8), and (9) of section
5255 1008.29, Florida Statutes, are amended to read:
5256 1008.29 College-level communication and mathematics skills
5257 examination (CLAST).--
5258 (2) To provide accountability for funds expended by public
5259 postsecondary educational institutions on college-level
5260 communication and mathematics instruction, public postsecondary
5261 educational institutions shall administer a minimum of two
5262 administrations, one of which may consist of an alternative
5263 administration, of the college-level communication and
5264 computation skills examination per academic term. Such
5265 administrations shall be available to all lower-division students
5266 seeking associate in arts or baccalaureate degrees upon
5267 completion of at least 18 semester hours or the equivalent.
5268 Public postsecondary educational institutions shall report at a
5269 minimum the examination scores of all students tested at each
5270 administration of the college-level communication and computation
5271 skills examination.
5272 (4) The State Board of Education, in consultation with the
5273 Board of Governors of the State University System ~~by rule~~, shall
5274 set the minimum scores that constitute successful completion of
5275 the examination. In establishing the minimum scores that
5276 constitute successful completion of the examination, the boards
5277 ~~State Board of Education~~ shall consider any possible negative
5278 impact of the tests on minority students. Determinations

5279 regarding a student's successful completion of the examination
5280 shall be based on the minimum standards ~~prescribed by rule~~ for
5281 the date the student initially takes the examination.
5282 (8)(a) The State Board of Education, by rule, shall
5283 establish fees for the administration of the examination by
5284 community colleges at times other than regularly scheduled dates
5285 to accommodate examinees who are unable to be tested on those
5286 dates. The board shall establish the conditions under which
5287 examinees may be admitted to the special administrations.
5288 (b) The Board of Governors of the State University System
5289 may establish fees for the administration of the examination by
5290 state universities at times other than regularly scheduled dates
5291 to accommodate examinees who are unable to be tested on those
5292 dates. The board may establish the conditions under which
5293 examinees may be admitted to the special administrations.
5294 (9) Any student fulfilling one or both of the following
5295 requirements before completion of associate in arts degree
5296 requirements or baccalaureate degree requirements is exempt from
5297 the testing requirements of this section:
5298 (a) Achieves a score that meets or exceeds a minimum score
5299 on a nationally standardized examination, as established by the
5300 State Board of Education in consultation with the Board of
5301 Governors of the State University System; or
5302 (b) Demonstrates successful remediation of any academic
5303 deficiencies identified by the college placement test and
5304 achieves a cumulative grade point average of 2.5 or above, on a
5305 4.0 scale, in postsecondary-level coursework identified by the
5306 State Board of Education in consultation with the Board of
5307 Governors of the State University System. The Department of

5308 Education shall specify the means by which a student may
5309 demonstrate successful remediation.
5310
5311 Any student denied a degree prior to January 1, 1996, based on
5312 the failure of at least one subtest of the CLAST may use either
5313 of the alternatives specified in this subsection for receipt of a
5314 degree if such student meets all degree program requirements at
5315 the time of application for the degree under the exemption
5316 provisions of this subsection. This section does not require a
5317 student to take the CLAST before being given the opportunity to
5318 use any of the alternatives specified in this subsection. The
5319 exemptions provided herein do not apply to requirements for
5320 certification as provided in s. 1012.56.
5321 Section 118. Subsections (1) and (4) of section 1008.30,
5322 Florida Statutes, are amended to read:
5323 1008.30 Common placement testing for public postsecondary
5324 education.--
5325 (1) The State Board of Education shall develop and
5326 implement a common placement test for the purpose of assessing
5327 the basic computation and communication skills of students who
5328 intend to enter a degree program at any public postsecondary
5329 educational institution. ~~The State Board of Education shall adopt~~
5330 ~~rules which enable~~ Public postsecondary educational institutions
5331 shall provide ~~to implement~~ appropriate modifications of the test
5332 instruments or test procedures for students with disabilities.
5333 (4)(a) Public postsecondary educational institution
5334 students who have been identified as requiring additional
5335 preparation pursuant to subsection (1) shall enroll in college-
5336 preparatory or other adult education pursuant to s. 1004.93 in

5337 community colleges to develop needed college-entry skills. These
5338 students shall be permitted to take courses within their degree
5339 program concurrently in other curriculum areas for which they are
5340 qualified while enrolled in college-preparatory instruction
5341 courses. A student enrolled in a college-preparatory course may
5342 concurrently enroll only in college credit courses that do not
5343 require the skills addressed in the college-preparatory course.
5344 The State Board of Education, in consultation with the Board of
5345 Governors of the State University System, shall specify the
5346 college credit courses that are acceptable for students enrolled
5347 in each college-preparatory skill area~~, pursuant to s.~~
5348 ~~1001.02(7)(g)~~. A student who wishes to earn an associate in arts
5349 or a baccalaureate degree, but who is required to complete a
5350 college-preparatory course, must successfully complete the
5351 required college-preparatory studies by the time the student has
5352 accumulated 12 hours of lower-division college credit degree
5353 coursework; however, a student may continue enrollment in degree-
5354 earning coursework provided the student maintains enrollment in
5355 college-preparatory coursework for each subsequent semester until
5356 college-preparatory coursework requirements are completed, and
5357 the student demonstrates satisfactory performance in degree-
5358 earning coursework. A passing score on a standardized,
5359 institutionally developed test must be achieved before a student
5360 is considered to have met basic computation and communication
5361 skills requirements; however, no student shall be required to
5362 retake any test or subtest that was previously passed by said
5363 student. Credit awarded for college-preparatory instruction may
5364 not be counted toward fulfilling the number of credits required
5365 for a degree.

5366 (b) A ~~The~~ university board of trustees may contract with a
5367 community college board of trustees for the community college to
5368 provide such instruction on the state university campus. Any
5369 state university in which the percentage of incoming students
5370 requiring college-preparatory instruction equals or exceeds the
5371 average percentage of such students for the community college
5372 system may offer college-preparatory instruction without
5373 contracting with a community college; however, any state
5374 university offering college-preparatory instruction as of January
5375 1, 1996, may continue to provide such services.
5376 Section 119. Paragraphs (d) and (e) of subsection (1),
5377 paragraphs (b) and (c) of subsection (2), and subsection (3) of
5378 section 1008.31, Florida Statutes, are amended to read:
5379 1008.31 Florida's K-20 education performance accountability
5380 system; legislative intent; performance-based funding; mission,
5381 goals, and systemwide measures.--
5382 (1) LEGISLATIVE INTENT.--It is the intent of the
5383 Legislature that:
5384 (d) The State Board of Education and the Board of Governors
5385 of the State University System recommend to the Legislature
5386 systemwide performance standards; the Legislature establish
5387 systemwide performance measures and standards; and the systemwide
5388 measures and standards provide Floridians with information on
5389 what the public is receiving in return for the funds it invests
5390 in education and how well the K-20 system educates its students.
5391 (e)1. The State Board of Education establish performance
5392 measures and set performance standards for individual ~~components~~
5393 ~~of the~~ public ~~education system, including individual~~ schools and

5394 community colleges ~~postsecondary educational institutions~~, with
5395 measures and standards based primarily on student achievement.
5396 2. The Board of Governors of the State University System
5397 establish performance measures and set performance standards for
5398 individual state universities.
5399 (2) MISSION, GOALS, AND SYSTEMWIDE MEASURES.--
5400 (b) The process ~~State Board of Education shall adopt~~
5401 ~~guiding principles~~ for establishing state and sector-specific
5402 standards and measures must be:
5403 1. Focused on student success.
5404 2. Addressable through policy and program changes.
5405 3. Efficient and of high quality.
5406 4. Measurable over time.
5407 5. Simple to explain and display to the public.
5408 6. Aligned with other measures and other sectors to support
5409 a coordinated K-20 education system.
5410 (c) The Department ~~State Board~~ of Education shall maintain
5411 an accountability system that measures student progress toward
5412 the following goals:
5413 1. Highest student achievement, as indicated by evidence of
5414 student learning gains at all levels ~~measured by: student FCAT~~
5415 ~~performance and annual learning gains; the number and percentage~~
5416 ~~of schools that improve at least one school performance grade~~
5417 ~~designation or maintain a school performance grade designation of~~
5418 ~~"A" pursuant to s. 1008.34; graduation or completion rates at all~~
5419 ~~learning levels; and other measures identified in law or rule~~.
5420 2. Seamless articulation and maximum access, as measured by
5421 evidence of progression, readiness, and access by targeted groups
5422 of students identified by the Commissioner of Education~~: the~~

5423 ~~percentage of students who demonstrate readiness for the~~
5424 ~~educational level they are entering, from kindergarten through~~
5425 ~~postsecondary education and into the workforce; the number and~~
5426 ~~percentage of students needing remediation; the percentage of~~
5427 ~~Floridians who complete associate, baccalaureate, graduate,~~
5428 ~~professional, and postgraduate degrees; the number and percentage~~
5429 ~~of credits that articulate; the extent to which each set of exit-~~
5430 ~~point requirements matches the next set of entrance-point~~
5431 ~~requirements; the degree to which underserved populations access~~
5432 ~~educational opportunity; the extent to which access is provided~~
5433 ~~through innovative educational delivery strategies; and other~~
5434 ~~measures identified in law or rule~~.
5435 3. Skilled workforce and economic development, as measured
5436 by evidence of employment and earnings~~: the number and percentage~~
5437 ~~of graduates employed in their areas of preparation; the~~
5438 ~~percentage of Floridians with high school diplomas and~~
5439 ~~postsecondary education credentials; the percentage of business~~
5440 ~~and community members who find that Florida's graduates possess~~
5441 ~~the skills they need; national rankings; and other measures~~
5442 ~~identified in law or rule~~.
5443 4. Quality efficient services, as measured by evidence of
5444 return on investment~~: cost per completer or graduate; average~~
5445 ~~cost per noncompleter at each educational level; cost disparity~~
5446 ~~across institutions offering the same degrees; the percentage of~~
5447 ~~education customers at each educational level who are satisfied~~
5448 ~~with the education provided; and other measures identified in law~~
5449 ~~or rule~~.
5450 5. Other goals as identified by law or rule.

5451 (3) K-20 EDUCATION DATA QUALITY IMPROVEMENTS ~~SYSTEMWIDE~~
5452 ~~DATA COLLECTION~~.--To provide data required to implement education
5453 performance accountability measures in state and federal law, the
5454 Commissioner of Education shall initiate and maintain strategies
5455 to improve data quality and timeliness.
5456 (a) School districts and public postsecondary educational
5457 institutions shall maintain information systems that will provide
5458 the State Board of Education, the Board of Governors of the State
5459 University System, and the Legislature with information and
5460 reports necessary to address the specifications of the
5461 accountability system. ~~The State Board of Education shall~~
5462 ~~determine the standards for the required data.~~ The level of
5463 comprehensiveness and quality shall be no less than that which
5464 was available as of June 30, 2001.
5465 (b) The Commissioner of Education shall determine the
5466 standards for the required data, monitor data quality, and
5467 measure improvements. The commissioner shall report annually to
5468 the State Board of Education, the Board of Governors of the State
5469 University System, the President of the Senate, and the Speaker
5470 of the House of Representatives data quality indicators and
5471 ratings for all school districts and public postsecondary
5472 educational institutions.
5473 (4) REPORTING OR DATA COLLECTION.--The department shall
5474 coordinate with school districts in developing any reporting or
5475 data collection requirements to address the specifications of the
5476 accountability system. Before establishing any new reporting or
5477 data collection requirements, the department shall utilize
5478 existing data being collected to reduce duplication and minimize
5479 paperwork.

5480 Section 120. Section 1008.32, Florida Statutes, is amended
5481 to read:
5482 1008.32 State Board of Education oversight enforcement
5483 authority.--The State Board of Education shall oversee the
5484 performance of district school boards and community college
5485 boards of trustees ~~public postsecondary educational institution~~
5486 ~~boards~~ in enforcement of all laws and rules. District school
5487 boards and community college boards of trustees ~~public~~
5488 ~~postsecondary educational institution boards~~ shall be primarily
5489 responsible for compliance with law and state board rule.
5490 (1) In order to ensure compliance with law or state board
5491 rule, the State Board of Education shall have the authority to
5492 request and receive information, data, and reports from school
5493 districts and community colleges ~~public postsecondary educational~~
5494 ~~institutions~~. District school superintendents and community
5495 college ~~public postsecondary educational institution~~ presidents
5496 are responsible for the accuracy of the information and data
5497 reported to the state board.
5498 (2) The Commissioner of Education may investigate
5499 allegations of noncompliance with law or state board rule and
5500 determine probable cause. The commissioner shall report
5501 determinations of probable cause to the State Board of Education
5502 which shall require the district school board or community
5503 college board of trustees ~~public postsecondary educational~~
5504 ~~institution board~~ to document compliance with law or state board
5505 rule.
5506 (3) If the district school board or community college board
5507 of trustees ~~public postsecondary educational institution board~~

5508 cannot satisfactorily document compliance, the State Board of
5509 Education may order compliance within a specified timeframe.
5510 (4) If the State Board of Education determines that a
5511 district school board or community college board of trustees
5512 ~~public postsecondary educational institution board~~ is unwilling
5513 or unable to comply with law or state board rule within the
5514 specified time, the state board shall have the authority to
5515 initiate any of the following actions:
5516 (a) Report to the Legislature that the school district or
5517 community college ~~public postsecondary educational institution~~
5518 has been unwilling or unable to comply with law or state board
5519 rule and recommend action to be taken by the Legislature.
5520 (b) Reduce the discretionary lottery appropriation until
5521 the school district or community college ~~public postsecondary~~
5522 ~~education institution~~ complies with the law or state board rule.
5523 (c) Withhold the transfer of state funds, discretionary
5524 grant funds, or any other funds specified as eligible for this
5525 purpose by the Legislature until the school district or community
5526 college ~~public postsecondary educational institution~~ complies
5527 with the law or state board rule.
5528 (d) Declare the school district or community college ~~public~~
5529 ~~postsecondary educational institution~~ ineligible for competitive
5530 grants.
5531 (e) Require monthly or periodic reporting on the situation
5532 related to noncompliance until it is remedied.
5533 (5) Nothing in this section shall be construed to create a
5534 private cause of action or create any rights for individuals or
5535 entities in addition to those provided elsewhere in law or rule.

5536 Section 121. Section 1008.321, Florida Statutes, is created
5537 to read:
5538 1008.321 Board of Governors of the State University System
5539 oversight enforcement authority.--The Board of Governors of the
5540 State University System shall oversee the performance of state
5541 university boards of trustees in enforcement of all laws, rules,
5542 regulations, and requirements. State university boards of
5543 trustees shall be primarily responsible for compliance with laws,
5544 rules, regulations, and requirements.
5545 (1) In order to ensure compliance, the Board of Governors
5546 shall have the authority to request and receive information,
5547 data, and reports from state universities. State university
5548 presidents are responsible for the accuracy of the information
5549 and data reported to the Board of Governors.
5550 (2) The Board of Governors may investigate allegations of
5551 noncompliance and determine probable cause. The Board of
5552 Governors may require the state university board of trustees to
5553 document compliance.
5554 (3) If the state university board of trustees cannot
5555 satisfactorily document compliance, the Board of Governors may
5556 order compliance within a specified timeframe.
5557 (4) If the Board of Governors determines that a state
5558 university board of trustees is unwilling or unable to comply
5559 within the specified time, the Board of Governors shall have the
5560 authority to initiate any of the following actions:
5561 (a) Report to the Legislature that the state university has
5562 been unwilling or unable to comply and recommend action to be
5563 taken by the Legislature.

5564 (b) Reduce the discretionary lottery appropriation until
5565 the state university complies.
5566 (c) Withhold the transfer of state funds, discretionary
5567 grant funds, or any other funds specified as eligible for this
5568 purpose by the Legislature until the state university complies.
5569 (d) Declare the state university ineligible for competitive
5570 grants.
5571 (e) Require monthly or periodic reporting on the situation
5572 related to noncompliance until it is remedied.
5573 (5) Nothing in this section shall be construed to create a
5574 private cause of action or create any rights for individuals or
5575 entities in addition to those provided elsewhere in law or rule.
5576 Section 122. Paragraphs (e), (f), (g), (h), and (i) of
5577 subsection (8) of section 1008.345, Florida Statutes, are amended
5578 to read:
5579 1008.345 Implementation of state system of school
5580 improvement and education accountability.--
5581 (8) As a part of the system of educational accountability,
5582 the Department of Education shall:
5583 (e) Maintain a listing of college-level communication and
5584 mathematics skills defined pursuant to s. 1008.29 ~~by the State~~
5585 ~~Board of Education~~ as being associated with successful student
5586 performance through the baccalaureate level and submit it ~~the~~
5587 ~~same~~ to the State Board of Education and the Board of Governors
5588 of the State University System for approval.
5589 (f) Maintain a listing of tests and other assessment
5590 procedures which measure and diagnose student achievement of
5591 college-level communication and computation skills and submit it

5592 ~~the same~~ to the State Board of Education and the Board of
5593 Governors of the State University System for approval.
5594 (g) Maintain for the information of the State Board of
5595 Education, the Board of Governors of the State University System,
5596 and the Legislature a file of data to reflect achievement of
5597 college-level communication and mathematics competencies by
5598 students in state universities and community colleges.
5599 (h) Develop or contract for, and submit to the State Board
5600 of Education and the Board of Governors of the State University
5601 System for approval, tests which measure and diagnose student
5602 achievement of college-level communication and mathematics
5603 skills. Any tests and related documents developed are exempt from
5604 the provisions of s. 119.07(1). The commissioner shall maintain
5605 statewide responsibility for the administration of such tests and
5606 may assign administrative responsibilities for the tests to any
5607 state university or community college. The state board, upon
5608 recommendation of the commissioner, may enter into contracts for
5609 such services beginning in one fiscal year and continuing into
5610 the next year which are paid from the appropriation for either or
5611 both fiscal years.
5612 (i) Perform any other functions that may be involved in
5613 educational planning, research, and evaluation or that may be
5614 required by the commissioner, the State Board of Education, the
5615 Board of Governors of the State University System, or law.
5616 Section 123. Subsections (1) and (2) of section 1008.37,
5617 Florida Statutes, are amended to read:
5618 1008.37 Postsecondary feedback of information to high
5619 schools.--

5620 (1) The ~~State Board of Education shall adopt rules that~~
5621 ~~require the~~ Commissioner of Education shall ~~to~~ report to the
5622 State Board of Education, the Board of Governors of the State
5623 University System, the Legislature, and the district school
5624 boards on the performance of each first-time-in-postsecondary
5625 education student from each public high school in this state who
5626 is enrolled in a public postsecondary institution or public
5627 career center. Such reports must be based on information
5628 databases maintained by the Department of Education. In addition,
5629 the public postsecondary educational institutions and career
5630 centers shall provide district school boards access to
5631 information on student performance in regular and preparatory
5632 courses and shall indicate students referred for remediation
5633 pursuant to s. 1004.91 or s. 1008.30.
5634 (2) The Commissioner of Education shall report, by high
5635 school, to the State Board of Education, the Board of Governors
5636 of the State University System, and the Legislature, no later
5637 than November 30 of each year, on the number of prior year
5638 Florida high school graduates who enrolled for the first time in
5639 public postsecondary education in this state during the previous
5640 summer, fall, or spring term, indicating the number of students
5641 whose scores on the common placement test indicated the need for
5642 remediation through college-preparatory or vocational-preparatory
5643 instruction pursuant to s. 1004.91 or s. 1008.30.
5644 Section 124. Section 1008.38, Florida Statutes, is amended
5645 to read:
5646 1008.38 Articulation accountability process.--The State
5647 Board of Education, in consultation with the Board of Governors
5648 of the State University System, shall develop articulation

5649 accountability measures which assess the status of systemwide
5650 articulation processes authorized under s. 1007.23 and~~. The State~~
5651 ~~Board of Education shall~~ establish an articulation accountability
5652 process which at a minimum shall address:
5653 (1) The impact of articulation processes on ensuring
5654 educational continuity and the orderly and unobstructed
5655 transition of students between public secondary and postsecondary
5656 education systems and facilitating the transition of students
5657 between the public and private sectors.
5658 (2) The adequacy of preparation of public secondary
5659 students to smoothly articulate to a public postsecondary
5660 institution.
5661 (3) The effectiveness of articulated acceleration
5662 mechanisms available to secondary students.
5663 (4) The smooth transfer of community college associate in
5664 arts degree graduates to a state university.
5665 (5) An examination of degree requirements that exceed the
5666 parameters of 60 credit hours for an associate degree and 120
5667 hours for a baccalaureate degree in public postsecondary
5668 programs.
5669 (6) The relationship between the College Level Academic
5670 Skills Test Program and articulation to the upper division in
5671 public postsecondary institutions.
5672 Section 125. Paragraph (h) of subsection (1) of section
5673 1008.45, Florida Statutes, is amended to read:
5674 1008.45 Community college accountability process.--
5675 (1) It is the intent of the Legislature that a management
5676 and accountability process be implemented which provides for the
5677 systematic, ongoing improvement and assessment of the improvement

5678 of the quality and efficiency of the Florida community colleges.
5679 Accordingly, the State Board of Education and the community
5680 college boards of trustees shall develop and implement an
5681 accountability plan to improve and evaluate the instructional and
5682 administrative efficiency and effectiveness of the Florida
5683 Community College System. This plan shall be designed in
5684 consultation with staff of the Governor and the Legislature and
5685 must address the following issues:
5686 (h) Other measures ~~as identified by the Council for~~
5687 ~~Education Policy Research and Improvement and~~ approved by the
5688 State Board of Education.
5689 Section 126. Section 1008.46, Florida Statutes, is amended
5690 to read:
5691 1008.46 State university accountability process.--It is the
5692 intent of the Legislature that an accountability process be
5693 implemented that provides for the systematic, ongoing evaluation
5694 of quality and effectiveness of state universities. It is further
5695 the intent of the Legislature that this accountability process
5696 monitor performance at the system level in each of the major
5697 areas of instruction, research, and public service, while
5698 recognizing the differing missions of each of the state
5699 universities. The accountability process shall provide for the
5700 adoption of systemwide performance standards and performance
5701 goals for each standard identified through a collaborative effort
5702 involving state universities, <u>the Board of Governors of the State</u>
5703 <u>University System,</u> the Legislature, and the Governor's Office.
5704 These standards and goals shall be consistent with s. 216.011(1)
5705 to maintain congruity with the performance-based budgeting
5706 process. This process requires that university accountability

5707 reports reflect measures defined through performance-based
5708 budgeting. The performance-based budgeting measures must also
5709 reflect the elements of teaching, research, and service inherent
5710 in the missions of the state universities.
5711 (1) By December 31 of each year, the Board of Governors of
5712 the State University System ~~State Board of Education~~ shall submit
5713 an annual accountability report providing information on the
5714 implementation of performance standards, actions taken to improve
5715 university achievement of performance goals, the achievement of
5716 performance goals during the prior year, and initiatives to be
5717 undertaken during the next year. The accountability reports shall
5718 be designed in consultation with the Governor's Office, the
5719 Office of Program Policy Analysis and Government Accountability,
5720 and the Legislature.
5721 (2) The Board of Governors of the State University System
5722 ~~State Board of Education~~ shall recommend in the annual
5723 accountability report any appropriate modifications to this
5724 section.
5725 Section 127. Subsection (2) of section 1009.01, Florida
5726 Statutes, is amended to read:
5727 1009.01 Definitions.--The term:
5728 (2) "Out-of-state fee" means the additional fee for
5729 instruction provided by a public postsecondary educational
5730 institution in this state, which fee is charged to a student who
5731 does not qualify for the in-state tuition rate pursuant to s.
5732 1009.21 ~~non-Florida student as defined in rules of the State~~
5733 ~~Board of Education~~. A charge for any other purpose shall not be
5734 included within this fee.

5735 Section 128. Section 1009.21, Florida Statutes, is amended
5736 to read:
5737 1009.21 Determination of resident status for tuition
5738 purposes and student eligibility for state financial aid awards
5739 and tuition assistance grants.--Students shall be classified as
5740 residents or nonresidents for the purpose of assessing tuition in
5741 community colleges and state universities and for the purpose of
5742 determining student eligibility for state financial aid awards
5743 and tuition assistance grants.
5744 (1) As used in this section, the term:
5745 (a) ~~The term~~ "Dependent child" means any person, whether or
5746 not living with his or her parent, who is eligible to be claimed
5747 by his or her parent as a dependent under the federal income tax
5748 code.
5749 (b) "Initial enrollment" means the first day of class at an
5750 institution of higher education.
5751 (c) ~~(b) The term~~ "Institution of higher education" means any
5752 public community college or state university or any institution
5753 eligible to participate in a program established pursuant to s.
5754 1009.50, s. 1009.51, s. 10009.52, s. 1009.53, s. 1009.54, s.
5755 1009.56, s. 1009.57, s. 1009.60, s. 1009.62, s. 1009.63, s.
5756 1009.68, s. 1009.72, s. 1009.73, s. 1009.76, s. 1009.77, s.
5757 1009.89, or s. 1009.891.
5758 (d) ~~(c)~~ ~~A~~ "Legal resident" or "resident" means ~~is~~ a person
5759 who has maintained his or her residence in this state for the
5760 preceding year, has purchased a home which is occupied by him or
5761 her as his or her residence, or has established a domicile in
5762 this state pursuant to s. 222.17.

5763 (e) "Nonresident for tuition purposes" means a person who
5764 does not qualify for the in-state tuition rate.
5765 (f) ~~(d)~~ ~~The term~~ "Parent" means the natural or adoptive
5766 parent or legal guardian of a dependent child.
5767 (g) ~~(e)~~ ~~A~~ "Resident for tuition purposes" means ~~is~~ a person
5768 who qualifies as provided in subsection (2) for the in-state
5769 tuition rate~~; a "nonresident for tuition purposes" is a person~~
5770 ~~who does not qualify for the in state tuition rate~~.
5771 (2)(a) To qualify as a resident for tuition purposes:
5772 1. A person or, if that person is a dependent child, his or
5773 her parent or parents must have established legal residence in
5774 this state and must have maintained legal residence in this state
5775 for at least 12 consecutive months immediately prior to his or
5776 her initial enrollment in an institution of higher education
5777 ~~qualification~~. Legal residence must be established by written or
5778 electronic verification that includes two or more of the
5779 following Florida documents that demonstrate continuous residence
5780 in the state for at least 12 consecutive months prior to the
5781 student's initial enrollment in an institution of higher
5782 education: a voter's registration card; a driver's license; a
5783 vehicle registration; a declaration of domicile; proof of
5784 purchase of a permanent home; transcripts from a Florida school
5785 for multiple years; or proof of permanent full-time employment.
5786 2. Every applicant for admission to an institution of
5787 higher education shall be required to make a statement as to his
5788 or her length of residence in the state and, further, shall
5789 establish that his or her presence or, if the applicant is a
5790 dependent child, the presence of his or her parent or parents in
5791 the state currently is, and during the requisite 12-month

5792 qualifying period was, for the purpose of maintaining a bona fide
5793 domicile, rather than for the purpose of maintaining a mere
5794 temporary residence or abode incident to enrollment in an
5795 institution of higher education.
5796 (b) However, with respect to a dependent child living with
5797 an adult relative other than the child's parent, such child may
5798 qualify as a resident for tuition purposes if the adult relative
5799 is a legal resident who has maintained legal residence in this
5800 state for at least 12 consecutive months immediately prior to the
5801 child's initial enrollment in an institution of higher education
5802 ~~qualification~~, provided the child has resided continuously with
5803 such relative for the 5 years immediately prior to the child's
5804 initial enrollment ~~qualification~~, during which time the adult
5805 relative has exercised day-to-day care, supervision, and control
5806 of the child.
5807 (c) The legal residence of a dependent child whose parents
5808 are divorced, separated, or otherwise living apart will be deemed
5809 to be this state if either parent is a legal resident of this
5810 state, regardless of which parent is entitled to claim, and does
5811 in fact claim, the minor as a dependent pursuant to federal
5812 individual income tax provisions.
5813 (d) A person who is classified as a nonresident for tuition
5814 purposes may become eligible for reclassification as a resident
5815 for tuition purposes if that person or, if that person is a
5816 dependent child, his or her parent presents documentation that
5817 supports permanent residency in this state rather than temporary
5818 residency for the purpose of pursuing an education, such as
5819 documentation of full-time permanent employment for the prior 12
5820 months or the purchase of a home in this state and residence

5821 therein for the prior 12 months. If a person who is a dependent
5822 child and his or her parent move to this state while such child
5823 is a high school student and the child graduates from a high
5824 school in this state, the child may become eligible for
5825 reclassification as a resident for tuition purposes when the
5826 parent qualifies for permanent residency.
5827 (3)(a) An individual shall not be classified as a resident
5828 for tuition purposes and, thus, shall not be eligible to receive
5829 the in-state tuition rate until he or she has provided such
5830 evidence related to legal residence and its duration or, if that
5831 individual is a dependent child, documentation of his or her
5832 parent's legal residence and its duration, as well as
5833 documentation confirming his or her status as a dependent child,
5834 as ~~may be~~ required by law and by officials of the institution of
5835 higher education from which he or she seeks the in-state tuition
5836 rate. The documentation shall provide clear and convincing
5837 evidence that residency in this state was for a minimum of 12
5838 months prior to the student's initial enrollment in an
5839 institution of higher education. No single piece of evidence
5840 shall be conclusive.
5841 (b) Each institution of higher education must:
5842 1. Determine whether an applicant who has been granted
5843 admission to that institution is a dependent child.
5844 2. Affirmatively determine that an applicant who has been
5845 granted admission to that institution as a Florida resident meets
5846 the residency requirements of this section at the time of initial
5847 enrollment
5848 (4) With respect to a dependent child, the legal residence
5849 of such individual's parent or parents is prima facie evidence of

5850 the individual's legal residence, which evidence may be
5851 reinforced or rebutted, relative to the age and general
5852 circumstances of the individual, by the other evidence of legal
5853 residence required of or presented by the individual. However,
5854 the legal residence of an individual whose parent or parents are
5855 domiciled outside this state is not prima facie evidence of the
5856 individual's legal residence if that individual has lived in this
5857 state for 5 consecutive years prior to enrolling or reregistering
5858 at the institution of higher education at which resident status
5859 for tuition purposes is sought.
5860 (5) In making a domiciliary determination related to the
5861 classification of a person as a resident or nonresident for
5862 tuition purposes, the domicile of a married person, irrespective
5863 of sex, shall be determined, as in the case of an unmarried
5864 person, by reference to all relevant evidence of domiciliary
5865 intent. For the purposes of this section:
5866 (a) A person shall not be precluded from establishing or
5867 maintaining legal residence in this state and subsequently
5868 qualifying or continuing to qualify as a resident for tuition
5869 purposes solely by reason of marriage to a person domiciled
5870 outside this state, even when that person's spouse continues to
5871 be domiciled outside of this state, provided such person
5872 maintains his or her legal residence in this state.
5873 (b) A person shall not be deemed to have established or
5874 maintained a legal residence in this state and subsequently to
5875 have qualified or continued to qualify as a resident for tuition
5876 purposes solely by reason of marriage to a person domiciled in
5877 this state.

5878 (c) In determining the domicile of a married person,
5879 irrespective of sex, the fact of the marriage and the place of
5880 domicile of such person's spouse shall be deemed relevant
5881 evidence to be considered in ascertaining domiciliary intent.
5882 (6) Any nonresident person, irrespective of sex, who
5883 marries a legal resident of this state or marries a person who
5884 later becomes a legal resident may, upon becoming a legal
5885 resident of this state, accede to the benefit of the spouse's
5886 immediately precedent duration as a legal resident for purposes
5887 of satisfying the 12-month durational requirement of this
5888 section.
5889 (7) A person shall not lose his or her resident status for
5890 tuition purposes solely by reason of serving, or, if such person
5891 is a dependent child, by reason of his or her parent's or
5892 parents' serving, in the Armed Forces outside this state.
5893 (8) A person who has been properly classified as a resident
5894 for tuition purposes but who, while enrolled in an institution of
5895 higher education in this state, loses his or her resident tuition
5896 status because the person or, if he or she is a dependent child,
5897 the person's parent or parents establish domicile or legal
5898 residence elsewhere shall continue to enjoy the in-state tuition
5899 rate for a statutory grace period, which period shall be measured
5900 from the date on which the circumstances arose that culminated in
5901 the loss of resident tuition status and shall continue for 12
5902 months. However, if the 12-month grace period ends during a
5903 semester or academic term for which such former resident is
5904 enrolled, such grace period shall be extended to the end of that
5905 semester or academic term.

5906 (9) Any person who ceases to be enrolled at or who
5907 graduates from an institution of higher education while
5908 classified as a resident for tuition purposes and who
5909 subsequently abandons his or her domicile in this state shall be
5910 permitted to reenroll at an institution of higher education in
5911 this state as a resident for tuition purposes without the
5912 necessity of meeting the 12-month durational requirement of this
5913 section if that person has reestablished his or her domicile in
5914 this state within 12 months of such abandonment and continuously
5915 maintains the reestablished domicile during the period of
5916 enrollment. The benefit of this subsection shall not be accorded
5917 more than once to any one person.
5918 (10) The following persons shall be classified as residents
5919 for tuition purposes:
5920 (a) Active duty members of the Armed Services of the United
5921 States residing or stationed in this state, their spouses, and
5922 dependent children, and active members of the Florida National
5923 Guard who qualify under s. 250.10(7) and (8) for the tuition
5924 assistance program.
5925 (b) Active duty members of the Armed Services of the United
5926 States and their spouses and dependents attending a public
5927 community college or state university within 50 miles of the
5928 military establishment where they are stationed, if such military
5929 establishment is within a county contiguous to Florida.
5930 (c) United States citizens living on the Isthmus of Panama,
5931 who have completed 12 consecutive months of college work at the
5932 Florida State University Panama Canal Branch, and their spouses
5933 and dependent children.

5934 (d) Full-time instructional and administrative personnel
5935 employed by state public schools, community colleges, and
5936 institutions of higher education, as defined in s. 1000.04, and
5937 their spouses and dependent children.
5938 (e) Students from Latin America and the Caribbean who
5939 receive scholarships from the federal or state government. Any
5940 student classified pursuant to this paragraph shall attend, on a
5941 full-time basis, a Florida institution of higher education.
5942 (f) Southern Regional Education Board's Academic Common
5943 Market graduate students attending Florida's state universities.
5944 (g) Full-time employees of state agencies or political
5945 subdivisions of the state when the student fees are paid by the
5946 state agency or political subdivision for the purpose of job-
5947 related law enforcement or corrections training.
5948 (h) McKnight Doctoral Fellows and Finalists who are United
5949 States citizens.
5950 (i) United States citizens living outside the United States
5951 who are teaching at a Department of Defense Dependent School or
5952 in an American International School and who enroll in a graduate
5953 level education program which leads to a Florida teaching
5954 certificate.
5955 (j) Active duty members of the Canadian military residing
5956 or stationed in this state under the North American Air Defense
5957 (NORAD) agreement, and their spouses and dependent children,
5958 attending a community college or state university within 50 miles
5959 of the military establishment where they are stationed.
5960 (k) Active duty members of a foreign nation's military who
5961 are serving as liaison officers and are residing or stationed in
5962 this state, and their spouses and dependent children, attending a

5963 community college or state university within 50 miles of the
5964 military establishment where the foreign liaison officer is
5965 stationed.
5966 ~~(11) The State Board of Education shall by rule designate~~
5967 ~~classifications of students as residents or nonresidents for~~
5968 ~~tuition purposes at community colleges and state universities.~~
5969 Section 129. Section 1009.24, Florida Statutes, is amended
5970 to read:
5971 (Substantial rewording of section. See
5972 s. 1009.24, F.S., for present text.)
5973 1009.24 State university student fees.--
5974 (1) GENERAL PROVISIONS.--
5975 (a) This section applies to students enrolled in college
5976 credit programs at state universities.
5977 (b) All students shall be charged fees except students who
5978 are exempt from fees or students whose fees are waived.
5979 (c) Undergraduate tuition shall be established in the
5980 General Appropriations Act.
5981 (d) Any tuition or fee established by a designee of the
5982 Board of Governors pursuant to this section shall be established
5983 in accordance with law and rules of the Board of Governors.
5984 (e) All moneys from tuition and fees shall be deposited
5985 pursuant to s. 1011.42.
5986 (f) A state university may not charge any fee except as
5987 specifically authorized by law.
5988 (2) GRADUATE AND PROFESSIONAL PROGRAMS.--
5989 (a) The Board of Governors, or the board's designee, shall
5990 establish tuition for graduate and professional programs and

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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5991 shall give full consideration to providing access for Florida
5992 residents to such programs when setting tuition levels.
5993 (b) For each constituent university, the Board of Governors
5994 shall establish a limit on graduate and professional enrollments.
5995 In establishing such limits, the Board of Governors shall strive
5996 to maintain adequate access to undergraduate education.
5997 (c) Students who are enrolled in Programs in Medical
5998 Sciences are considered graduate students for the purpose of
5999 enrollment and student fees.
6000 (3) OUT-OF-STATE STUDENTS.--
6001 (a) The Board of Governors, or the board's designee, shall
6002 establish the out-of-state fee for a student classified as a non-
6003 resident for tuition purposes pursuant to s. 1009.21. Except as
6004 otherwise provided by law, the sum of tuition plus the out-of-
6005 state fee for a student classified as a nonresident for tuition
6006 purposes pursuant to s. 1009.21 must be sufficient to offset the
6007 full cost of instruction.
6008 (b) For each constituent university, the Board of Governors
6009 shall establish a limit on non-resident enrollments. In
6010 establishing such limits, the Board of Governors shall not allow
6011 a university's nonresident enrollment to exceed ten percent of
6012 total enrollment or the university's actual nonresident
6013 enrollment percentage during the 2004 fall term, whichever is
6014 greater.
6015 (4) FINANCIAL AID FEE.--
6016 (a) The Board of Governors, or the board's designee, is
6017 authorized to collect a financial aid fee in an amount not to
6018 exceed 5 percent of the tuition and out-of-state fee. The

6019 revenues from the financial aid fee shall remain at each campus
6020 for disbursement to students as quickly as possible.
6021 (b) Effective with awards for the 2007-2008 academic year,
6022 a minimum of 90 percent of funds from the student financial aid
6023 fee for new financial aid awards shall be used to provide
6024 financial aid based on need.
6025 (c) The Board of Governors shall develop criteria for
6026 making financial aid awards from financial aid fee revenues and
6027 from funds appropriated by the Legislature to state universities
6028 for student financial assistance.
6029 (d) Each university shall report annually to the Board of
6030 Governors and the Legislature on the revenue collected pursuant
6031 to this subsection, the amount carried forward, the criteria used
6032 to make awards, the amount and number of awards for each
6033 criterion, and a delineation of the distribution of such awards.
6034 The report shall include an assessment by category of the
6035 financial need of every student who receives an award, regardless
6036 of the purpose for which the award is received.
6037 (e) Awards which are based on financial need shall be
6038 distributed in accordance with a nationally recognized system of
6039 need analysis approved by the Board of Governors.
6040 (f) An award for academic merit shall require a minimum
6041 overall grade point average of 3.0 on a 4.0 scale or the
6042 equivalent for both initial receipt of the award and renewal of
6043 the award.
6044 (5) CAPITAL IMPROVEMENT AND BUILDING FEE.--The Capital
6045 Improvement Trust Fund fee is established as $2.44 per credit
6046 hour per semester. The building fee is established as $2.32 per
6047 credit hour per semester.

6048 (6) LOCAL FEE AUTHORITY.--For each constituent university,
6049 the Board of Governors, or the board's designee, is authorized to
6050 establish separate activity and service, health, and athletic
6051 fees pursuant to the provisions of this section. When duly
6052 established, the fees shall be collected as component parts of
6053 tuition and fees and shall be retained by the university and paid
6054 into the separate activity and service, health, and athletic
6055 funds. The sum of the activity and service, health, and athletic
6056 fees a student is required to pay to register for a course shall
6057 not exceed 40 percent of the tuition established pursuant to law
6058 or in the General Appropriations Act. No university shall be
6059 required to lower any fee in effect on July 1, 2006 in order to
6060 comply with this subsection. Within the 40 percent cap,
6061 universities may not increase the aggregate sum of activity and
6062 service, health, and athletic fees more than 5 percent per year
6063 unless specifically authorized in law or in the General
6064 Appropriations Act. This subsection does not prohibit a
6065 university from increasing or assessing optional fees related to
6066 specific activities if payment of such fees is not required as a
6067 part of registration for courses.
6068 (7) ACTIVITY AND SERVICE FEE.--
6069 (a)1. For each constituent university, the Board of
6070 Governors, or the board's designee, is authorized to establish a
6071 student activity and service fee on the main campus of the
6072 university. The Board of Governors, or the board's designee, may
6073 also establish a student activity and service fee on any branch
6074 campus or center.
6075 2. Any subsequent increase in the activity and service fee
6076 must be recommended by an activity and service fee committee, at

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6077 least one-half of whom are students appointed by the student body
6078 president. The remainder of the committee shall be appointed by
6079 the university president. A chairperson, appointed jointly by the
6080 university president and the student body president, shall vote
6081 only in the case of a tie. The recommendations of the committee
6082 shall take effect only after approval by the university
6083 president, after consultation with the student body president,
6084 with final approval by the university board of trustees.
6085 3. An increase in the activity and service fee may occur
6086 only once each fiscal year and must be implemented beginning with
6087 the fall term.
6088 4. The Board of Governors is responsible for establishing
6089 the guidelines and timetables necessary to implement this fee.
6090 (b)1. The student activity and service fees shall be
6091 expended for lawful purposes to benefit the student body in
6092 general. This shall include, but shall not be limited to,
6093 technology, student publications, and grants to duly recognized
6094 student organizations, the membership of which is open to all
6095 students at the university without regard to race, gender, or
6096 religion.
6097 2. The Activity and Service fund may not benefit activities
6098 for which an admission fee is charged to students, except for
6099 student-government-association-sponsored concerts.
6100 3. The allocation and expenditure of the Activity and
6101 Service fund shall be determined by the student government
6102 association of the university, except that the president of the
6103 university may veto any line item or portion thereof within the
6104 budget when submitted by the student government association
6105 legislative body.

6106 4. The university president shall have 15 school days from
6107 the date of presentation of the budget to act on the allocation
6108 and expenditure recommendations, which shall be deemed approved
6109 if no action is taken within the 15 school days.
6110 5. If any line item or portion thereof within the budget is
6111 vetoed, the student government association legislative body shall
6112 within 15 school days make new budget recommendations for
6113 expenditure of the vetoed portion of the fund. If the university
6114 president vetoes any line item or portion thereof within the new
6115 budget revisions, the university president may reallocate by line
6116 item that vetoed portion to bond obligations guaranteed by
6117 activity and service fees.
6118 6. Unexpended funds and undisbursed funds remaining at the
6119 end of a fiscal year shall be carried over and remain in the
6120 student activity and service fund and be available for allocation
6121 and expenditure during the next fiscal year.
6122 (8) HEALTH FEE.--
6123 (a) For each constituent university, the Board of
6124 Governors, or the board's designee, is authorized to establish a
6125 student health fee on the main campus of the university. The
6126 Board of Governors, or the board's designee, may also establish a
6127 student health fee on any branch campus or center.
6128 (b) Any subsequent increase in the health fee must be
6129 recommended by a health committee, at least one-half of whom are
6130 students appointed by the student body president. The remainder
6131 of the committee shall be appointed by the university president.
6132 A chairperson, appointed jointly by the university president and
6133 the student body president, shall vote only in the case of a tie.
6134 The recommendations of the committee shall take effect only after

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6135 approval by the university president, after consultation with the
6136 student body president, with final approval by the university
6137 board of trustees.
6138 (c) An increase in the health fee may occur only once each
6139 fiscal year and must be implemented beginning with the fall term.
6140 (d) The Board of Governors is responsible for establishing
6141 the guidelines and timetables necessary to implement this fee.
6142 (9) ATHLETIC FEE.--
6143 (a) For each constituent university, the Board of
6144 Governors, or the board's designee, is authorized to establish a
6145 separate athletic fee on the main campus of the university. The
6146 Board of Governors, or the board's designee, may also establish a
6147 separate athletic fee on any branch campus or center.
6148 (b) Any subsequent increase in the athletic fee must be
6149 recommended by an athletic fee committee, at least one-half of
6150 whom are students appointed by the student body president. The
6151 remainder of the committee shall be appointed by the university
6152 president. A chairperson, appointed jointly by the university
6153 president and the student body president, shall vote only in the
6154 case of a tie. The recommendations of the committee shall take
6155 effect only after approval by the university president, after
6156 consultation with the student body president, with final approval
6157 by the university board of trustees.
6158 (c) An increase in the athletic fee may occur only once
6159 each fiscal year and must be implemented beginning with the fall
6160 term.
6161 (d) The Board of Governors is responsible for establishing
6162 the guidelines and timetables necessary to implement this fee.

6163 (e) A university may increase its athletic fee to defray
6164 the costs associated with changing National Collegiate Athletic
6165 Association divisions.
6166 1. Any such increase in the athletic fee may exceed both
6167 the 40 percent cap and the 5 percent cap imposed by subsection
6168 (6).
6169 2. Any such increase must be approved by the athletic fee
6170 committee in the process outlined in paragraph (a) of this
6171 subsection and cannot exceed $2 per credit hour.
6172 3. Notwithstanding the provisions of ss. 1009.534,
6173 1009.535, and 1009.536, that portion of any increase in an
6174 athletic fee pursuant to this paragraph that causes the sum of
6175 the activity and service, health, and athletic fees to exceed the
6176 40 percent cap or the annual increase in such fees to exceed the
6177 5 percent cap shall not be included in calculating the amount a
6178 student receives for a Florida Academic Scholars award, a Florida
6179 Medallion Scholars award, or a Florida Gold Seal Vocational
6180 Scholars award.
6181 (10) MISCELLANEOUS FEES AND FINES.--For each constituent
6182 university, the Board of Governors, or the board's designee, is
6183 authorized to establish the following fees and fines:
6184 (a) A nonrefundable application fee.
6185 (b) An orientation fee.
6186 (c) A fee for security, access, or identification cards.
6187 (d) Registration fees for audit and zero-hours
6188 registration; a reasonable service charge for the payment of
6189 tuition in installments; and a late-registration fee in an amount
6190 not less than $50 nor more than $100 to be imposed on students

6191 who fail to initiate registration during the regular registration
6192 period.
6193 (e) A late-payment fee in an amount not less than $50 nor
6194 more than $100 to be imposed on students who fail to pay or fail
6195 to make appropriate arrangements to pay (by means of installment
6196 payment, deferment, or third-party billing) tuition by the
6197 deadline set by each university. Each university may adopt
6198 specific procedures or policies for waiving the late-payment fee
6199 for minor underpayments.
6200 (f) A fee for miscellaneous health-related charges for
6201 services provided at cost by the university health center which
6202 are not covered by the health fee set under subsection (11).
6203 (g) Materials and supplies fees to offset the cost of
6204 materials or supplies that are consumed in the course of the
6205 student's instructional activities, excluding the cost of
6206 equipment replacement, repairs, and maintenance.
6207 (h) Housing rental rates and miscellaneous housing charges
6208 for services provided by the university at the request of the
6209 student.
6210 (i) A charge representing the reasonable cost of efforts to
6211 collect payment of overdue accounts.
6212 (j) A reasonable service charge on university loans in lieu
6213 of interest and administrative handling charges.
6214 (k) A fee for off-campus course offerings when the location
6215 results in specific, identifiable increased costs to the
6216 university.
6217 (l) Library fees and fines, including charges for damaged
6218 and lost library materials, overdue reserve library books,
6219 interlibrary loans, and literature searches.

6220 (m) Fees relating to duplicating, photocopying, binding,
6221 and microfilming; copyright services; and standardized testing.
6222 These fees may be charged only to those who receive the services.
6223 (n) Fees and fines relating to the use, late return, and
6224 loss and damage of facilities and equipment.
6225 (o) A returned-check fee as authorized by s. 832.07(1) for
6226 unpaid checks returned to the university.
6227 (p) Reasonable traffic and parking fines, charges for
6228 parking decals, and transportation access fees.
6229 (q) An Educational Research Center for Child Development
6230 fee for child care and services offered by the center.
6231 (r) Fees for transcripts and diploma replacement.
6232
6233 Fees established pursuant to this subsection for records,
6234 documents, services, materials, or supplies shall not exceed the
6235 cost to the university of providing the record, document,
6236 service, materials, or supplies. Fees and fines relating to the
6237 loss of or damage to university equipment or other university
6238 property or damage to university facilities shall not exceed the
6239 cost to the university of repair or replacement.
6240 (11) ADMISSIONS DEPOSIT.--For each constituent university,
6241 the Board of Governors, or the board's designee, is authorized to
6242 establish a nonrefundable admissions deposit for undergraduate,
6243 graduate, and professional degree programs in an amount not to
6244 exceed $200. The admissions deposit shall be imposed at the time
6245 of an applicant's acceptance to the university and shall be
6246 applied toward tuition upon enrollment. In the event the
6247 applicant does not enroll in the university, the admissions
6248 deposit shall be deposited in an auxiliary account of the

6249 university and used to expand financial assistance and student
6250 academic and career counseling services at the university. If an
6251 admissions deposit is established pursuant to this subsection, a
6252 policy that provides for the waiver of such deposit on the basis
6253 of financial hardship must also be established.
6254 Section 130. Subsections (4) and (6) of section 1009.26,
6255 Florida Statutes, are amended, and subsection (9) is added to
6256 that section, to read:
6257 1009.26 Fee waivers.--
6258 (4) A state university may waive any or all application,
6259 tuition, and related fees for persons 60 years of age or older
6260 who are residents of this state and who attend classes for
6261 credit. No academic credit shall be awarded for attendance in
6262 classes for which fees are waived under this subsection. This
6263 privilege may be granted only on a space-available basis, if such
6264 classes are not filled as of the close of registration. A
6265 university may limit or deny the privilege for courses which are
6266 in programs for which the Board of Governors of the State
6267 University System ~~State Board of Education~~ has established
6268 selective admissions criteria. Persons paying full fees and state
6269 employees taking courses on a space-available basis shall have
6270 priority over those persons whose fees are waived in all cases
6271 where classroom spaces are limited.
6272 (6) A state university may waive the ~~State Board of~~
6273 ~~Education may establish rules to allow for the waiver of~~ out-of-
6274 state fees for nondegree-seeking students enrolled at a state
6275 university if the earned student credit hours generated by such
6276 students are nonfundable and the direct cost for the program of
6277 study is recovered from the fees charged to all students.

6278 (9) Each university board of trustees is authorized to
6279 waive tuition and out-of-state fees for purposes which support
6280 and enhance the mission of the university. All fees waived must
6281 be based on policies which are adopted by university boards of
6282 trustees pursuant to rules adopted by the Board of Governors of
6283 the State University System. Each university shall report the
6284 purpose, number, and value of all fee waivers granted annually in
6285 a format prescribed by the Board of Governors.
6286 Section 131. Subsection (1) of section 1009.265, Florida
6287 Statutes, is amended to read:
6288 1009.265 State employee fee waivers.--
6289 (1) As a benefit to the employer and employees of the
6290 state, subject to approval by an employee's agency head or the
6291 equivalent, each state university and community college shall
6292 waive tuition and fees for state employees to enroll for up to 6
6293 credit hours of courses, including distance learning courses, per
6294 term on a space-available basis. For purposes of implementing
6295 this section, space available is to be determined based on the
6296 number of seats remaining in a course at the end of the drop-add
6297 period. State employee fee waivers may not be used for
6298 dissertation, thesis, directed individual study (DIS), or other
6299 one-to-one instruction courses.
6300 Section 132. Subsection (1) of section 1009.27, Florida
6301 Statutes, is amended to read:
6302 1009.27 Deferral of fees.--
6303 (1) School districts, community colleges, and state
6304 universities may defer ~~The State Board of Education shall adopt~~
6305 ~~rules to allow the deferral of~~ tuition and ~~registration~~ fees for
6306 students receiving financial aid from a federal or state

6307 assistance program when the aid is delayed in being transmitted
6308 to the student through circumstances beyond the control of the
6309 student. The failure to make timely application for the aid is an
6310 insufficient reason to receive a deferral of fees. ~~The rules must~~
6311 ~~provide for the enforcement and collection or other settlement of~~
6312 ~~delinquent accounts.~~
6313 Section 133. Section 1009.285, Florida Statutes, is amended
6314 to read:
6315 1009.285 Fees for repeated enrollment in college-credit
6316 courses.--A student enrolled in the same undergraduate college-
6317 credit course more than twice shall pay tuition at 100 percent of
6318 the full cost of instruction and shall not be included in
6319 calculations of full-time equivalent enrollments for state
6320 funding purposes. However, students who withdraw or fail a class
6321 due to extenuating circumstances may be granted an exception only
6322 once for each class, provided that approval is granted according
6323 to policy established by the community college board of trustees
6324 or the university board of trustees. Each community college and
6325 state university may review and reduce fees paid by students due
6326 to continued enrollment in a college-credit class on an
6327 individual basis contingent upon the student's financial
6328 hardship~~, pursuant to definitions and fee levels established by~~
6329 ~~the State Board of Education~~. For purposes of this section,
6330 first-time enrollment in a class shall mean enrollment in a class
6331 beginning fall semester 1997, and calculations of the full cost
6332 of instruction shall be based on the systemwide average of the
6333 prior year's cost of undergraduate programs for the community
6334 colleges and the state universities. Boards of trustees may make
6335 exceptions to this section for individualized study, elective

6336 coursework, courses that are repeated as a requirement of a
6337 major, and courses that are intended as continuing over multiple
6338 semesters, excluding the repeat of coursework more than two times
6339 to increase grade point average or meet minimum course grade
6340 requirements.
6341 Section 134. Subsection (1) of section 1009.29, Florida
6342 Statutes, is amended to read:
6343 1009.29 Increased fees for funding financial aid program.--
6344 (1) Student tuition and registration fees at each state
6345 university and community college shall include up to $4.68 per
6346 quarter, or $7.02 per semester, per full-time student, or the
6347 per-student credit hour equivalents of such amounts. The fees
6348 provided for by this section shall be adjusted from time to time,
6349 as necessary, to comply with the debt service coverage
6350 requirements of the student loan revenue bonds issued pursuant to
6351 s. 1009.79. If the Division of Bond Finance of the State Board of
6352 Administration ~~State Board of Education~~ and the Commissioner of
6353 Education determine that such fees are no longer required as
6354 security for revenue bonds issued pursuant to ss. 1009.78-
6355 1009.88, moneys previously collected pursuant to this section
6356 which are held in escrow, after administrative expenses have been
6357 met and up to $150,000 has been used to establish a financial aid
6358 data processing system for the state universities incorporating
6359 the necessary features to meet the needs of all 11 universities
6360 for application through disbursement processing, shall be
6361 reallocated to the generating institutions to be used for student
6362 financial aid programs, including, but not limited to,
6363 scholarships and grants for educational purposes. Upon such

6364 determination, such fees shall no longer be assessed and
6365 collected.
6366 Section 135. Paragraph (a) of subsection (1) of section
6367 1009.40, Florida Statutes, is amended to read:
6368 1009.40 General requirements for student eligibility for
6369 state financial aid awards and tuition assistance grants.--
6370 (1)(a) The general requirements for eligibility of students
6371 for state financial aid awards and tuition assistance grants
6372 consist of the following:
6373 1. Achievement of the academic requirements of and
6374 acceptance at a state university or community college; a nursing
6375 diploma school approved by the Florida Board of Nursing; a
6376 Florida college, university, or community college which is
6377 accredited by an accrediting agency recognized by the State Board
6378 of Education; any Florida institution the credits of which are
6379 acceptable for transfer to state universities; any career center;
6380 or any private career institution accredited by an accrediting
6381 agency recognized by the State Board of Education.
6382 2. Residency in this state for no less than 1 year
6383 preceding the award of aid or a tuition assistance grant for a
6384 program established pursuant to s. 1009.50, s. 1009.51, s.
6385 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s. 1009.57, s.
6386 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s. 1009.72, s.
6387 1009.73, s. 1009.76, s. 1009.77, ~~or~~ s. 1009.89, or s. 1009.891.
6388 Residency in this state must be for purposes other than to obtain
6389 an education. Resident status for purposes of receiving state
6390 financial aid awards shall be determined in the same manner as
6391 resident status for tuition purposes pursuant to s. 1009.21 ~~and~~
6392 ~~rules of the State Board of Education~~.

6393 3. Submission of certification attesting to the accuracy,
6394 completeness, and correctness of information provided to
6395 demonstrate a student's eligibility to receive state financial
6396 aid awards or tuition assistance grants. Falsification of such
6397 information shall result in the denial of any pending application
6398 and revocation of any award or grant currently held to the extent
6399 that no further payments shall be made. Additionally, students
6400 who knowingly make false statements in order to receive state
6401 financial aid awards or tuition assistance grants shall be guilty
6402 of a misdemeanor of the second degree subject to the provisions
6403 of s. 837.06 and shall be required to return all state financial
6404 aid awards or tuition assistance grants wrongfully obtained.
6405 Section 136. Subsections (9) and (12) of section 1009.90,
6406 Florida Statutes, are amended to read:
6407 1009.90 Duties of the Department of Education.--The duties
6408 of the department shall include:
6409 (9) Development and submission of a report, annually, to
6410 the State Board of Education, the Board of Governors of the State
6411 University System, the President of the Senate, and the Speaker
6412 of the House of Representatives, which shall include, but not be
6413 limited to, recommendations for the distribution of state
6414 financial aid funds.
6415 (12) Calculation of the amount of need-based student
6416 financial aid required to offset fee increases recommended by the
6417 State Board of Education and the Board of Governors of the State
6418 University System and inclusion of such amount within the
6419 legislative budget request for student assistance grant programs.
6420 Section 137. Subsection (4) of section 1009.91, Florida
6421 Statutes, is amended to read:

6422 1009.91 Assistance programs and activities of the
6423 department.--
6424 (4) The department shall maintain records on the student
6425 loan default rate of each Florida postsecondary institution and
6426 report that information annually to both the institution and the
6427 State Board of Education. Information relating to state
6428 universities shall also be reported annually to the Board of
6429 Governors of the State University System.
6430 Section 138. Subsection (2) of section 1009.971, Florida
6431 Statutes, is amended to read:
6432 1009.971 Florida Prepaid College Board.--
6433 (2) FLORIDA PREPAID COLLEGE BOARD; MEMBERSHIP.--The board
6434 shall consist of seven members to be composed of the Attorney
6435 General, the Chief Financial Officer, the Chancellor of the State
6436 University System ~~Deputy Commissioner of Colleges and~~
6437 ~~Universities~~, the Deputy Commissioner of Community Colleges, and
6438 three members appointed by the Governor and subject to
6439 confirmation by the Senate. Each member appointed by the Governor
6440 shall possess knowledge, skill, and experience in the areas of
6441 accounting, actuary, risk management, or investment management.
6442 Each member of the board not appointed by the Governor may name a
6443 designee to serve on the board on behalf of the member; however,
6444 any designee so named shall meet the qualifications required of
6445 gubernatorial appointees to the board. Members appointed by the
6446 Governor shall serve terms of 3 years. Any person appointed to
6447 fill a vacancy on the board shall be appointed in a like manner
6448 and shall serve for only the unexpired term. Any member shall be
6449 eligible for reappointment and shall serve until a successor
6450 qualifies. Members of the board shall serve without compensation

6451 but shall be reimbursed for per diem and travel in accordance
6452 with s. 112.061. Each member of the board shall file a full and
6453 public disclosure of his or her financial interests pursuant to
6454 s. 8, Art. II of the State Constitution and corresponding
6455 statute.
6456 Section 139. Paragraph (b) of subsection (2) of section
6457 1009.98, Florida Statutes, is amended to read:
6458 1009.98 Florida Prepaid College Program.--
6459 (2) PREPAID COLLEGE PLANS.--At a minimum, the board shall
6460 make advance payment contracts available for two independent
6461 plans to be known as the community college plan and the
6462 university plan. The board may also make advance payment
6463 contracts available for a dormitory residence plan. The board may
6464 restrict the number of participants in the community college
6465 plan, university plan, and dormitory residence plan,
6466 respectively. However, any person denied participation solely on
6467 the basis of such restriction shall be granted priority for
6468 participation during the succeeding year.
6469 (b)1. Through the university plan, the advance payment
6470 contract shall provide prepaid registration fees for a specified
6471 number of undergraduate semester credit hours not to exceed the
6472 average number of hours required for the conference of a
6473 baccalaureate degree. Qualified beneficiaries shall bear the cost
6474 of any laboratory fees associated with enrollment in specific
6475 courses. Each qualified beneficiary shall be classified as a
6476 resident for tuition purposes pursuant to s. 1009.21, regardless
6477 of his or her actual legal residence.
6478 2. Effective July 1, 1998, the board may provide advance
6479 payment contracts for additional fees delineated in s.

6480 1009.24(6)-(9)~~(8)-(11)~~, for a specified number of undergraduate
6481 semester credit hours not to exceed the average number of hours
6482 required for the conference of a baccalaureate degree, in
6483 conjunction with advance payment contracts for registration fees.
6484 Such contracts shall provide prepaid coverage for the sum of such
6485 fees, to a maximum of 45 percent of the cost of registration
6486 fees. University plan contracts purchased prior to July 1, 1998,
6487 shall be limited to the payment of registration fees as defined
6488 in s. 1009.97.
6489 Section 140. Subsections (1) and (2) of section 1010.01,
6490 Florida Statutes, are amended to read:
6491 1010.01 Uniform records and accounts.--
6492 (1)(a) The financial records and accounts of each school
6493 district, community college, ~~university,~~ and other institution or
6494 agency under the supervision of the State Board of Education
6495 shall be prepared and maintained as prescribed by law and rules
6496 of the State Board of Education.
6497 (b) The financial records and accounts of each state
6498 university under the supervision of the Board of Governors of the
6499 State University System shall be prepared and maintained as
6500 prescribed by law and rules of the Board of Governors.
6501 (2)(a) Rules of the State Board of Education shall
6502 incorporate the requirements of law and the appropriate
6503 requirements of the Governmental Accounting Standards Board
6504 (GASB) for State and Local Government. Such rules shall include a
6505 uniform classification of accounts.
6506 (b) Rules of the Board of Governors shall incorporate the
6507 requirements of law and the appropriate requirements of the
6508 Governmental Accounting Standards Board (GASB) for State and

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6509 Local Government. Such rules shall include a uniform
6510 classification of accounts.
6511 Section 141. Section 1010.011, Florida Statutes, is amended
6512 to read:
6513 1010.011 Definition.--For purposes of this chapter and
6514 chapter 1011, the following terms: university, universities, and
6515 university board of trustees include all state universities ~~New~~
6516 ~~College~~ under the supervision of the Board of Governors of the
6517 State University System ~~State Board of Education~~.
6518 Section 142. Section 1010.02, Florida Statutes, is amended
6519 to read:
6520 1010.02 Financial accounting and expenditures.--
6521 (1) All funds accruing to a school district or~~,~~ a community
6522 college~~, or a university~~ must be received, accounted for, and
6523 expended in accordance with law and rules of the State Board of
6524 Education.
6525 (2) All funds accruing to a state university must be
6526 received, accounted for, and expended in accordance with law and
6527 rules of the Board of Governors of the State University System.
6528 Section 143. Subsections (1) and (4) of section 1010.04,
6529 Florida Statutes, are amended to read:
6530 1010.04 Purchasing.--
6531 (1)(a) Purchases and leases by school districts and~~,~~
6532 community colleges~~, and universities~~ shall comply with the
6533 requirements of law and rules of the State Board of Education.
6534 (b) Purchases and leases by state universities shall comply
6535 with the requirements of law and rules of the Board of Governors
6536 of the State University System.

6537 (4)(a) The State Board of Education may, by rule, provide
6538 for alternative procedures for school districts and community
6539 colleges for bidding or purchasing in cases in which the
6540 character of the item requested renders competitive bidding
6541 impractical.
6542 (b) The Board of Governors of the State University System
6543 may, by rule, provide for alternative procedures for state
6544 universities for bidding or purchasing in cases in which the
6545 character of the item requested renders competitive bidding
6546 impractical.
6547 Section 144. Subsection (2) of section 1010.07, Florida
6548 Statutes, is amended to read:
6549 1010.07 Bonds or insurance required.--
6550 (2)(a) Contractors paid from school district or~~,~~ community
6551 college~~, or university~~ funds shall give bond for the faithful
6552 performance of their contracts in such amount and for such
6553 purposes as prescribed by s. 255.05 or by rules of the State
6554 Board of Education relating to the type of contract involved. It
6555 shall be the duty of the district school board or~~,~~ community
6556 college board of trustees~~, and university board of trustees~~ to
6557 require from construction contractors a bond adequate to protect
6558 the board and the board's funds involved.
6559 (b) Contractors paid from university funds shall give bond
6560 for the faithful performance of their contracts in such amount
6561 and for such purposes as prescribed by s. 255.05 or by rules of
6562 the Board of Governors of the State University System relating to
6563 the type of contract involved. It shall be the duty of the
6564 university board of trustees to require from construction

6565 contractors a bond adequate to protect the board and the board's
6566 funds involved.
6567 Section 145. Section 1010.09, Florida Statutes, is amended
6568 to read:
6569 1010.09 Direct-support organizations.--
6570 (1) School district and~~,~~ community college~~, and university~~
6571 direct-support organizations shall be organized and conducted
6572 under the provisions of ss. 1001.453~~, 1004.28,~~ and 1004.70 and
6573 rules of the State Board of Education, as applicable.
6574 (2) State university direct-support organizations shall be
6575 organized and conducted under the provisions of s. 1004.28 and
6576 rules of the Board of Governors of the State University System,
6577 as applicable.
6578 Section 146. Section 1010.30, Florida Statutes, is amended
6579 to read:
6580 1010.30 Audits required.--School districts, community
6581 colleges~~, universities,~~ and other institutions and agencies under
6582 the supervision of the State Board of Education and state
6583 universities under the supervision of the Board of Governors of
6584 the State University System are subject to the audit provisions
6585 under ss. 11.45 and 218.39.
6586 Section 147. Section 1010.62, Florida Statutes, is created
6587 to read:
6588 1010.62 Revenue bonds and debt for state universities.--
6589 (1) As used in this section, the term:
6590 (a) "Capital outlay project" means:
6591 1. Any project to acquire, construct, improve, or change
6592 the functional use of land, buildings, and other facilities,

6593 including furniture and equipment necessary to operate a new or
6594 improved building or facility.
6595 2. Any other acquisition of equipment or software.
6596 (b) "Debt" means bonds except revenue bonds as defined in
6597 paragraph (d), loans, promissory notes, lease-purchase
6598 agreements, certificates of participation, installment sales,
6599 leases, or any other financing mechanism or financial
6600 arrangement, whether or not a debt for legal purposes, for
6601 financing or refinancing, for or on behalf of a state university
6602 or a direct support organization, the acquisition, construction,
6603 improvement, or purchase of capital outlay projects.
6604 (c) "Direct support organization" means any entity created
6605 pursuant to s. 1004.28 or any entity specifically established to
6606 incur debt on behalf of a state university.
6607 (d) "Revenue bonds" mean any obligation that constitutes a
6608 revenue bond pursuant to s. 11(d), Art. VII of the State
6609 Constitution.
6610 (2)(a) The Board of Governors of the State University
6611 system may request the issuance of revenue bonds pursuant to the
6612 State Bond Act and s. 11(d), Art. VII of the State Constitution
6613 to finance or refinance capital projects permitted by law.
6614 1.a. Revenue bonds may only be secured by or payable from
6615 those revenues authorized for such purpose including the health
6616 fee, the transportation access fee, hospital revenues or those
6617 revenues derived from or received in relation to sales and
6618 services of auxiliary enterprises or component units of the
6619 university, including, but not limited to, housing,
6620 transportation, health care, research or research related
6621 activities, foodservice, retail sales, athletic activities or

6622 similar services, other revenue attributable to the projects to
6623 be financed or refinanced, any other revenue approved by the
6624 Legislature for facilities construction or for securing revenue
6625 bonds issued pursuant to s. 11(d), Art. VII of the State
6626 Constitution, or any other revenues permitted by law.
6627 b. The assets of a university foundation and the earnings
6628 thereon may also be used to pay and secure revenue bonds of the
6629 university or its direct support organizations.
6630 c. Revenues from royalties and licensing fees may be used
6631 to pay and secure revenues bonds so long as the facilities being
6632 financed are functionally related to the university operation or
6633 direct support organization reporting such royalties and
6634 licensing fees.
6635 2.a. Revenue bonds may not be secured by or payable from,
6636 either directly or indirectly, tuition, the financial aid fee,
6637 the activity and service fee, the athletic fee, sales and
6638 services of educational departments, revenues from contracts and
6639 grants, except for money received for overhead and indirect costs
6640 and other moneys not required for the payment of direct costs, or
6641 any other operating revenues of a state university.
6642 b. Revenues from one auxiliary enterprise or component unit
6643 may not be used to secure revenue bonds of another unless such
6644 activities and facilities are functionally related.
6645 (b) In connection with the issuance of revenue bonds, the
6646 Board of Governors of the State University System, and the state
6647 university if so designated by the Board of Governors, shall
6648 comply with all covenants, commitments, or other provisions
6649 relating to revenue bonds. Such covenants, commitments, or other

6650 provisions, in addition to those provided in the State Bond Act,
6651 may relate to:
6652 1. Pledging the fees, charges, and other revenues which
6653 secure the revenue bonds.
6654 2. Fixing and maintaining fees, rates, and other charges
6655 pledged to the payment of the revenue bonds.
6656 3. Providing a lien on the revenues pledged.
6657 4. Preventing or providing for the creation of other liens
6658 on the fees, charges, and other revenues which secure the revenue
6659 bonds.
6660 5. Establishing and maintaining reserves for debt service
6661 payments on revenue bonds.
6662 6. Providing for the operation, maintenance, and
6663 improvement of facilities which are related to the generation of
6664 the fees, revenues, and other charges pledged to the payment of
6665 the revenue bonds.
6666 7. Establishing any other covenants, commitments, or
6667 provisions which are deemed necessary or advisable to enhance the
6668 security of the revenue bonds, or the marketability thereof, and
6669 which are customary in accordance with the market requirements
6670 for the sale of such revenue bonds.
6671 (3)(a) No state university or direct support organization
6672 may issue debt without the approval of the Board of Governors of
6673 the State University system.
6674 1. The Board of Governors may only approve the issuance of
6675 debt by a state university or a direct support organization when
6676 such debt is used to finance or refinance capital outlay projects
6677 which are necessary and desirable to serve the needs and purposes
6678 of the state university.

6679 2.a. The debt may only be secured by or payable from those
6680 revenues authorized for such purpose including the health fee,
6681 the transportation access fee, hospital revenues or those
6682 revenues derived from or received in relation to sales and
6683 services of auxiliary enterprises or component units of the
6684 university, including, but not limited to, housing,
6685 transportation, healthcare, research or research related
6686 activities, foodservice, retail sales, athletic activities, or
6687 other similar services.
6688 b. The assets of university foundations and the earnings
6689 thereon may be used to pay and secure debt of the university or
6690 its direct support organizations.
6691 c. Gifts and donations or pledges of gifts may also be used
6692 to secure debt so long as the maturity of the debt, including
6693 extensions, renewals, and refundings, does not exceed 5 years.
6694 d. Revenues from royalties and licensing fees may also be
6695 used to secure debt so long as the facilities being financed are
6696 functionally related to the university operation or direct
6697 support organization reporting such royalties and licensing fees.
6698 3.a. The debt may not be secured by or payable from, either
6699 directly or indirectly, tuition, the financial aid fee, the
6700 activity and service fee, the athletic fee, sales and services of
6701 educational departments, revenues from grants and contracts,
6702 except for the money received for overhead and indirect costs and
6703 other moneys not required for the payment of direct costs of
6704 grants, or any other operating revenues of a state university.
6705 b. The debt of direct support organizations may not be
6706 secured by or be payable under an agreement or contract with a
6707 state university unless the source of payments under such

6708 agreement or contract is limited to revenues that universities
6709 are authorized to use for payment of debt service.
6710 c. Revenues from one auxiliary enterprise or component unit
6711 may not be used to secure debt of another unless such activities
6712 and facilities are functionally related.
6713 4. No debt may be approved to finance or refinance
6714 operating expenses of a state university or a direct support
6715 organization.
6716 5. The maturity of debt used to finance or refinance the
6717 acquisition of equipment or software, including any extensions,
6718 renewals or refundings thereof, shall be limited to five years or
6719 the estimated useful life of the equipment or software, whichever
6720 is shorter.
6721 6. The Board of Governors may establish conditions and
6722 limitations on such debt service as it determines to be
6723 advisable.
6724 (b) Approval by the Board of Governors of the State
6725 University System of the issuance of debt shall be based upon a
6726 determination that the debt:
6727 1. Is for a purpose consistent with the mission of the
6728 state university.
6729 2. Is structured in a manner appropriate for the prudent
6730 financial management of the state university.
6731 3. Is to be incurred in a manner consistent with the
6732 policies governing the issuance of the State debt.
6733 4. Is secured by revenues adequate to provide for all
6734 payments relating to the debt.

6735 5. Has been analyzed by the Division of Bond Finance, with
6736 all issues raised by such analysis having been appropriately
6737 considered by the Board of Governors.
6738 6. Is consistent with the requirements of any policies or
6739 criteria adopted by the Board of Governors for the approval of
6740 debt.
6741 (c) Notwithstanding the foregoing, state universities and
6742 direct-support organizations may engage in the following
6743 activities without Board of Governors approval:
6744 1. State universities may lease-purchase equipment and
6745 software in accordance with the deferred-purchase provisions in
6746 Chapter 287 and direct support organizations may lease-purchase
6747 equipment and software to the extent that the overall term of the
6748 financing, including any extension, renewal or refinancings
6749 thereof, does not exceed five years or the estimated useful life
6750 of the equipment or software, whichever is shorter.
6751 2. Direct-support organizations may issue promissory notes
6752 and grant conventional mortgages for the acquisition of real
6753 property.
6754 3. State universities and direct-support organizations may
6755 secure debt with gifts and donations and pledges of gifts so long
6756 as the facilities being financed thereby have been included in
6757 the university's 5-year capital improvement plan which has been
6758 approved by the Board of Governors and the maturity of the debt,
6759 including extensions, renewals, and refundings, does not exceed 5
6760 years.
6761 (4) The approval of the Board of Governors of the State
6762 University System of revenue bonds, except refunding bonds, or
6763 debt must be requested by a resolution of the board of trustees

6764 of each state university involved in the issuance of the revenue
6765 bonds or debt.
6766 (5) Revenue bonds or debt issued hereunder may be secured
6767 on a parity with prior revenue bonds or debt issued by or on
6768 behalf of one or more universities or a direct support
6769 organization.
6770 (6) Capital outlay projects to be financed by revenue bonds
6771 or debt are limited to those approved by the Legislature either
6772 through approval of the specific project or general approval of
6773 the type or category of capital outlay project.
6774 (7)(a) As required pursuant to s. 11(d), Art. VII of the
6775 State Constitution and subsection (6), the Legislature hereby
6776 approves those capital outlay projects which meet the following
6777 requirements:
6778 1. The project is located on a campus of a state university
6779 or on land leased to the university or land that is used for
6780 activities relating to the state university.
6781 2. The project is included in the master plan of the state
6782 university or is for facilities not required to be in a
6783 university's master plan.
6784 3. The project is approved by the Board of Governors as
6785 being consistent with the strategic plan of the state university
6786 and the programs offered by the state university.
6787 4. The project is for purposes relating to housing,
6788 transportation, healthcare, research or research related
6789 activities, foodservice, or retail sales of the state university.
6790 (b) Capital outlay projects for the acquisition of
6791 equipment or software are also approved for purposes of
6792 subsection (6), to the extent that the overall term of the

6793 financing, including any extension, renewal or refinancings
6794 thereof, does not exceed 5 years or the estimated useful life of
6795 the equipment or software, whichever is shorter.
6796 (8) Notwithstanding any other law, the Board of Governors
6797 of the State University System, each state university, and any
6798 direct support organization must comply with the provisions of
6799 this section to issue or enter into agreements for the issuance
6800 of revenue bonds or debt.
6801 (9) The Board of Governors of the State University System
6802 may adopt such rules or policies as may be necessary or desirable
6803 to carry out all of the requirements of this section and may do
6804 all things necessary or desirable to carry out the powers granted
6805 herein. Such policies may include categories of debt, other than
6806 revenue bonds, which may be issued without Board of Governors
6807 approval of the specific issuance, provided the issuance complies
6808 with any terms, conditions, or requirements included in such
6809 policy and laws governing the imposition of fees and laws
6810 requiring specific authority to pledge revenues to secure debt.
6811 (10) Any legal commitments, contracts, or other obligations
6812 relating to the financing of capital outlay projects, which were
6813 lawfully entered into prior to July 1, 2006, shall remain in full
6814 force and effect. Any such legal commitment, contract or other
6815 obligation may be amended without compliance with this section
6816 but only to the extent that such amendment does not extend the
6817 term of the underlying obligation or increase the financial
6818 obligation of the Board of Governors, a state university, or a
6819 direct-support organization.
6820 Section 148. Section 1010.86, Florida Statutes, is amended
6821 to read:

6822 1010.86 Administration of capital improvement and building
6823 fees trust funds.--The Board of Governors of the State University
6824 System ~~State Board of Education~~ shall administer the Capital
6825 Improvement Fee Trust Fund and the Building Fee Trust Fund which
6826 include receipts from capital improvement and building student
6827 fee assessments, interest earnings, and subsidy grants. All
6828 funds, except those to be used for debt service payments, reserve
6829 requirements, and educational research centers for child
6830 development, pursuant to s. 1011.48, shall be used to fund
6831 projects appropriated by the Legislature. Projects funded
6832 pursuant to this section may be expanded by the use of
6833 supplemental funds such as grants, auxiliary enterprises, private
6834 donations, and other nonstate sources.
6835 Section 149. Section 1011.01, Florida Statutes, is amended
6836 to read:
6837 1011.01 Budget system established.--
6838 (1) The State Board of Education shall prepare and submit a
6839 coordinated K-20 education annual legislative budget request to
6840 the Governor and the Legislature on or before the date provided
6841 by the Governor and the Legislature. The board's legislative
6842 budget request must clearly define the needs of school districts,
6843 community colleges, universities, other institutions,
6844 organizations, programs, and activities under the supervision of
6845 the board and that are assigned by law or the General
6846 Appropriations Act to the Department of Education.
6847 (2)(a) There shall be established in each school district
6848 and~~,~~ community college~~, and university~~ a budget system as
6849 prescribed by law and rules of the State Board of Education.

6850 (b) There shall be established in each state university a
6851 budget system as prescribed by law and rules of the Board of
6852 Governors of the State University System.
6853 (3)(a) Each district school board and~~,~~ each community
6854 college board of trustees~~, and each state university board of~~
6855 ~~trustees~~ shall prepare, adopt, and submit to the Commissioner of
6856 Education for review an annual operating budget. Operating
6857 budgets shall be prepared and submitted in accordance with the
6858 provisions of law, rules of the State Board of Education, the
6859 General Appropriations Act, and for district school boards in
6860 accordance with the provisions of ss. 200.065 and 1011.64.
6861 (b) Each state university board of trustees shall prepare,
6862 adopt, and submit to the Chancellor of the State University
6863 System for review an annual operating budget in accordance with
6864 provisions of law, rules of the Board of Governors, and the
6865 General Appropriations Act.
6866 (4) The State Board of Education shall coordinate with the
6867 Board of Governors of the State University System to facilitate
6868 the budget system requirements of this section. The Board of
6869 Governors of the State University System exclusively retains the
6870 review and approval powers of this section for state
6871 universities.
6872 Section 150. Section 1011.011, Florida Statutes, is amended
6873 to read:
6874 1011.011 Legislative capital outlay budget request.--The
6875 State Board of Education shall submit an integrated,
6876 comprehensive budget request for educational facilities
6877 construction and fixed capital outlay needs for school districts,
6878 community colleges, and, in consultation with the Board of

6879 Governors of the State University System, universities pursuant
6880 to this section and s. 1013.46 and applicable provisions of
6881 chapter 216.
6882 Section 151. Section 1011.40, Florida Statutes, is amended
6883 to read:
6884 1011.40 Budgets for universities.--
6885 (1) LEGISLATIVE BUDGET REQUEST.--The Board of Governors of
6886 the State University System ~~State Board of Education~~ shall
6887 provide instructions, guidelines, and standard formats to be used
6888 by each university that will provide to the Board of Governors of
6889 the State University System ~~State Board of Education~~ and the
6890 Legislature adequate information to support and justify the
6891 legislative budget requests submitted pursuant to ss. 216.023,
6892 1011.90, and 1013.60 for each university.
6893 (2) OPERATING BUDGET.--Each university board of trustees
6894 shall adopt an operating budget for the operation of the
6895 university as prescribed by law and rules of the Board of
6896 Governors of the State University System ~~State Board of~~
6897 ~~Education~~. Each university president shall prepare and implement
6898 the operating budget of the university as prescribed by law,
6899 rules of the Board of Governors of the State University System
6900 ~~State Board of Education~~, policies of the university board of
6901 trustees, and provisions of the General Appropriations Act. The
6902 proposed expenditures, plus transfers, and balances shall not
6903 exceed the estimated income, transfers, and balances. The budget
6904 and each part thereof shall balance. If at any time the
6905 unencumbered balance in the education and general fund of the
6906 university board of trustees approved operating budget goes below
6907 5 percent, the president shall provide written notification to

6908 the Board of Governors of the State University System ~~State Board~~
6909 ~~of Education~~.
6910 (3) EXPENDITURES.--Expenditures from any source of funds by
6911 any university shall not exceed the funds available. Expenditures
6912 shall not exceed the amount budgeted under each classification of
6913 accounts for each fund and the total amount of the budget, as
6914 amended as prescribed by rules of the Board of Governors of the
6915 State University System ~~State Board of Education~~. No expenditure
6916 of funds, contract, or agreement of any nature shall be made that
6917 requires additional appropriation of funds by the Legislature
6918 unless specifically authorized in advance by law or the General
6919 Appropriations Act.
6920 (4) DISTRIBUTION OF APPROPRIATION.--Funds appropriated in
6921 the General Appropriations Act for the operation of state
6922 universities shall be distributed ~~by the State Board of Education~~
6923 to the universities twice monthly. The Executive Office of the
6924 Governor may modify this schedule if required to meet specific
6925 needs of a university.
6926 Section 152. Section 1011.41, Florida Statutes, is amended
6927 to read:
6928 1011.41 University appropriations.--Funds for the general
6929 operations of universities shall be requested and appropriated as
6930 Aid to Local Governments Grants and Aids, subject to provisions
6931 of the General Appropriations Act. Funds provided state
6932 universities in the General Appropriations Act are contingent
6933 upon each university complying with the tuition and fee policies
6934 established in the proviso language and with the tuition and fee
6935 policies for state universities included in part II of chapter
6936 1009. However, the funds appropriated to a specific university

6937 shall not be affected by the failure of another university to
6938 comply with this provision.
6939 Section 153. Section 1011.4106, Florida Statutes, is
6940 amended to read:
6941 1011.4106 Trust fund dissolution and local account
6942 appropriations.--
6943 (1) Notwithstanding the provisions of ss. 215.3206(2) and
6944 215.3208(2), and pursuant to s. 216.351, all unexpended balances
6945 as of June 30, 2002, in the following state university system
6946 trust funds are hereby appropriated to the appropriate accounts
6947 of each university based upon the original source of the trust
6948 fund revenue and any accrued interest: the Education/General
6949 Student and Other Fees Trust Fund, the Experiment Station Federal
6950 Grant Trust Fund, the Experiment Station Incidental Trust Fund,
6951 the Extension Service Federal Grant Trust Fund, the Extension
6952 Service Incidental Trust Fund, the Incidental Trust Fund, the UF
6953 Health Center Operations and Maintenance Trust Fund, the
6954 Operations and Maintenance Trust Fund, and all other trust funds
6955 in the State Treasury for universities. Expenditure of these
6956 funds by each university must be based on the laws, rules, grant
6957 agreements, or other legal controlling factors associated with
6958 all trust fund balances which are appropriated to local accounts
6959 pursuant to this section, and included in each university board
6960 of trustees' approved operating budget. Each university shall be
6961 responsible for the payment of outstanding debts or obligations
6962 associated with these funds.
6963 (2) Any appropriations provided in the General
6964 Appropriations Act from the Educational/General Student and Other
6965 Fees Trust Fund are the only budget authority for the fiscal year

6966 to the named universities to expend tuition and fees that are
6967 collected during the fiscal year and carried forward from the
6968 prior fiscal year. The expenditure of tuition and fee revenues
6969 from local accounts by each university shall not exceed the
6970 authority provided in the General Appropriations Act, unless
6971 approved pursuant to the provisions of chapter 216. If a court of
6972 competent jurisdiction finds that the restriction in this
6973 subsection is invalid, the appropriations made by this section
6974 are hereby repealed and the moneys described in this section
6975 shall be deposited in the State Treasury for expenditure only
6976 pursuant to appropriations made by law.
6977 Section 154. Subsections (3), (4), and (5) of section
6978 1011.48, Florida Statutes, are amended to read:
6979 1011.48 Establishment of educational research centers for
6980 child development.--
6981 (3) Each center is authorized to charge fees for the care
6982 and services it provides. Such fees must be approved by the Board
6983 of Governors of the State University System ~~State Board of~~
6984 ~~Education~~ and may be imposed on a sliding scale based on ability
6985 to pay or any other factors deemed relevant by the board.
6986 (4) The Board of Governors of the State University System
6987 ~~State Board of Education~~ is authorized ~~and directed~~ to adopt
6988 ~~promulgate~~ rules for the establishment, operation, and
6989 supervision of educational research centers for child
6990 development. Such rules shall include, but need not be limited
6991 to: a defined method of establishment of and participation in the
6992 operation of centers by the appropriate student government
6993 associations; guidelines for the establishment of an intern
6994 program in each center; and guidelines for the receipt and

6995 monitoring of funds from grants and other sources of funds
6996 consistent with existing laws.
6997 (5) Each educational research center for child development
6998 shall be funded by a portion of the Capital Improvement Trust
6999 Fund fee established by the Board of Governors of the State
7000 University System ~~State Board of Education~~ pursuant to s.
7001 1009.24(5) ~~(7)~~. Each university that establishes a center shall
7002 receive a portion of such fees collected from the students
7003 enrolled at that university, usable only at that university,
7004 equal to 22.5 cents per student per credit hour taken per term,
7005 based on the summer term and fall and spring semesters. This
7006 allocation shall be used by the university only for the
7007 establishment and operation of a center as provided by this
7008 section and rules promulgated hereunder. Said allocation may be
7009 made only after all bond obligations required to be paid from
7010 such fees have been met.
7011 Section 155. Subsection (1) of section 1011.82, Florida
7012 Statutes, is amended to read:
7013 1011.82 Requirements for participation in Community College
7014 Program Fund.--Each community college district which participates
7015 in the state appropriations for the Community College Program
7016 Fund shall provide evidence of its effort to maintain an adequate
7017 community college program which shall:
7018 (1) Meet the minimum standards prescribed by the State
7019 Board of Education in accordance with s. 1001.02(6) ~~(9)~~.
7020 Section 156. Subsection (4) of section 1011.90, Florida
7021 Statutes, is amended to read:
7022 1011.90 State university funding.--

7023 (4) The Board of Governors of the State University System
7024 ~~State Board of Education~~ shall establish and validate a cost-
7025 estimating system consistent with the requirements of subsection
7026 (1) and shall report as part of its legislative budget request
7027 the actual expenditures for the fiscal year ending the previous
7028 June 30. Expenditure analysis, operating budgets, and annual
7029 financial statements of each university must be prepared using
7030 the standard financial reporting procedures and formats
7031 prescribed by the Board of Governors of the State University
7032 System ~~State Board of Education~~. These formats shall be the same
7033 as used for the 2000-2001 fiscal year reports. Any revisions to
7034 these financial and reporting procedures and formats must be
7035 approved by the Executive Office of the Governor and the
7036 appropriations committees of the Legislature jointly under the
7037 provisions of s. 216.023(3). The Board of Governors of the State
7038 University System ~~State Board of Education~~ shall continue to
7039 collect and maintain at a minimum the management information
7040 databases existing on June 30, 2002. The expenditure analysis
7041 report shall include total expenditures from all sources for the
7042 general operation of the university and shall be in such detail
7043 as needed to support the legislative budget request.
7044 Section 157. Subsections (1) and (2) of section 1011.91,
7045 Florida Statutes, are amended to read:
7046 1011.91 Additional appropriation.--
7047 (1) Except as otherwise provided in the General
7048 Appropriations Act, all moneys received by universities, other
7049 than from state and federal sources, from student ~~building and~~
7050 ~~capital improvement~~ fees authorized in s. 1009.24, and from
7051 vending machine collections, are hereby appropriated to the use

7052 of the respective universities collecting same, to be expended as
7053 the university board of trustees may direct; however, the funds
7054 shall not be expended except in pursuance of detailed budgets
7055 filed with the Board of Governors of the State University System
7056 ~~State Board of Education~~ and shall not be expended for the
7057 construction or reconstruction of buildings except as provided
7058 under s. 1013.74. If the moneys described in this section are
7059 appropriated through a General Appropriations Act, the
7060 appropriations made by this section are hereby repealed and the
7061 moneys described in this section shall be deposited in the State
7062 Treasury for expenditure only pursuant to appropriations made by
7063 law.
7064 (2) All moneys received from vending machine collections by
7065 universities shall be expended only as set forth in detailed
7066 budgets approved by the Board of Governors of the State
7067 University System ~~State Board of Education~~.
7068 Section 158. Subsections (1), (2), (3), and (5) of section
7069 1011.94, Florida Statutes, are amended to read:
7070 1011.94 Trust Fund for University Major Gifts.--
7071 (1) There is established a Trust Fund for University Major
7072 Gifts. The purpose of the trust fund is to enable each state
7073 university ~~and New College~~ to provide donors with an incentive in
7074 the form of matching grants for donations for the establishment
7075 of permanent endowments and sales tax exemption matching funds
7076 received pursuant to s. 212.08(5)(j), which must be invested,
7077 with the proceeds of the investment used to support libraries and
7078 instruction and research programs, as defined by the Board of
7079 Governors of the State University System ~~State Board of~~
7080 ~~Education~~. All funds appropriated for the challenge grants, new

7081 donors, major gifts, sales tax exemption matching funds pursuant
7082 to s. 212.08(5)(j), or eminent scholars program may be deposited
7083 into the trust fund and invested pursuant to s. 17.61 until ~~the~~
7084 ~~State Board of Education allocates~~ the funds are allocated to
7085 universities to match private donations. Notwithstanding s.
7086 216.301 and pursuant to s. 216.351, any undisbursed balance
7087 remaining in the trust fund and interest income accruing to the
7088 portion of the trust fund which is not matched and distributed to
7089 universities must remain in the trust fund and be used to
7090 increase the total funds available for challenge grants. Funds
7091 deposited in the trust fund for the sales tax exemption matching
7092 program authorized in s. 212.08(5)(j), and interest earnings
7093 thereon, shall be maintained in a separate account within the
7094 Trust Fund for University Major Gifts, and may be used only to
7095 match qualified sales tax exemptions that a certified business
7096 designates for use by state universities and community colleges
7097 to support research and development projects requested by the
7098 certified business. ~~The State Board of Education may authorize~~
7099 ~~any university to encumber the state matching portion of a~~
7100 ~~challenge grant from funds available under s. 1011.45.~~
7101 (2) The Board of Governors of the State University System
7102 ~~State Board of Education~~ shall specify the process for
7103 submission, documentation, and approval of requests for matching
7104 funds, accountability for endowments and proceeds of endowments,
7105 allocations to universities, restrictions on the use of the
7106 proceeds from endowments, and criteria used in determining the
7107 value of donations.
7108 (3) ~~(a) The State Board of Education shall allocate the~~
7109 ~~amount appropriated to the trust fund to each university and New~~

7110 ~~College based on the amount of the donation and the restrictions~~
7111 ~~applied to the donation.~~
7112 ~~(b)~~ Donations for a specific purpose are eligible to ~~must~~
7113 be matched in the following manner:
7114 (a)~~1.~~ Each university that raises at least $100,000 but no
7115 more than $599,999 from a private source may ~~must~~ receive a
7116 matching grant up ~~equal~~ to 50 percent of the private
7117 contribution.
7118 (b)~~2.~~ Each university that raises a contribution of at
7119 least $600,000 but no more than $1 million from a private source
7120 may ~~must~~ receive a matching grant up ~~equal~~ to 70 percent of the
7121 private contribution.
7122 (c)~~3.~~ Each university that raises a contribution in excess
7123 of $1 million but no more than $1.5 million from a private source
7124 may ~~must~~ receive a matching grant up ~~equal~~ to 75 percent of the
7125 private contribution.
7126 (d)~~4.~~ Each university that raises a contribution in excess
7127 of $1.5 million but no more than $2 million from a private source
7128 may ~~must~~ receive a matching grant up ~~equal~~ to 80 percent of the
7129 private contribution.
7130 (e)~~5.~~ Each university that raises a contribution in excess
7131 of $2 million from a private source may ~~must~~ receive a matching
7132 grant up ~~equal~~ to 100 percent of the private contribution.
7133 ~~(c) The State Board of Education shall encumber state~~
7134 ~~matching funds for any pledged contributions, pro rata, based on~~
7135 ~~the requirements for state matching funds as specified for the~~
7136 ~~particular challenge grant and the amount of the private~~
7137 ~~donations actually received by the university for the respective~~
7138 ~~challenge grant.~~

7139 (5)(a) Each state university foundation ~~and New College~~
7140 ~~Foundation~~ shall establish a challenge grant account for each
7141 challenge grant as a depository for private contributions and
7142 state matching funds to be administered on behalf of the Board of
7143 Governors of the State University System or the state ~~Board of~~
7144 ~~Education, the~~ university~~, or New College~~. State matching funds
7145 must be transferred to a university foundation ~~or New College~~
7146 ~~Foundation~~ upon notification that the university ~~or New College~~
7147 has received and deposited the amount specified in this section
7148 in a foundation challenge grant account.
7149 (b) The foundation serving a state university ~~and New~~
7150 ~~College Foundation each~~ has the responsibility for the
7151 maintenance and investment of its challenge grant account and for
7152 the administration of the program on behalf of the university ~~or~~
7153 ~~New College~~, pursuant to procedures specified by the Board of
7154 Governors of the State University System ~~State Board of~~
7155 ~~Education~~. Each foundation shall include in its annual report to
7156 the Board of Governors of the State University System ~~State Board~~
7157 ~~of Education~~ information concerning collection and investment of
7158 matching gifts and donations and investment of the account.
7159 (c) A donation of at least $600,000 and associated state
7160 matching funds may be used to designate an Eminent Scholar
7161 Endowed Chair pursuant to procedures specified by the Board of
7162 Governors of the State University System ~~State Board of~~
7163 ~~Education~~.
7164 Section 159. Section 1012.01, Florida Statutes, is amended
7165 to read:
7166 1012.01 Definitions.--As used in this chapter, the
7167 following terms have the following meanings ~~Specific definitions~~

7168 ~~shall be as follows, and wherever such defined words or terms are~~
7169 ~~used in the Florida K-20 Education Code, they shall be used as~~
7170 ~~follows~~:
7171 (1) SCHOOL OFFICERS.--The officers of the state system of
7172 public K-12 and community college education shall be the
7173 Commissioner of Education and the members of the State Board of
7174 Education; and, for each district school system, the officers
7175 shall be the district school superintendent and members of the
7176 district school board; and, for each community college, the
7177 officers shall be the community college president and members of
7178 the community college board of trustees.
7179 (2) INSTRUCTIONAL PERSONNEL.--"Instructional personnel"
7180 means any K-12 staff member whose function includes the provision
7181 of direct instructional services to students. Instructional
7182 personnel also includes K-12 personnel whose functions provide
7183 direct support in the learning process of students. Included in
7184 the classification of instructional personnel are the following
7185 K-12 personnel:
7186 (a) Classroom teachers.--Classroom teachers are K-12 staff
7187 members assigned the professional activity of instructing
7188 students in courses in classroom situations, including basic
7189 instruction, exceptional student education, career education, and
7190 adult education, including substitute teachers.
7191 (b) Student personnel services.--Student personnel services
7192 include K-12 staff members responsible for: advising students
7193 with regard to their abilities and aptitudes, educational and
7194 occupational opportunities, and personal and social adjustments;
7195 providing placement services; performing educational evaluations;
7196 and similar functions. Included in this classification are

7197 guidance counselors, social workers, career specialists, and
7198 school psychologists.
7199 (c) Librarians/media specialists.--Librarians/media
7200 specialists are K-12 staff members responsible for providing
7201 school library media services. These employees are responsible
7202 for evaluating, selecting, organizing, and managing media and
7203 technology resources, equipment, and related systems;
7204 facilitating access to information resources beyond the school;
7205 working with teachers to make resources available in the
7206 instructional programs; assisting teachers and students in media
7207 productions; and instructing students in the location and use of
7208 information resources.
7209 (d) Other instructional staff.--Other instructional staff
7210 are K-12 staff members who are part of the instructional staff
7211 but are not classified in one of the categories specified in
7212 paragraphs (a)-(c). Included in this classification are primary
7213 specialists, learning resource specialists, instructional
7214 trainers, adjunct educators certified pursuant to s. 1012.57, and
7215 similar positions.
7216 (e) Education paraprofessionals.--Education
7217 paraprofessionals are individuals who are under the direct
7218 supervision of an instructional K-12 staff member, aiding the
7219 instructional process. Included in this classification are
7220 classroom paraprofessionals in regular instruction, exceptional
7221 education paraprofessionals, career education paraprofessionals,
7222 adult education paraprofessionals, library paraprofessionals,
7223 physical education and playground paraprofessionals, and other
7224 school-level paraprofessionals.

7225 (3) ADMINISTRATIVE PERSONNEL.--"Administrative personnel"
7226 includes K-12 personnel who perform management activities such as
7227 developing broad policies for the school district and executing
7228 those policies through the direction of personnel at all levels
7229 within the district. Administrative personnel are generally high-
7230 level, responsible personnel who have been assigned the
7231 responsibilities of systemwide or schoolwide functions, such as
7232 district school superintendents, assistant superintendents,
7233 deputy superintendents, school principals, assistant principals,
7234 career center directors, and others who perform management
7235 activities. Broad classifications of administrative personnel are
7236 as follows:
7237 (a) District-based instructional administrators.--Included
7238 in this classification are persons with district-level
7239 administrative or policymaking duties who have broad authority
7240 for K-12 management policies and general school district
7241 operations related to the instructional program. Such personnel
7242 often report directly to the district school superintendent and
7243 supervise other administrative employees. This classification
7244 includes assistant, associate, or deputy superintendents and
7245 directors of major instructional areas, such as curriculum,
7246 federal programs such as Title I, specialized instructional
7247 program areas such as exceptional student education, career
7248 education, and similar areas.
7249 (b) District-based noninstructional
7250 administrators.--Included in this classification are persons with
7251 district-level administrative or policymaking duties who have
7252 broad authority for K-12 management policies and general school
7253 district operations related to the noninstructional program. Such

7254 personnel often report directly to the district school
7255 superintendent and supervise other administrative employees. This
7256 classification includes assistant, associate, or deputy
7257 superintendents and directors of major noninstructional areas,
7258 such as personnel, construction, facilities, transportation, data
7259 processing, and finance.
7260 (c) School administrators.--~~Included in this classification~~
7261 ~~are:~~
7262 1. School principals or school directors who are K-12 staff
7263 members performing the assigned activities as the administrative
7264 head of a school and to whom have been delegated responsibility
7265 for the coordination and administrative direction of the
7266 instructional and noninstructional activities of the school. This
7267 classification also includes career center directors.
7268 2. Assistant principals who are K-12 staff members
7269 assisting the administrative head of the school. This
7270 classification also includes assistant principals for curriculum
7271 and administration.
7272 (4) YEAR OF SERVICE.--The minimum time which may be
7273 recognized in administering K-12 ~~the state program of~~ education,
7274 not including retirement, as a year of service by a school
7275 employee shall be full-time actual service; and, beginning July
7276 1963, such service shall also include sick leave and holidays for
7277 which compensation was received but shall exclude all other types
7278 of leave and holidays for a total of more than one-half of the
7279 number of days required for the normal contractual period of
7280 service for the position held, which shall be 196 days or longer,
7281 or the minimum required for the district to participate in the
7282 Florida Education Finance Program in the year service was

7283 rendered, or the equivalent for service performed on a daily or
7284 hourly basis; provided, further, that absence from duty after the
7285 date of beginning service shall be covered by leave duly
7286 authorized and granted; further, the school board shall have
7287 authority to establish a different minimum for local district
7288 school purposes.
7289 (5) SCHOOL VOLUNTEER.--A school volunteer is any nonpaid
7290 person who may be appointed by a district school board or its
7291 designee. School volunteers may include, but may not be limited
7292 to, parents, senior citizens, students, and others who assist the
7293 teacher or other members of the school staff.
7294 (6) EDUCATIONAL SUPPORT EMPLOYEES.--"Educational support
7295 employees" means K-12 employees whose job functions are neither
7296 administrative nor instructional, yet whose work supports the
7297 educational process.
7298 (a) Other professional staff or
7299 nonadministrative/noninstructional employees are staff members
7300 who perform professional job functions which are
7301 nonadministrative/noninstructional in nature and who are not
7302 otherwise classified in this section. Included in this
7303 classification are employees such as doctors, nurses, attorneys,
7304 certified public accountants, and others appropriate to the
7305 classification.
7306 (b) Technicians are individuals whose occupations require a
7307 combination of knowledge and manual skill which can be obtained
7308 through about 2 years of post-high school education, such as is
7309 offered in many career centers and community colleges, or through
7310 equivalent on-the-job training.

7311 (c) Clerical/secretarial workers are individuals whose job
7312 requires skills and training in clerical-type work, including
7313 activities such as preparing, transcribing, systematizing, or
7314 preserving written communications and reports or operating
7315 equipment performing those functions. Included in this
7316 classification are secretaries, bookkeepers, messengers, and
7317 office machine operators.
7318 (d) Skilled crafts workers are individuals who perform jobs
7319 which require special manual skill and a thorough and
7320 comprehensive knowledge of the processes involved in the work
7321 which is acquired through on-the-job training and experience or
7322 through apprenticeship or other formal training programs. Lead
7323 workers for the various skilled crafts areas shall be included in
7324 this classification.
7325 (e) Service workers are staff members performing a service
7326 for which there are no formal qualifications, including those
7327 responsible for: cleaning the buildings, school plants, or
7328 supporting facilities; maintenance and operation of such
7329 equipment as heating and ventilation systems; preserving the
7330 security of school property; and keeping the school plant safe
7331 for occupancy and use. Lead workers in the various service areas
7332 shall be included in this broad classification.
7333 (7) MANAGERS.--"Managers" includes those K-12 staff members
7334 who perform managerial and supervisory functions while usually
7335 also performing general operations functions. Managers may be
7336 either instructional or noninstructional in their responsibility.
7337 They may direct employees' work, plan the work schedule, control
7338 the flow and distribution of work or materials, train employees,
7339 handle complaints, authorize payments, and appraise productivity

7340 and efficiency of employees. This classification includes
7341 coordinators and supervisors working under the general direction
7342 of those staff identified as district-based instructional or
7343 noninstructional administrators.
7344 Section 160. Subsection (1) of section 1012.80, Florida
7345 Statutes, is amended to read:
7346 1012.80 Participation by employees in disruptive activities
7347 at public postsecondary educational institutions; penalties.--
7348 (1)(a) Any person who accepts the privilege extended by the
7349 laws of this state of employment at any public community college
7350 ~~postsecondary educational institution~~ shall, by so working at
7351 such institution, be deemed to have given his or her consent to
7352 the policies of that institution, the State Board of Education,
7353 and the laws of this state. Such policies shall include
7354 prohibition against disruptive activities at public postsecondary
7355 educational institutions.
7356 (b) Any person who accepts the privilege extended by the
7357 laws of this state of employment at any state university shall,
7358 by working at such institution, be deemed to have given his or
7359 her consent to the policies of that institution, the Board of
7360 Governors of the State University System, and the laws of this
7361 state. Such policies shall include prohibition against disruptive
7362 activities at public postsecondary educational institutions.
7363 Section 161. Section 1012.801, Florida Statutes, is amended
7364 to read:
7365 1012.801 Employees of the Board of Governors of the State
7366 University System ~~Division of Colleges and~~
7367 ~~Universities~~.--Employees of the Board of Governors of the State
7368 University System ~~Division of Colleges and Universities of the~~

7369 ~~Department of Education~~ who were ~~are~~ participating in the State
7370 University Optional Retirement Program prior to June 30, 2002,
7371 shall be eligible to continue such participation as long as they
7372 remain employees of the Board of Governors of the State
7373 University System ~~Department of Education~~ or a state university
7374 without a break in continuous service.
7375 Section 162. Section 1012.93, Florida Statutes, is amended
7376 to read:
7377 1012.93 Faculty members; test of spoken English.--~~The State~~
7378 ~~Board of Education shall adopt rules requiring that~~ All faculty
7379 members in each state university ~~and New College~~, other than
7380 those persons who teach courses that are conducted primarily in a
7381 foreign language, shall be proficient in the oral use of English,
7382 as determined by a satisfactory grade on the "Test of Spoken
7383 English" of the Educational Testing Service or a similar test
7384 approved by the Board of Governors of the State University System
7385 ~~state board~~.
7386 Section 163. Subsections (1) and (2) of section 1012.97,
7387 Florida Statutes, are amended to read:
7388 1012.97 University police.--
7389 (1) Each university may ~~is empowered and directed to~~
7390 provide for police officers for the university, and such police
7391 officers shall hereafter be known and designated as the
7392 "university police."
7393 (2) The university police are ~~hereby~~ declared ~~to be~~ law
7394 enforcement officers of the state and conservators of the peace
7395 with the right to arrest, in accordance with the laws of this
7396 state, any person for violation of state law or applicable county
7397 or city ordinances when such violations occur on any property or

7398 facilities that are under the guidance, supervision, regulation,
7399 or control of the state university or a direct-support
7400 organization of such university, except that arrest may be made
7401 off campus when hot pursuit originates on any such property or
7402 facilities. Such officers shall have full authority to bear arms
7403 in the performance of their duties and to execute search warrants
7404 within their territorial jurisdiction. University police, when
7405 requested by the sheriff or local police authority, may serve
7406 subpoenas or other legal process and may make arrest of any
7407 person against whom a warrant has been issued or any charge has
7408 been made of violation of federal or state laws or county or city
7409 ordinances.
7410 Section 164. Section 1012.975, Florida Statutes, is amended
7411 to read:
7412 1012.975 Remuneration of certain employees of public
7413 postsecondary educational institutions ~~state university~~
7414 ~~presidents~~; limitations.--
7415 (1) DEFINITIONS.--As used in this section, the term:
7416 (a) "Cash-equivalent compensation" means any benefit that
7417 may be assigned an equivalent cash value.
7418 (b) "Public funds" means funds appropriated from the
7419 General Revenue Fund, funds appropriated from state trust funds,
7420 tuition and fees, or any funds from a state university trust fund
7421 regardless of repository.
7422 (c) "Remuneration" means salary, bonuses, and cash-
7423 equivalent compensation paid to an employee identified in
7424 subsection (2) ~~a state university president~~ by his or her
7425 employer for work performed, excluding health insurance benefits
7426 and retirement benefits.

7427 (2) LIMITATION ON COMPENSATION.--Notwithstanding any other
7428 law, resolution, or rule to the contrary, a state university
7429 president, a state university provost, or a community college
7430 president may not receive more than $225,000 in remuneration
7431 annually from public funds. Only compensation, as such term is
7432 defined in s. 121.021(22), provided to a state university
7433 president, a state university provost, or a community college
7434 president may be used in calculating benefits under chapter 121.
7435 (3) EXCEPTIONS.--This section does not prohibit any party
7436 from providing cash or cash-equivalent compensation from funds
7437 that are not public funds to an employee identified in subsection
7438 (2) ~~a state university president~~ in excess of the limit in
7439 subsection (2). If a party is unable or unwilling to fulfill an
7440 obligation to provide cash or cash-equivalent compensation to a
7441 an employee identified in subsection (2) ~~state university~~
7442 ~~president~~ as permitted under this subsection, public funds may
7443 not be used to fulfill such obligation.
7444 Section 165. Paragraph (d) of subsection (4) of section
7445 1012.98, Florida Statutes, is amended to read:
7446 1012.98 School Community Professional Development Act.--
7447 (4) The Department of Education, school districts, schools,
7448 community colleges, and state universities share the
7449 responsibilities described in this section. These
7450 responsibilities include the following:
7451 ~~(d) The Department of Education shall approve a public~~
7452 ~~state university having an approved physical education teacher~~
7453 ~~preparation program within its college of education to develop~~
7454 ~~and implement an Internet-based clearinghouse for physical~~
7455 ~~education professional development programs that may be accessed~~

7456 ~~and used by all instructional personnel. The development of these~~
7457 ~~programs shall be financed primarily by private funds and shall~~
7458 ~~be available for use no later than August 1, 2005.~~
7459 Section 166. Subsection (3) of section 1013.01, Florida
7460 Statutes, is amended to read:
7461 1013.01 Definitions.--The following terms shall be defined
7462 as follows for the purpose of this chapter:
7463 (3) "Board," unless otherwise specified, means a district
7464 school board, a community college board of trustees, a university
7465 board of trustees, and the Board of Trustees for the Florida
7466 School for the Deaf and the Blind. The term "board" does not
7467 include the State Board of Education or the Board of Governors of
7468 the State University System.
7469 Section 167. Subsection (2) of section 1013.02, Florida
7470 Statutes, is amended to read:
7471 1013.02 Purpose; rules.--
7472 (2)(a) The State Board of Education shall adopt rules
7473 pursuant to ss. 120.536(1) and 120.54 to implement the provisions
7474 of this chapter for school districts and community colleges.
7475 (b) The Board of Governors of the State University System
7476 shall adopt rules pursuant to ss. 120.536(1) and 120.54 to
7477 implement the provisions of this chapter for state universities.
7478 Section 168. Section 1013.03, Florida Statutes, is amended
7479 to read:
7480 1013.03 Functions of the department and the Board of
7481 Governors of the State University System.--The functions of the
7482 Department of Education as it pertains to educational facilities
7483 of school districts and community colleges and of the Board of
7484 Governors of the State University System as it pertains to

7485 educational facilities of state universities shall include, but
7486 not be limited to, the following:
7487 (1) Establish recommended minimum and maximum square
7488 footage standards for different functions and areas and
7489 procedures for determining the gross square footage for each
7490 educational facility to be funded in whole or in part by the
7491 state, including public broadcasting stations but excluding
7492 postsecondary special purpose laboratory space. The gross square
7493 footage determination standards may be exceeded when the core
7494 facility space of an educational facility is constructed or
7495 renovated to accommodate the future addition of classrooms to
7496 meet projected increases in student enrollment. The department
7497 shall encourage multiple use of facilities and spaces in
7498 educational plants.
7499 (2) Establish, for the purpose of determining need,
7500 equitably uniform utilization standards for all types of like
7501 space, regardless of the level of education. These standards
7502 shall be reviewed and updated a minimum of every 5 years to
7503 ensure that they accurately reflect the need for each type of
7504 space. These standards shall also establish, for postsecondary
7505 education classrooms, a minimum room utilization rate of 50 ~~40~~
7506 hours per week and a minimum station utilization rate of 70 ~~60~~
7507 percent. Each postsecondary institution shall report to its board
7508 of trustees and the Department of Education or the Board of
7509 Governors of the State University System, as appropriate, on the
7510 success of strategies implemented to maximize use of existing
7511 classrooms and provide utilization data by day of week and hour
7512 of day when requesting fixed capital outlay funding to build
7513 additional classrooms. ~~These rates shall be subject to increase~~

7514 ~~based on national norms for utilization of postsecondary~~
7515 ~~education classrooms.~~
7516 (3) Require boards to submit other educational plant
7517 inventories data and statistical data or information relevant to
7518 construction, capital improvements, and related costs.
7519 (4) Require each board and other appropriate agencies to
7520 submit complete and accurate financial data as to the amounts of
7521 funds from all sources that are available and spent for
7522 construction and capital improvements. The commissioner shall
7523 prescribe the format and the date for the submission of this data
7524 and any other educational facilities data. If any district does
7525 not submit the required educational facilities fiscal data by the
7526 prescribed date, the Commissioner of Education shall notify the
7527 district school board of this fact and, if appropriate action is
7528 not taken to immediately submit the required report, the district
7529 school board shall be directed to proceed pursuant to the
7530 provisions of s. 1001.42(11)(b). If any community college ~~or~~
7531 ~~university~~ does not submit the required educational facilities
7532 fiscal data by the prescribed date, the same policy prescribed in
7533 this subsection for school districts shall be implemented. <u>If any</u>
7534 <u>state university does not submit the required educational</u>
7535 <u>facilities fiscal data by the prescribed date, no further</u>
7536 <u>disbursements shall be made from the Public Education Capital</u>
7537 <u>Outlay and Debt Service Trust Fund to that university until the</u>
7538 <u>university submits the data and the data are validated.</u>
7539 (5) Administer, under the supervision of the Commissioner
7540 of Education, the Public Education Capital Outlay and Debt
7541 Service Trust Fund and the School District and Community College
7542 District Capital Outlay and Debt Service Trust Fund.

7543 (6) Develop, review, update, revise, and recommend a
7544 mandatory portion of the Florida Building Code for educational
7545 facilities construction and capital improvement by community
7546 college boards and district school boards.
7547 (7) Provide training, technical assistance, and building
7548 code interpretation for requirements of the mandatory Florida
7549 Building Code for the educational facilities construction and
7550 capital improvement programs of the community college boards and
7551 district school boards and, upon request, approve phase III
7552 construction documents for remodeling, renovation, or new
7553 construction of educational plants or ancillary facilities,
7554 except that university boards of trustees shall approve
7555 specifications and construction documents for their respective
7556 institutions <u>pursuant to guidelines of the Board of Governors of</u>
7557 <u>the State University System</u>. The Department of Management
7558 Services may, upon request, provide similar services for the
7559 Florida School for the Deaf and the Blind and shall use the
7560 Florida Building Code and the Florida Fire Prevention Code.
7561 (8) Provide minimum criteria, procedures, and training to
7562 boards to conduct educational plant surveys and document the
7563 determination of future needs.
7564 (9) Make available to boards technical assistance,
7565 awareness training, and research and technical publications
7566 relating to lifesafety, casualty, sanitation, environmental,
7567 maintenance, and custodial issues; and, as needed, technical
7568 assistance for survey, planning, design, construction, operation,
7569 and evaluation of educational and ancillary facilities and
7570 plants, facilities administrative procedures review, and training
7571 for new administrators.

7572 (10)(a) Review and validate surveys proposed or amended by
7573 the boards and recommend to the Commissioner of Education, for
7574 approval, surveys that meet the requirements of this chapter.
7575 1. The term "validate" as applied to surveys by school
7576 districts means to review inventory data as submitted to the
7577 department by district school boards; provide for review and
7578 inspection, where required, of student stations and aggregate
7579 square feet of inventory changed from satisfactory to
7580 unsatisfactory or changed from unsatisfactory to satisfactory;
7581 compare new school inventory to allocation limits provided by
7582 this chapter; review cost projections for conformity with cost
7583 limits set by s. 1013.64(6); compare total capital outlay full-
7584 time equivalent enrollment projections in the survey with the
7585 department's projections; review facilities lists to verify that
7586 student station and auxiliary facility space allocations do not
7587 exceed the limits provided by this chapter and related rules;
7588 review and confirm the application of uniform facility
7589 utilization factors, where provided by this chapter or related
7590 rules; utilize the documentation of programs offered per site, as
7591 submitted by the board, to analyze facility needs; confirm that
7592 need projections for career and adult educational programs comply
7593 with needs documented by the Department of Education ~~Office of~~
7594 ~~Workforce and Economic Development~~; and confirm the assignment of
7595 full-time student stations to all space except auxiliary
7596 facilities, which, for purposes of exemption from student station
7597 assignment, include the following:
7598 a. Cafeterias.
7599 b. Multipurpose dining areas.
7600 c. Media centers.

7601 d. Auditoriums.
7602 e. Administration.
7603 f. Elementary, middle, and high school resource rooms, up
7604 to the number of such rooms recommended for the applicable
7605 occupant and space design capacity of the educational plant in
7606 the State Requirements for Educational Facilities, beyond which
7607 student stations must be assigned.
7608 g. Elementary school skills labs, up to the number of such
7609 rooms recommended for the applicable occupant and space design
7610 capacity of the educational plant in the State Requirements for
7611 Educational Facilities, beyond which student stations must be
7612 assigned.
7613 h. Elementary school art and music rooms.
7614 2. The term "validate" as applied to surveys by community
7615 colleges and universities means to review and document the
7616 approval of each new site and official designation, where
7617 applicable; review the inventory database as submitted by each
7618 board to the department, including noncareer, and total capital
7619 outlay full-time equivalent enrollment projections per site and
7620 per college; provide for the review and inspection, where
7621 required, of student stations and aggregate square feet of space
7622 changed from satisfactory to unsatisfactory; utilize and review
7623 the documentation of programs offered per site submitted by the
7624 boards as accurate for analysis of space requirements and needs;
7625 confirm that needs projected for career and adult educational
7626 programs comply with needs documented by the Department of
7627 Education ~~Office of Workforce and Economic Development~~; compare
7628 new facility inventory to allocations limits as provided in this
7629 chapter; review cost projections for conformity with state

7630 averages or limits designated by this chapter; compare student
7631 enrollment projections in the survey to the department's
7632 projections; review facilities lists to verify that area
7633 allocations and space factors for generating space needs do not
7634 exceed the limits as provided by this chapter and related rules;
7635 confirm the application of facility utilization factors as
7636 provided by this chapter and related rules; and review, as
7637 submitted, documentation of how survey recommendations will
7638 implement the detail of current campus master plans and integrate
7639 with local comprehensive plans and development regulations.
7640 (b) Recommend priority of projects to be funded ~~for~~
7641 ~~approval by the state board, when required by law~~.
7642 (11) Prepare the commissioner's comprehensive fixed capital
7643 outlay legislative budget request and provide annually an
7644 estimate of the funds available for developing required 3-year
7645 priority lists. This amount shall be based upon the average
7646 percentage for the 5 prior years of funds appropriated by the
7647 Legislature for fixed capital outlay to each level of public
7648 education: public schools, community colleges, and universities.
7649 (12) Perform any other functions that may be involved in
7650 educational facilities construction and capital improvement which
7651 shall ensure that the intent of the Legislature is implemented.
7652 ~~(13) By October 1, 2003, review all rules related to school~~
7653 ~~construction to identify requirements that are outdated,~~
7654 ~~obsolete, unnecessary, or otherwise could be amended in order to~~
7655 ~~provide additional flexibility to school districts to comply with~~
7656 ~~the constitutional class size maximums described in s. 1003.03(1)~~
7657 ~~and make recommendations concerning such rules to the State Board~~

7658 ~~of Education. The State Board of Education shall act on such~~
7659 ~~recommendations by December 31, 2003.~~
7660 Section 169. Section 1013.12, Florida Statutes, is amended
7661 to read:
7662 1013.12 Casualty, safety, sanitation, and firesafety
7663 standards and inspection of property.--
7664 (1) FIRESAFETY.--The State Board of Education shall adopt
7665 and administer rules prescribing standards for the safety and
7666 health of occupants of educational and ancillary plants as a part
7667 of State Requirements for Educational Facilities or the Florida
7668 Building Code for educational facilities construction as provided
7669 in s. 1013.37, except that the State Fire Marshal in consultation
7670 with the Department of Education shall adopt uniform firesafety
7671 standards for educational and ancillary plants and educational
7672 facilities, as provided in s. 633.022(1)(b), and a firesafety
7673 evaluation system to be used as an alternate firesafety
7674 inspection standard for existing educational and ancillary plants
7675 and educational facilities. The uniform firesafety standards and
7676 the alternate firesafety evaluation system shall be administered
7677 and enforced by local fire officials. These standards must be
7678 used by all public agencies when inspecting public educational
7679 and ancillary plants, and the firesafety standards must be used
7680 by local fire officials when performing firesafety inspections of
7681 public educational and ancillary plants and educational
7682 facilities. In accordance with such standards, each board shall
7683 prescribe policies and procedures establishing a comprehensive
7684 program of safety and sanitation for the protection of occupants
7685 of public educational and ancillary plants. Such policies must
7686 contain procedures for periodic inspections as prescribed herein

7687 and for withdrawal of any educational and ancillary plant, or
7688 portion thereof, from use until unsafe or unsanitary conditions
7689 are corrected or removed.
7690 (2) ~~(1)~~ PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL
7691 BOARDS.--
7692 (a) Each board shall provide for periodic inspection, other
7693 than firesafety inspection, of each educational and ancillary
7694 plant at least once during each fiscal year to determine
7695 compliance with standards of sanitation and casualty safety
7696 prescribed in the rules of the State Board of Education.
7697 (b) Firesafety inspections of each educational and
7698 ancillary plant must be made annually by persons certified by the
7699 Division of State Fire Marshal to be eligible to conduct
7700 firesafety inspections in public educational and ancillary
7701 plants. The board shall submit a copy of the firesafety
7702 inspection report to the State Fire Marshal and, if there is a
7703 local fire official who conducts firesafety inspections, to the
7704 local fire official.
7705 (c) In each firesafety inspection report, the board shall
7706 include a plan of action and a schedule for the correction of
7707 each deficiency which have been formulated in consultation with
7708 the local fire control authority. If immediate life-threatening
7709 deficiencies are noted in any inspection, the board shall either
7710 take action to promptly correct the deficiencies or withdraw the
7711 educational or ancillary plant from use until such time as the
7712 deficiencies are corrected.
7713 (3) ~~(2)~~ INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC
7714 AGENCIES.--

7715 (a) A safety or sanitation inspection of any educational or
7716 ancillary plant may be made at any time by the Department of
7717 Education or any other state or local agency authorized or
7718 required to conduct such inspections by either general or special
7719 law. Each agency conducting inspections shall use the standards
7720 adopted by the Commissioner of Education in lieu of, and to the
7721 exclusion of, any other inspection standards prescribed either by
7722 statute or administrative rule. The agency shall submit a copy of
7723 the inspection report to the board.
7724 (b) One firesafety inspection of each educational or
7725 ancillary plant must be conducted each fiscal year by the county,
7726 municipality, or special fire control district in which the plant
7727 is located using the standards adopted by the State Fire Marshal.
7728 The board shall cooperate with the inspecting authority when a
7729 firesafety inspection is made by a governmental authority under
7730 this paragraph.
7731 (c) In each firesafety inspection report, the local fire
7732 official in conjunction with the board shall include a plan of
7733 action and a schedule for the correction of each deficiency. If
7734 immediate life-threatening deficiencies are noted in any
7735 inspection, the local fire official shall either take action to
7736 require the board to promptly correct the deficiencies or
7737 withdraw the educational facility from use until the deficiencies
7738 are corrected, subject to review by the State Fire Marshal who
7739 shall act within 10 days to ensure that the deficiencies are
7740 corrected or withdraw the facility from use.
7741 (4) ~~(3)~~ CORRECTIVE ACTION; DEFICIENCIES OTHER THAN
7742 FIRESAFETY DEFICIENCIES.--Upon failure of the board to take
7743 corrective action within a reasonable time, the agency making the

7744 inspection, other than a local fire official, may request the
7745 commissioner to:
7746 (a) Order that appropriate action be taken to correct all
7747 deficiencies in accordance with a schedule determined jointly by
7748 the inspecting authority and the board; in developing the
7749 schedule, consideration must be given to the seriousness of the
7750 deficiencies and the ability of the board to obtain the necessary
7751 funds; or
7752 (b) After 30 calendar days' notice to the board, order all
7753 or a portion of the educational or ancillary plant withdrawn from
7754 use until the deficiencies are corrected.
7755 (5) ~~(4)~~ INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION
7756 FACILITIES.--
7757 (a) Firesafety inspections of community college ~~and~~
7758 ~~university~~ facilities shall comply with State Board of Education
7759 rules.
7760 (b) Firesafety inspections of state universities shall
7761 comply with rules of the Board of Governors of the State
7762 University System.
7763 (6) ~~(5)~~ CORRECTIVE ACTION; FIRESAFETY DEFICIENCIES.--Upon
7764 failure of the board to take corrective action within the time
7765 designated in the plan of action to correct any firesafety
7766 deficiency noted under paragraph (2) ~~(1)~~(c) or paragraph
7767 (3) ~~(2)~~(c), the local fire official shall immediately report the
7768 deficiency to the State Fire Marshal, who shall have enforcement
7769 authority with respect to educational and ancillary plants and
7770 educational facilities as provided in chapter 633 for any other
7771 building or structure.

7772 (7) ~~(6)~~ ADDITIONAL STANDARDS.--In addition to any other
7773 rules adopted under this section or s. 633.022, the State Fire
7774 Marshal in consultation with the Department of Education shall
7775 adopt and administer rules prescribing the following standards
7776 for the safety and health of occupants of educational and
7777 ancillary plants:
7778 (a) The designation of serious life-safety hazards,
7779 including, but not limited to, nonfunctional fire alarm systems,
7780 nonfunctional fire sprinkler systems, doors with padlocks or
7781 other locks or devices that preclude egress at any time,
7782 inadequate exits, hazardous electrical system conditions,
7783 potential structural failure, and storage conditions that create
7784 a fire hazard.
7785 (b) The proper placement of functional smoke and heat
7786 detectors and accessible, unexpired fire extinguishers.
7787 (c) The maintenance of fire doors without doorstops or
7788 wedges improperly holding them open.
7789 (8) ~~(7)~~ ANNUAL REPORT.--The State Fire Marshal shall publish
7790 an annual report to be filed with the substantive committees of
7791 the state House of Representatives and Senate having jurisdiction
7792 over education, the Commissioner of Education or his or her
7793 successor, the State Board of Education, the Board of Governors
7794 of the State University System, and the Governor documenting the
7795 status of each board's firesafety program, including the
7796 improvement or lack thereof.
7797 Section 170. Subsection (3) of section 1013.15, Florida
7798 Statutes, is amended to read:
7799 1013.15 Lease, rental, and lease-purchase of educational
7800 facilities and sites.--

7801 (3) Lease or lease-purchase agreements entered into by
7802 university boards of trustees shall comply with the provisions of
7803 ss. ~~s.~~ 1013.171 and 1010.62.
7804 Section 171. Subsection (3) is added to section 1013.16,
7805 Florida Statutes, to read:
7806 1013.16 Construction of facilities on leased property;
7807 conditions.--
7808 (3) Leases executed by a university board of trustees
7809 pursuant to this section are subject to s. 1010.62.
7810 Section 172. Section 1013.17, Florida Statutes, is amended
7811 to read:
7812 1013.17 University leasing in affiliated research and
7813 development park.--A university is exempt from the requirements
7814 of s. 255.25(3), (4), and (8) when leasing educational facilities
7815 in a research and development park with which the university is
7816 affiliated and when the Board of Governors of the State
7817 University System ~~State Board of Education~~ certifies in writing
7818 that the leasing of such ~~said~~ educational facilities is in the
7819 best interests of the university and that the exemption from
7820 competitive bid requirements would not be detrimental to the
7821 state. Leases entered into pursuant to this section are subject
7822 to the provisions of s. 1010.62.
7823 Section 173. Subsections (1) and (2) of section 1013.171,
7824 Florida Statutes, are amended, and subsection (6) is added to
7825 that section, to read:
7826 1013.171 University lease agreements; land, facilities.--
7827 (1) Each university board of trustees is authorized to
7828 negotiate and enter into agreements to lease land under its
7829 jurisdiction to for-profit and nonprofit corporations, registered

7830 by the Secretary of State to do business in this state, for the
7831 purpose of erecting thereon facilities and accommodations
7832 necessary and desirable to serve the needs and purposes of the
7833 university, as determined by the systemwide strategic plan
7834 adopted by the Board of Governors of the State University System
7835 ~~State Board of Education~~. Such agreement will be for a term not
7836 in excess of 99 years or the life expectancy of the permanent
7837 facilities constructed thereon, whichever is shorter, and shall
7838 include as a part of the consideration provisions for the
7839 eventual ownership of the completed facilities by the state. The
7840 Board of Trustees of the Internal Improvement Trust Fund upon
7841 request of the university shall lease any such property to the
7842 university for sublease as heretofore provided.
7843 (2) Each university board of trustees is authorized to
7844 enter into agreements with for-profit and nonprofit corporations,
7845 registered by the Secretary of State to do business in this
7846 state, whereby income-producing buildings, improvements, and
7847 facilities necessary and desirable to serve the needs and
7848 purposes of the university, as determined by the systemwide
7849 strategic plan adopted by the Board of Governors of the State
7850 University System ~~State Board of Education~~, are acquired by
7851 purchase or lease-purchase by the university. When such
7852 agreements provide for lease-purchase of facilities erected on
7853 land that is not under the jurisdiction of the university, the
7854 agreement shall include as a part of the consideration provisions
7855 for the eventual ownership of the land and facility by the state.
7856 Agreements for lease-purchase shall not exceed 30 years or the
7857 life expectancy of the permanent facility constructed, whichever
7858 is shorter. ~~Notwithstanding the provisions of any other law,~~ The

7859 university board of trustees may enter into an agreement for the
7860 lease-purchase of a facility under this section for a term
7861 greater than 1 year. Each university board of trustees is
7862 authorized to use any auxiliary trust funds, available and not
7863 otherwise obligated, to pay rent to the owner should income from
7864 the facilities not be sufficient in any debt payment period. The
7865 trust funds used for payment of rent shall be reimbursed as soon
7866 as possible to the extent that income from the facilities exceeds
7867 the amount necessary for such debt payment.
7868 (6) Agreements entered into pursuant to this section are
7869 subject to the provisions of s. 1010.62.
7870 Section 174. Section 1013.19, Florida Statutes, is amended
7871 to read:
7872 1013.19 Purchase, conveyance, or encumbrance of property
7873 interests above surface of land; joint-occupancy structures.--For
7874 the purpose of implementing jointly financed construction project
7875 agreements, or for the construction of combined occupancy
7876 structures, any board may purchase, own, convey, sell, lease, or
7877 encumber airspace or any other interests in property above the
7878 surface of the land, provided the lease of airspace for nonpublic
7879 use is for such reasonable rent, length of term, and conditions
7880 as the board in its discretion may determine. All proceeds from
7881 such sale or lease shall be used by the board or boards receiving
7882 the proceeds solely for fixed capital outlay purposes. These
7883 purposes may include the renovation or remodeling of existing
7884 facilities owned by the board or the construction of new
7885 facilities; however, for a community college board or university
7886 board, such new facility must be authorized by the Legislature.
7887 It is declared that the use of such rental by the board for

7888 public purposes in accordance with its statutory authority is a
7889 public use. Airspace or any other interest in property held by
7890 the Board of Trustees of the Internal Improvement Trust Fund or
7891 the State Board of Education may not be divested or conveyed
7892 without approval of the respective board. Any building, including
7893 any building or facility component that is common to both
7894 nonpublic and educational portions thereof, constructed in
7895 airspace that is sold or leased for nonpublic use pursuant to
7896 this section is subject to all applicable state, county, and
7897 municipal regulations pertaining to land use, zoning,
7898 construction of buildings, fire protection, health, and safety to
7899 the same extent and in the same manner as such regulations would
7900 be applicable to the construction of a building for nonpublic use
7901 on the appurtenant land beneath the subject airspace. Any
7902 educational facility constructed or leased as a part of a joint-
7903 occupancy facility is subject to all rules and requirements of
7904 the respective boards or departments having jurisdiction over
7905 educational facilities. Any contract executed by a university
7906 board of trustees pursuant to this section is subject to the
7907 provisions of s. 1010.62.
7908 Section 175. Section 1013.25, Florida Statutes, is amended
7909 to read:
7910 1013.25 When university or community college board of
7911 trustees may exercise power of eminent domain.--Whenever it
7912 becomes necessary for the welfare and convenience of any of its
7913 institutions or divisions to acquire private property for the use
7914 of such institutions, and this cannot be acquired by agreement
7915 satisfactory to a university or community college board of
7916 trustees and the parties interested in, or the owners of, the

7917 private property, the board of trustees may exercise the power of
7918 eminent domain after receiving approval therefor from the
7919 Administration Commission ~~State Board of Education~~ and may then
7920 proceed to condemn the property in the manner provided by chapter
7921 73 or chapter 74.
7922 Section 176. Section 1013.28, Florida Statutes, is amended
7923 to read:
7924 1013.28 Disposal of property.--
7925 (1) REAL PROPERTY.--
7926 (a) Subject to rules of the State Board of Education, a
7927 district school board or a community college board of trustees
7928 may dispose of any land or real property that is, by resolution
7929 of the board, determined to be unnecessary for educational
7930 purposes as recommended in an educational plant survey. A
7931 district school board or a community college board of trustees
7932 shall take diligent measures to dispose of educational property
7933 only in the best interests of the public. However, appraisals may
7934 be obtained by the school district or community college board
7935 prior to or simultaneously with the receipt of bids.
7936 (b) Subject to rules of the Board of Governors of the State
7937 University System, a state university board of trustees may
7938 dispose of any land or real property that is, by resolution of
7939 the university board, determined to be unnecessary for
7940 educational purposes as recommended in an educational plant
7941 survey. A university board of trustees shall take diligent
7942 measures to dispose of educational property only in the best
7943 interest of the public. However, appraisals may be obtained by
7944 the university board prior to or simultaneously with the receipt
7945 of bids.

7946 (2) TANGIBLE PERSONAL PROPERTY.--
7947 (a) Tangible personal property which has been properly
7948 classified as surplus by a district school board or community
7949 college board of trustees shall be disposed of in accordance with
7950 the procedure established by chapter 274 ~~and by a university~~
7951 ~~board of trustees by chapter 273~~. However, the provisions of
7952 chapter 274 shall not be applicable to a motor vehicle used in
7953 driver education to which title is obtained for a token amount
7954 from an automobile dealer or manufacturer. In such cases, the
7955 disposal of the vehicle shall be as prescribed in the contractual
7956 agreement between the automotive agency or manufacturer and the
7957 board.
7958 (b) Tangible personal property which has been properly
7959 classified as surplus by a university board of trustees shall be
7960 disposed of in accordance with the procedure established by
7961 chapter 273.
7962 Section 177. Section 1013.31, Florida Statutes, is amended
7963 to read:
7964 1013.31 Educational plant survey; localized need
7965 assessment; PECO project funding.--
7966 (1) At least every 5 years, each board shall arrange for an
7967 educational plant survey, to aid in formulating plans for housing
7968 the educational program and student population, faculty,
7969 administrators, staff, and auxiliary and ancillary services of
7970 the district or campus, including consideration of the local
7971 comprehensive plan. The Department of Education ~~Office of~~
7972 ~~Workforce and Economic Development~~ shall document the need for
7973 additional career and adult education programs and the
7974 continuation of existing programs before facility construction or

7975 renovation related to career or adult education may be included
7976 in the educational plant survey of a school district or community
7977 college that delivers career or adult education programs.
7978 Information used by the Department of Education ~~Office of~~
7979 ~~Workforce and Economic Development~~ to establish facility needs
7980 must include, but need not be limited to, labor market data,
7981 needs analysis, and information submitted by the school district
7982 or community college.
7983 (a) Survey preparation and required data.--Each survey
7984 shall be conducted by the board or an agency employed by the
7985 board. Surveys shall be reviewed and approved by the board, and a
7986 file copy shall be submitted to the Department of Education
7987 ~~Office of Educational Facilities and SMART Schools Clearinghouse~~
7988 ~~within the Office of the Commissioner of Education~~. The survey
7989 report shall include at least an inventory of existing
7990 educational and ancillary plants, including safe access
7991 facilities; recommendations for existing educational and
7992 ancillary plants; recommendations for new educational or
7993 ancillary plants, including the general location of each in
7994 coordination with the land use plan and safe access facilities;
7995 campus master plan update and detail for community colleges; the
7996 utilization of school plants based on an extended school day or
7997 year-round operation; and such other information as may be
7998 required by the Department of Education ~~rules of the State Board~~
7999 ~~of Education~~. This report may be amended, if conditions warrant,
8000 at the request of the department ~~board~~ or commissioner.
8001 (b) Required need assessment criteria for district,
8002 community college, ~~college~~ and state university plant
8003 surveys.--Educational plant surveys must use uniform data sources

8004 and criteria specified in this paragraph. Each revised
8005 educational plant survey and each new educational plant survey
8006 supersedes previous surveys.
8007 1. The school district's survey must be submitted as a part
8008 of the district educational facilities plan defined in s.
8009 1013.35. To ensure that the data reported to the Department of
8010 Education as required by this section is correct, the department
8011 shall annually conduct an onsite review of 5 percent of the
8012 facilities reported for each school district completing a new
8013 survey that year. If the department's review finds the data
8014 reported by a district is less than 95 percent accurate, within 1
8015 year from the time of notification by the department the district
8016 must submit revised reports correcting its data. If a district
8017 fails to correct its reports, the commissioner may direct that
8018 future fixed capital outlay funds be withheld until such time as
8019 the district has corrected its reports so that they are not less
8020 than 95 percent accurate.
8021 2. Each survey of a special facility, joint-use facility,
8022 or cooperative career education facility must be based on capital
8023 outlay full-time equivalent student enrollment data prepared by
8024 the department for school districts, community colleges,
8025 ~~colleges,~~ and universities. A survey of space needs of a joint-
8026 use facility shall be based upon the respective space needs of
8027 the school districts, community colleges, ~~colleges,~~ and
8028 universities, as appropriate. Projections of a school district's
8029 facility space needs may not exceed the norm space and occupant
8030 design criteria established by the State Requirements for
8031 Educational Facilities.

8032 3. Each community college's survey must reflect the
8033 capacity of existing facilities as specified in the inventory
8034 maintained by the Department of Education. Projections of
8035 facility space needs must comply with standards for determining
8036 space needs as specified by ~~rule of~~ the State Board of Education.
8037 The 5-year projection of capital outlay student enrollment must
8038 be consistent with the annual report of capital outlay full-time
8039 student enrollment prepared by the Department of Education.
8040 4. Each ~~college and~~ state university's survey must reflect
8041 the capacity of existing facilities as specified in the inventory
8042 maintained and validated by the Department of Education ~~Division~~
8043 ~~of Colleges and Universities~~. Projections of facility space needs
8044 must be consistent with standards for determining space needs
8045 approved by the Board of Governors of the State University System
8046 ~~Division of Colleges and Universities~~. The projected capital
8047 outlay full-time equivalent student enrollment must be consistent
8048 with the 5-year planned enrollment cycle for the State University
8049 System approved by the Board of Governors of the State University
8050 System ~~Division of Colleges and Universities~~.
8051 5. The district educational facilities plan of a school
8052 district and the educational plant survey of a community college,
8053 ~~or college~~ or state university may include space needs that
8054 deviate from approved standards for determining space needs if
8055 the deviation is justified by the district or institution and
8056 approved by the department, as necessary for the delivery of an
8057 approved educational program.
8058 (c) Review and validation.--The Department of Education
8059 ~~Office of Educational Facilities and SMART Schools Clearinghouse~~
8060 shall review and validate the surveys of school districts,

8061 community colleges, ~~and colleges~~ and universities, and any
8062 amendments thereto for compliance with the requirements of this
8063 chapter and shall recommend those in compliance for approval by
8064 the State Board of Education or the Board of Governors of the
8065 State University System, as appropriate. Annually, the department
8066 shall perform an in-depth analysis of a representative sample of
8067 each survey of recommended needs for five districts selected by
8068 the commissioner from among districts with the largest need-to-
8069 revenue ratio. For the purpose of this subsection, the need-to-
8070 revenue ratio is determined by dividing the total 5-year cost of
8071 projects listed on the district survey by the total 5-year fixed
8072 capital outlay revenue projections from state and local sources
8073 as determined by the department. The commissioner may direct
8074 fixed capital outlay funds to be withheld from districts until
8075 such time as the survey accurately projects facilities needs.
8076 (d) Periodic update of Florida Inventory of School
8077 Houses.--School districts shall periodically update their
8078 inventory of educational facilities as new capacity becomes
8079 available and as unsatisfactory space is eliminated. The State
8080 Board of Education shall adopt rules to determine the time frame
8081 in which districts must provide a periodic update.
8082 (2) Only the district school superintendent, community
8083 college president, or the university president shall certify to
8084 the Department of Education ~~Office of Educational Facilities and~~
8085 ~~SMART Schools Clearinghouse~~ a project's compliance with the
8086 requirements for expenditure of PECO funds prior to release of
8087 funds.
8088 (a) Upon request for release of PECO funds for planning
8089 purposes, certification must be made to the Department of

8090 Education ~~Office of Educational Facilities and SMART Schools~~
8091 ~~Clearinghouse~~ that the need for and location of the facility are
8092 in compliance with the board-approved survey recommendations,
8093 that the project meets the definition of a PECO project and the
8094 limiting criteria for expenditures of PECO funding, and that the
8095 plan is consistent with the local government comprehensive plan.
8096 (b) Upon request for release of construction funds,
8097 certification must be made to the Department of Education ~~Office~~
8098 ~~of Educational Facilities and SMART Schools Clearinghouse~~ that
8099 the need and location of the facility are in compliance with the
8100 board-approved survey recommendations, that the project meets the
8101 definition of a PECO project and the limiting criteria for
8102 expenditures of PECO funding, and that the construction documents
8103 meet the requirements of the Florida Building Code for
8104 educational facilities construction or other applicable codes as
8105 authorized in this chapter.
8106 Section 178. Subsection (2) of section 1013.46, Florida
8107 Statutes, is amended to read:
8108 1013.46 Advertising and awarding contracts;
8109 prequalification of contractor.--
8110 (2) Boards shall prequalify bidders for construction
8111 contracts ~~according to rules prescribed by the State Board of~~
8112 ~~Education which require the prequalification of bidders of~~
8113 ~~educational facilities construction~~. Boards shall require that
8114 all construction or capital improvement bids be accompanied by
8115 evidence that the bidder holds an appropriate certificate or
8116 license or that the prime contractor has a current valid license.
8117 Section 179. Section 1013.47, Florida Statutes, is amended
8118 to read:

8119 1013.47 Substance of contract; contractors to give bond;
8120 penalties.--Each board shall develop contracts consistent with
8121 this chapter and statutes governing public facilities. Such a
8122 contract must contain the drawings and specifications of the work
8123 to be done and the material to be furnished, the time limit in
8124 which the construction is to be completed, the time and method by
8125 which payments are to be made upon the contract, and the penalty
8126 to be paid by the contractor for any failure to comply with the
8127 terms of the contract. The board may require the contractor to
8128 pay a penalty for any failure to comply with the terms of the
8129 contract and may provide an incentive for early completion. Upon
8130 accepting a satisfactory bid, the board shall enter into a
8131 contract with the party or parties whose bid has been accepted.
8132 The contractor shall furnish the board with a performance and
8133 payment bond as set forth in s. 255.05. A board or other public
8134 entity may not require a contractor to secure a surety bond under
8135 s. 255.05 from a specific agent or bonding company.
8136 Notwithstanding any other provision of this section, if 25
8137 percent or more of the costs of any construction project is paid
8138 out of a trust fund established pursuant to 31 U.S.C. s.
8139 1243(a)(1), laborers and mechanics employed by contractors or
8140 subcontractors on such construction will be paid wages not less
8141 than those prevailing on similar construction projects in the
8142 locality, as determined by the Secretary of Labor in accordance
8143 with the Davis-Bacon Act, as amended. A person, firm, or
8144 corporation that constructs any part of any educational plant, or
8145 addition thereto, on the basis of any unapproved plans or in
8146 violation of any plans approved in accordance with the provisions
8147 of this chapter and rules of the State Board of Education <u>or</u>

8148 Board of Governors of the State University System relating to
8149 building standards or specifications is subject to forfeiture of
8150 bond and unpaid compensation in an amount sufficient to reimburse
8151 the board for any costs that will need to be incurred in making
8152 any changes necessary to assure that all requirements are met and
8153 is also guilty of a misdemeanor of the second degree, punishable
8154 as provided in s. 775.082 or s. 775.083, for each separate
8155 violation.
8156 Section 180. Paragraph (a) of subsection (1) and subsection
8157 (3) of section 1013.52, Florida Statutes, are amended to read:
8158 1013.52 Cooperative development and joint use of facilities
8159 by two or more boards.--
8160 (1) Two or more boards, including district school boards,
8161 community college boards of trustees, the Board of Trustees for
8162 the Florida School for the Deaf and the Blind, and university
8163 boards of trustees, desiring to cooperatively establish a common
8164 educational facility to accommodate students shall:
8165 (a) Jointly request a formal assessment by the Commissioner
8166 of Education of the academic program need and the need to build
8167 new joint-use facilities to house approved programs. Completion
8168 of the assessment and approval of the project by the State Board
8169 of Education, the Board of Governors of the State University
8170 System, or the Commissioner of Education, as appropriate, should
8171 be done prior to conducting an educational facilities survey.
8172 (3) Included in all proposals for joint-use facilities must
8173 be documentation that the proposed new campus or new joint-use
8174 facility has been reviewed by the State Board of Education and
8175 the Board of Governors of the State University System if the

8176 proposal involves a state university and has been formally
8177 requested for authorization by the Legislature.
8178 Section 181. Subsection (2) of section 1013.60, Florida
8179 Statutes, is amended to read:
8180 1013.60 Legislative capital outlay budget request.--
8181 (2) The commissioner shall submit to the Governor and to
8182 the Legislature an integrated, comprehensive budget request for
8183 educational facilities construction and fixed capital outlay
8184 needs for school districts, community colleges, and universities,
8185 pursuant to the provisions of s. 1013.64 and applicable
8186 provisions of chapter 216. Each community college board of
8187 trustees and each university board of trustees shall submit to
8188 the commissioner a 3-year plan and data required in the
8189 development of the annual capital outlay budget. The information
8190 submitted by a university board of trustees must be approved by
8191 the Board of Governors of the State University System prior to
8192 submission to the Commissioner of Education. No further
8193 disbursements shall be made from the Public Education Capital
8194 Outlay and Debt Service Trust Fund to a board of trustees that
8195 fails to timely submit the required data until such board of
8196 trustees submits the data.
8197 Section 182. Subsections (1) and (2) of section 1013.63,
8198 Florida Statutes, are amended to read:
8199 1013.63 University Concurrency Trust Fund.--
8200 (1) The University Concurrency Trust Fund is created within
8201 the Board of Governors of the State University System ~~Department~~
8202 ~~of Education~~.
8203 (2) Notwithstanding any other provision of law, the general
8204 revenue service charge deducted pursuant to s. 215.20 on revenues

8205 raised by any local option motor fuel tax levied pursuant to s.
8206 336.025(1)(b), as created by chapter 93-206, Laws of Florida,
8207 shall be deposited in the University Concurrency Trust Fund~~,~~
8208 ~~which is administered by the State Board of Education~~. Moneys in
8209 such trust fund shall be for the purpose of funding university
8210 offsite improvements required to meet concurrency standards
8211 adopted under part II of chapter 163. In addition, in any year in
8212 which campus master plans are updated pursuant to s. 1013.30, but
8213 no more frequently than once every 5 years, up to 25 percent of
8214 the balance in the trust fund for that year may be used to defray
8215 the costs incurred in updating those campus master plans.
8216 Section 183. Paragraph (a) of subsection (4) of section
8217 1013.64, Florida Statutes, is amended to read:
8218 1013.64 Funds for comprehensive educational plant needs;
8219 construction cost maximums for school district capital
8220 projects.--Allocations from the Public Education Capital Outlay
8221 and Debt Service Trust Fund to the various boards for capital
8222 outlay projects shall be determined as follows:
8223 (4)(a) Community college boards of trustees and university
8224 boards of trustees shall receive funds for projects based on a 3-
8225 year priority list, to be updated annually, which is submitted to
8226 the Legislature in the legislative budget request at least 90
8227 days prior to the legislative session. The State Board of
8228 Education shall submit a 3-year priority list for community
8229 colleges and a 3-year priority list for universities. The lists
8230 shall reflect decisions by the State Board of Education <u>for</u>
8231 <u>community colleges and the Board of Governors of the State</u>
8232 <u>University System for state universities</u> concerning program
8233 priorities that implement the statewide plan for program growth

8234 and quality improvement in education. No remodeling or renovation
8235 project shall be included on the 3-year priority list unless the
8236 project has been recommended pursuant to s. 1013.31 or is for the
8237 purpose of correcting health and safety deficiencies. No new
8238 construction project shall be included on the first year of the
8239 3-year priority list unless the educational specifications have
8240 been approved by the commissioner for a community college project
8241 or by the Board of Governors of the State University System for a
8242 university project, as applicable. The funds requested for a new
8243 construction project in the first year of the 3-year priority
8244 list shall be in conformance with the scope of the project as
8245 defined in the educational specifications. Any new construction
8246 project requested in the first year of the 3-year priority list
8247 which is not funded by the Legislature shall be carried forward
8248 to be listed first in developing the updated 3-year priority list
8249 for the subsequent year's capital outlay budget. Should the order
8250 of the priority of the projects change from year to year, a
8251 justification for such change shall be included with the updated
8252 priority list.
8253 Section 184. Subsection (1) of section 1013.65, Florida
8254 Statutes, is amended to read:
8255 1013.65 Educational and ancillary plant construction funds;
8256 Public Education Capital Outlay and Debt Service Trust Fund;
8257 allocation of funds.--
8258 (1) The commissioner, through the department, shall
8259 administer the Public Education Capital Outlay and Debt Service
8260 Trust Fund. The commissioner shall allocate or reallocate funds
8261 as authorized by the Legislature. Copies of each allocation or
8262 reallocation shall be provided to members of the State Board of

8263 Education and the Board of Governors of the State University
8264 System and to the chairs of the House of Representatives and
8265 Senate appropriations committees. The commissioner shall provide
8266 for timely encumbrances of funds for duly authorized projects.
8267 Encumbrances may include proceeds to be received under a
8268 resolution approved by the State Board of Education authorizing
8269 the issuance of public education capital outlay bonds pursuant to
8270 s. 9(a)(2), Art. XII of the State Constitution, s. 215.61, and
8271 other applicable law. The commissioner shall provide for the
8272 timely disbursement of moneys necessary to meet the encumbrance
8273 authorizations of the boards. Records shall be maintained by the
8274 department to identify legislative appropriations, allocations,
8275 encumbrance authorizations, disbursements, transfers,
8276 investments, sinking funds, and revenue receipts by source. The
8277 Department of Education shall pay the administrative costs of the
8278 Public Education Capital Outlay and Debt Service Trust Fund from
8279 the funds which comprise the trust fund.
8280 Section 185. Paragraph (c) of subsection (2) and subsection
8281 (3) of section 1013.74, Florida Statutes, are amended, and
8282 subsection (5) is added to that section, to read:
8283 1013.74 University authorization for fixed capital outlay
8284 projects.--
8285 (2) The following types of projects may be accomplished
8286 pursuant to this section:
8287 (c) Construction of projects financed as provided in s.
8288 1010.62 ~~ss. 1010.60-1010.619~~ or 1013.71;
8289 (3) Other than those projects currently authorized, no
8290 project proposed by a university which is to be funded from
8291 Capital Improvement Trust Fund fees or building fees shall be

8292 submitted to the Board of Governors of the State University
8293 System ~~State Board of Education~~ for approval without prior
8294 consultation with the student government association of that
8295 university. The Board of Governors of the State University System
8296 may adopt ~~State Board of Education shall promulgate~~ rules which
8297 are consistent with this requirement.
8298 (5) Projects accomplished pursuant to this section are
8299 subject to the requirements of s. 1010.62.
8300 Section 186. Subsection (2) of section 1013.78, Florida
8301 Statutes, is amended to read:
8302 1013.78 Approval required for certain university-related
8303 facility acquisitions.--
8304 (2) Legislative approval shall not be required for
8305 renovations, remodeling, replacement of existing facilities or
8306 construction of minor projects as defined in s. 1013.64, except
8307 to the extent required pursuant to s. 1010.62.
8308 Section 187. Section 1013.79, Florida Statutes, is amended
8309 to read:
8310 1013.79 University Facility Enhancement Challenge Grant
8311 Program.--
8312 ~~(1) The Legislature recognizes that the universities do not~~
8313 ~~have sufficient physical facilities to meet the current demands~~
8314 ~~of their instructional and research programs. It further~~
8315 ~~recognizes that, to strengthen and enhance universities, it is~~
8316 ~~necessary to provide facilities in addition to those currently~~
8317 ~~available from existing revenue sources. It further recognizes~~
8318 ~~that there are sources of private support that, if matched with~~
8319 ~~state support, can assist in constructing much-needed facilities~~
8320 ~~and strengthen the commitment of citizens and organizations in~~

8321 ~~promoting excellence throughout the state universities.~~
8322 ~~Therefore, it is the intent of the Legislature to establish a~~
8323 ~~trust fund to provide the opportunity for each university to~~
8324 ~~receive support for challenge grants for instructional and~~
8325 ~~research related capital facilities within the university.~~
8326 (1) ~~(2)~~ ~~There is hereby established~~ The Alec P. Courtelis
8327 University Facility Enhancement Challenge Grant Program is
8328 established for the purpose of assisting universities build high
8329 priority instructional and research-related capital facilities,
8330 including common areas connecting such facilities. The associated
8331 foundations that serve the universities shall solicit gifts from
8332 private sources to provide matching funds for capital facilities.
8333 For the purposes of this act, private sources of funds shall not
8334 include any federal, state, or local government funds that a
8335 university may receive.
8336 (2) ~~(3)~~ ~~There is established~~ The Alec P. Courtelis Capital
8337 Facilities Matching Trust Fund is established for the purpose of
8338 providing matching funds from private contributions for the
8339 development of high priority instructional and research-related
8340 capital facilities, including common areas connecting such
8341 facilities, within a university. The Legislature may appropriate
8342 funds to be transferred to the trust fund. The Public Education
8343 Capital Outlay and Debt Service Trust Fund, Capital Improvement
8344 Trust Fund, Division of Sponsored Research Trust Fund, and
8345 Contracts and Grants Trust Fund shall not be used as the source
8346 of the state match for private contributions. All appropriated
8347 funds deposited into the trust fund shall be invested pursuant to
8348 the provisions of s. 17.61. Interest income accruing to that
8349 portion of the trust fund shall increase the total funds

8350 available for the challenge grant program. Interest income
8351 accruing from the private donations shall be returned to the
8352 participating foundation upon completion of the project. The
8353 Board of Governors of the State University System ~~State Board of~~
8354 ~~Education~~ shall administer the trust fund and all related
8355 construction activities.
8356 (3) ~~(4)~~ No project shall be initiated unless all private
8357 funds for planning, construction, and equipping the facility have
8358 been received and deposited in the trust fund and the state's
8359 share for the minimum amount of funds needed to begin the project
8360 has been appropriated by the Legislature. The Legislature may
8361 appropriate the state's matching funds in one or more fiscal
8362 years for the planning, construction, and equipping of an
8363 eligible facility. However, these requirements shall not preclude
8364 the university from expending available funds from private
8365 sources to develop a prospectus, including preliminary
8366 architectural schematics and/or models, for use in its efforts to
8367 raise private funds for a facility. Additionally, any private
8368 sources of funds expended for this purpose are eligible for state
8369 matching funds should the project materialize as provided for in
8370 this section.
8371 (4) ~~(5)~~ To be eligible to participate in the Alec P.
8372 Courtelis Capital Facilities Matching Trust Fund, a university
8373 shall raise a contribution equal to one-half of the total cost of
8374 a facilities construction project from private nongovernmental
8375 sources which shall be matched by a state appropriation equal to
8376 the amount raised for a facilities construction project subject
8377 to the General Appropriations Act.

8378 (5) ~~(6)~~ If the state's share of the required match is
8379 insufficient to meet the requirements of subsection (4) ~~(5)~~, the
8380 university shall renegotiate the terms of the contribution with
8381 the donors. If the project is terminated, each private donation,
8382 plus accrued interest, reverts to the foundation for remittance
8383 to the donor.
8384 (6) ~~(7)~~ By September 1 of each year, the Board of Governors
8385 of the State University System ~~State Board of Education~~ shall
8386 transmit to the Legislature a list of projects which meet all
8387 eligibility requirements to participate in the Alec P. Courtelis
8388 Capital Facilities Matching Trust Fund and a budget request which
8389 includes the recommended schedule necessary to complete each
8390 project.
8391 (7) ~~(8)~~ In order for a project to be eligible under this
8392 program, it must be included in the university 5-year capital
8393 improvement plan and must receive prior approval from the Board
8394 of Governors of the State University System ~~State Board of~~
8395 ~~Education~~ and the Legislature.
8396 (8) ~~(9)~~ No university's project shall be removed from the
8397 approved 3-year PECO priority list because of its successful
8398 participation in this program until approved by the Legislature
8399 and provided for in the General Appropriations Act. When such a
8400 project is completed and removed from the list, all other
8401 projects shall move up on the 3-year PECO priority list. A
8402 university shall not use PECO funds, including the Capital
8403 Improvement Trust Fund fee and the building fee, to complete a
8404 project under this section.
8405 (9) ~~(10)~~ Any project funds that are unexpended after a
8406 project is completed shall revert to the Capital Facilities

8407 Matching Trust Fund. Fifty percent of such unexpended funds shall
8408 be reserved for the university which originally received the
8409 private contribution for the purpose of providing private
8410 matching funds for future facility construction projects as
8411 provided in this section. The balance of such unexpended funds
8412 shall be available to any state university for future facility
8413 construction projects conducted pursuant to this section.
8414 (10) ~~(11)~~ The surveys, architectural plans, facility, and
8415 equipment shall be the property of the State of Florida. A
8416 facility constructed pursuant to this section may be named in
8417 honor of a donor at the option of the university with the
8418 approval of the Board of Governors of the State University System
8419 ~~and the State Board of Education. No facility shall be named~~
8420 ~~after a living person without prior approval by the Legislature~~.
8421 Section 188. Sections 186.805, 334.065, 377.705, 388.42,
8422 388.43, 410.504, 1004.32, 1004.33, 1004.34, 1004.35, 1004.36,
8423 1004.38, 1004.381, 1004.382, 1004.383, 1004.44, 1004.46, 1004.47,
8424 1004.50, 1004.51, 1004.53, 1004.54, 1004.59, and 1004.63, Florida
8425 Statutes, are repealed. It is the intent of the Legislature that
8426 the repeal of ss. 186.805, 334.065, 377.705, 388.42, 388.43,
8427 410.504, 1004.32, 1004.33, 1004.34, 1004.35, 1004.36, 1004.38,
8428 1004.381, 1004.382, 1004.383, 1004.44, 1004.46, 1004.47, 1004.50,
8429 1004.51, 1004.53, 1004.54, 1004.59, and 1004.63, Florida
8430 Statutes, by this act is to remove existing statutory
8431 authorization that is no longer necessary for the establishment,
8432 operation, or maintenance of the entities that were established,
8433 operated, or regulated under those provisions and does not affect
8434 the authority of a state university or the Board of Governors of
8435 the State University System under s. 7, Art. IX of the State

8436 Constitution and s. 1001.705, Florida Statutes, to continue such
8437 entities and their operation and regulation in accordance with
8438 that authority.
8439 Section 189. Sections 288.705, 458.3147, 689.12, 741.03055,
8440 741.03056, 1001.72, 1004.26, 1007.261, 1007.31, 1007.32, 1008.51,
8441 1010.60, 1010.61, 1010.611, 1010.612, 1010.613, 1010.614,
8442 1010.615, 1010.616, 1010.617, 1010.618, 1010.619, 1011.4105,
8443 1012.92, 1012.94, and 1012.95, Florida Statutes, are repealed.
8444 Section 190. This act shall take effect July 1, 2006.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1(for drafter's use only)

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Representative(s) Hukill and Mealor offered the following:
3
4 **Amendment (with title amendment)**
5 Remove line(s) 855-866:
6
7
8 ========== T I T L E A M E N D M E N T ==========
9 Remove line(s) 27-31 and insert:
10 firefighters; updating terminology; amending s.

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Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Flores and Mealor offered the following:
4
5 **Amendment (with directory and title amendments)**
6 Between line(s) 1019-1020 insert:
7
8 (6) "Educational unit" means a local school district, a
9 community college district, the Florida School for the Deaf and
10 the Blind, or a state university when the university is acting
11 pursuant to statutory authority derived from the Legislature.
12
13
14 ========== D I R E C T O R Y A M E N D M E N T ==========
15 Remove line(s) 986-987 and insert:
16 Section 14. Paragraph (b) of subsection (1) and subsection
17 (6) of section 120.52, F.S., are amended to read:
18
19 ========== T I T L E A M E N D M E N T ==========
20 Remove line 44 and insert:

21 circumstances; revising definition of educational unit; amending
22 s. 120.65, F.S.; including the

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED __ (Y/N)
ADOPTED AS AMENDED __ (Y/N)
ADOPTED W/O OBJECTION __ (Y/N)
FAILED TO ADOPT __ (Y/N)
WITHDRAWN __ (Y/N)
OTHER ____

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Hukill and Mealor offered the following:
4
5 **Amendment**
6 Remove line(s) 1135-1138 and insert:
7
8 position under a faculty practice plan at the University of
9 Florida or the Medical Center at the University of South Florida
10 shall again participate in the optional retirement program as
11 required in s. 121.051(1)(a). Any person appointed on or after
12 July 1, 2006, to a faculty position in a college of a state
13 university which has a faculty practice plan authorized by the
14 Board of Governors shall participate in the optional retirement
15 system program on the basis of his or her state-funded
16 compensation, nowithstanding the provisions of s. 121.35(2)(a).
17
18
19

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED __ (Y/N)
ADOPTED AS AMENDED __ (Y/N)
ADOPTED W/O OBJECTION __ (Y/N)
FAILED TO ADOPT __ (Y/N)
WITHDRAWN __ (Y/N)
OTHER ____

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Peterman and Mealor offered the following:
4
5 **Amendment (with title amendment)**
6 Remove line(s) 1732-1740
7
8 ========== T I T L E A M E N D M E N T ==========
9 Remove line(s) 102-104 and insert:
10 amending s. 287.012,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 5(for drafter's use only)

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Peterman and Mealor offered the following:
4
5 **Amendment**
6 Remove line 2616 and insert:
7 university or community college.
8

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Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Peterman and Mealor offered the following:
4
5 **Amendment**
6 Remove line(s) 2843-2852 and insert:
7 request investigations into such substantiated allegations ~~made~~
8 ~~by any person relating to waste, fraud, or financial~~
9 ~~mismanagement within school districts, the Florida School for~~
10 ~~the Deaf and the Blind , community colleges, and state~~
11 ~~universities in Florida~~. If the Chancellor of the State
12 University System determines that a state university board of
13 trustees is unwilling or unable to address substantiated
14 allegations relating to waste, fraud, or financial mismanagement
15 within state universities in Florida, the office shall conduct,
16 coordinate, or request investigations into such substantiated
17 allegations. The office shall have
18

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED __ (Y/N)
ADOPTED AS AMENDED __ (Y/N)
ADOPTED W/O OBJECTION __ (Y/N)
FAILED TO ADOPT __ (Y/N)
WITHDRAWN __ (Y/N)
OTHER ____

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Hukill and Mealor offered the following:
4
5 **Amendment (with title amendment)**
6 Remove line(s) 2953-2955 and insert:
7 1001.706 Powers and duties of the Board of Governors.--
8
9
10 ========== T I T L E A M E N D M E N T ==========
11 Remove line 214 and insert:
12 Governors; amending s.

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Flores and Mealor offered the following:
4
5 **Amendment (with title amendment)**
6 Remove line(s) 3562-3577 and insert:
7 the Arts is assigned to Miami-Dade ~~Community~~ College, the Dade
8 County School District, and one or more universities designated
9 by the State Board of Education. The State Board of Education,
10 in consultation with the Board of Governors of the State
11 University System, shall assign to the New World School of the
12 Arts a university partner or partners. In this selection, the
13 State Board of Education and the Board of Governors shall
14 consider the accreditation status of the core programs. Florida
15 International University, in its capacity as the provider of
16 university services to Dade County, shall be a partner to serve
17 the New World School of the Arts, upon meeting the accreditation
18 criteria. The respective boards shall appoint members to an
19 executive board for administration of the school. The executive
20 board may include community members and shall reflect

21 proportionately the participating institutions. Miami-Dade
22 ~~Community~~ College shall serve as fiscal agent for the school.
23
24 ========== T I T L E A M E N D M E N T ==========
25 Remove line 228 and insert:
26 of the Arts; updating obsolete terminology; amending s. 1002.41,
27 F.S.; relating to home

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Cretul and Mealor offered the following:
4
5 **Amendment**
6 Remove line(s) 4074-4077 and insert:
7 event, the University of Florida board of trustees .
8 ~~Administration Commission~~ is authorized to utilize ~~appropriate~~
9 revenues generated from the operation of the hospital facilities
10 ~~to the University of Florida Board of Trustees~~ to pay the costs
11

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Hukill and Mealor offered the following:
4
5 **Amendment**
6 Remove line(s) 4562-4606 and insert:
7 (3) The board shall provide counsel and advice for
8 improving the types and quality of research and public service
9 to be delivered by the state universities.
10 (4) The board shall meet at least quarterly.
11 (5) The board is responsible for, but is not limited to:
12 (a) Providing advice that supports a coordinated applied
13 public service and research approach in the state.
14 (b) Addressing state university policy matters and making
15 recommendations to the State Board of Education, the Board of
16 Governors of the State University System, and the Legislature as
17 they relate to research and public service.
18 (c) Serving as a clearinghouse for services requested by
19 public officials.
20 (d) Providing input on funding and fiscal initiatives
21 involving research and public service.

22 (6) Membership of the board shall be the following persons
23 or their designees:
24 (a) The Commissioner of Education, who shall serve as
25 chair.
26 (b) The director of the Office of Planning and Budgeting
27 of the Executive Office of the Governor.
28 (c) The secretary of the Department of Management
29 Services.
30 (d) The director of Economic and Demographic Research.
31 (e) The director of the Office of Program Policy Analysis
32 and Government Accountability.
33 (f) The President of the Florida League of Cities.
34 (g) The President of the Florida Association of Counties.
35 (h) The President of the Florida School Board Association.
36 (i) Five additional university president members,
37 designated by the Board of Governors, to rotate annually.
38 (7) The board shall prepare a report for the Board of
39 Governors of the State University System and the State Board of
40 Education to be submitted to the Governor, the President of the
41 Senate, and the Speaker of the House of Representatives by
42 January 1 of each year which summarizes the work and
43 recommendations of the board in meeting its purpose and mission.

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Cretul and Mealor offered the following:
4
5 **Amendment (with title amendment)**
6 Remove line 5061 and insert:
7 shall adopt rules to implement this section for state
8 universities and shall develop
9
10 ========== T I T L E A M E N D M E N T ==========
11 Remove line 345 and insert:
12 disabled persons; transferring responsibilities relating to
13 state universities from the State Board of Education to the
14 Board of Governors; amending s. 1007.265, F.S., relating to

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 12(for drafter's use only)

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Cretul and Mealor offered the following:
4
5 **Amendment**
6 Remove line 5082 and insert:
7 shall adopt rules to implement this section for state
8 universities and shall develop
9

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 13(for drafter's use only)

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	_____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Peterman and Mealor offered the following:
4
5 **Amendment**
6 Remove line(s) 5564-5572 and insert:
7 (b) Declare the state university ineligible for
8 competitive grants.
9 (c) Require monthly or periodic reporting on the situation
10 related to noncompliance until it is remedied.
11

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.14(for drafter's use only)

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED __ (Y/N)

ADOPTED AS AMENDED __ (Y/N)

ADOPTED W/O OBJECTION __ (Y/N)

FAILED TO ADOPT __ (Y/N)

WITHDRAWN __ (Y/N)

OTHER _____

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) A. Gibson and Mealor offered the
4 following:
5
6 **Amendment**
7 Remove line 6075 and insert:
8 2. Any change to the activity and service fee
9

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 15(for drafter's use only)

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) A. Gibson and Mealor offered the following:
4
5 **Amendment**
6 Remove line 6128 and insert:
7 (b) Any change to the health fee must be
8

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 16(for drafter's use only)

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED __ (Y/N)

ADOPTED AS AMENDED __ (Y/N)

ADOPTED W/O OBJECTION __ (Y/N)

FAILED TO ADOPT __ (Y/N)

WITHDRAWN __ (Y/N)

OTHER ____

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) A. Gibson and Mealor offered the following:
4
5 **Amendment**
6 Remove line 6148 and insert:
7 (b) Any change to the athletic fee must be

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 17(for drafter's use only)

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED __ (Y/N)

ADOPTED AS AMENDED __ (Y/N)

ADOPTED W/O OBJECTION __ (Y/N)

FAILED TO ADOPT __ (Y/N)

WITHDRAWN __ (Y/N)

OTHER ____

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) A. Gibson and Mealor offered the following:
4
5 **Amendment**
6 Remove line 6202 and insert:
7 are not covered by the health fee set under subsection (8).
8

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 18(for drafter's use only)

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Peterman and Mealor offered the following:
4
5 **Amendment**
6 Remove line 6272 and insert:
7 (6) A university board of trustees may waive the ~~State~~
8 ~~Board of~~

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Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Brandenburg offered the following:
4
5 **Amendment (with title amendment)**
6 Remove line(s) 6290-6296 and insert:
7 state, ~~subject to approval by an employee's agency head or the~~
8 ~~equivalent,~~ each state university and community college shall
9 waive tuition and fees for state employees to enroll for up to 6
10 credit hours of courses, including distance learning or on-line
11 courses, per term on a space-available basis. The employee must
12 have approval of his or her supervisor to use the waiver to take
13 a course or courses during normal work hours. For purposes of
14 implementing this section, space available is to be determined
15 based on the number of seats or capacity remaining in a course
16 at the end of the drop-add
17
18
19 ========== T I T L E A M E N D M E N T ==========
20 Remove line 435 and insert:

21 guidelines for determining space available; revising
22 requirements regarding approval to use a waiver; prohibiting

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Ambler and Mealor offered the following:
4
5 **Amendment (with title amendment)**
6 Remove line(s) 7065-7067 and insert:
7 a state university ~~universities~~ shall be expended only as set
8 forth in detailed budgets approved by the university's board of
9 trustees ~~State Board of Education~~.
10
11 ========== T I T L E A M E N D M E N T ==========
12 Remove line(s) 525 and insert:
13 Education responsibilities to the university board of trustees;
14

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED __ (Y/N)
ADOPTED AS AMENDED __ (Y/N)
ADOPTED W/O OBJECTION __ (Y/N)
FAILED TO ADOPT __ (Y/N)
WITHDRAWN __ (Y/N)
OTHER ____

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Ambler and Mealor offered the following:
4
5 **Amendment (with title amendment)**
6 Between line(s) 2346-2347 insert:
7 Section 66. A new subsection (2) is added to Section
8 1000.21, Florida Statutes, and the subsequent subsections are
9 redesignated as (3), (4), (5), (6), (7), and (8) to read:
10 1000.21 Systemwide definitions.--As used in the Florida K-
11 20 Education Code:
12 (2) "Board of Governors" is the Board of Governors of the
13 State University System.
14
15
16 ========== T I T L E A M E N D M E N T ==========
17 Between line(s) 179 and 180 insert:
18 amending s. 1000.21, F.S.; providing a definition for Board of
19 Governors;

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Flores and Mealor offered the following:
4
5 **Amendment (with title amendment)**
6 Remove line(s) 4638-4645 and insert:
7 Section 99. Section 1005.21, Florida Statutes, is amended
8 to read:
9 (Substantial rewording of section. See s. 1005.21, F.S.,
10 for present text.)
11 1005.21 Commission for Independent Education.--
12 (1) The Commission for Independent Education shall
13 function in matters concerning independent postsecondary
14 educational institutions in consumer protection, program
15 improvement, and licensure for institutions under its purview.
16 The commission shall authorize the granting of diplomas and
17 degrees by any independent postsecondary educational institution
18 under its jurisdiction.
19 (2) The commission shall consist of seven members who are
20 residents of this state. The Governor shall appoint the members

21 of the commission who are subject to confirmation by the Senate.
22 The membership of the commission shall consist of:
23 (a) Two representatives of independent colleges or
24 universities licensed by the commission.
25 (b) Two representatives of independent, nondegree-granting
26 schools licensed by the commission.
27 (c) One member from a public school district or community
28 college who is an administrator of career education.
29 (d) One representative of a college that meets the
30 criteria of s. 1005.06(1)(f).
31 (e) One lay member who is not affiliated with an
32 independent postsecondary educational institution.
33 (3) The members of the commission shall be appointed to 3-
34 year terms and until their successors are appointed and
35 qualified. If a vacancy on the commission occurs before the
36 expiration of a term, the Governor shall appoint a successor to
37 serve the unexpired portion of the term.
38 (4) The commission shall meet at least four times each
39 fiscal year.
40 (5) Members of the commission are entitled to
41 reimbursement for travel and per diem expenses, as provided in
42 s. 112.061, while performing their duties.
43 (6) Each member is accountable to the Governor for the
44 proper performance of the duties of his or her office. The
45 Governor may remove from office any member for cause.
46 (7) The commission shall be administratively housed within
47 the Department of Education.
48 (a) The department shall provide support services for the
49 commission. At a minimum, the support services provided to the
50 the commission shall include accounting, procurement, legal

51 counsel, printing, computer and Internet support, personnel and
52 human resources support, support for accountability initiatives,
53 support for agency inspector general activities, and
54 administrative support as needed for trust funds utilized for
55 commission activities.
56 (b) The commission shall not be subject to control,
57 supervision, or direction by the Department of Education in any
58 manner, including, but not limited to personnel, procurement,
59 transactions involving real or personal property and budgetary
60 matters thereby exercising independently all powers, duties, and
61 functions prescribed by law.
62 (8) The commission shall appoint, review and fix the
63 salary of a person to serve as the executive director and have
64 sole authority to remove such person at its pleasure. The
65 executive director shall supervise, direct, coordinate and
66 administer all activities necessary to fulfill the commission's
67 statutory responsibilities and have the authority to hire staff
68 necessary to assist in fulfilling these responsibilities. The
69 department shall allocate sufficient salary rate and authorized
70 positions to the commission to enable the commission to expend
71 salaries and benefits legislatively appropriated to administer
72 this chapter.
73 Subsection 100. Paragraphs (b) and (e) of subsection (1)
74 and paragraph (e) of subsection (2) of section 1005.22, Florida
75 Statutes, are amended to read:
76 1005.22 Powers and duties of commission.--
77 (1) The commission shall:
78 (b) Annually select a chairperson and a vice
79 chairperson~~, appoint and review an executive director, and~~

80 ~~authorize the executive director to appoint employees of the~~
81 ~~commission~~.
82 (c) Adopt and use an official seal in the
83 authentication of its acts.
84 (d) Make rules for its own governance.
85 (e) Administer the provisions of this chapter. To
86 this end, the commission has the following administrative powers
87 and responsibilities:
88 1. The commission is authorized to ~~shall~~ adopt rules
89 pursuant to ss. 120.536(1) and 120.54 to administer the
90 provisions of this chapter ~~for the operation and establishment~~
91 ~~of independent postsecondary educational institutions. The~~
92 ~~commission shall submit the rules to the State Board of~~
93 ~~Education for approval or disapproval. If the state board does~~
94 ~~not act on a rule within 60 days after receiving it, the rule~~
95 ~~shall be filed immediately with the Department of State~~.
96 2. The commission shall prepare a legislative budget
97 request and submit it to the State Board of Education for
98 inclusion in the K-20 legislative budget request ~~submit an~~
99 ~~annual budget to the State Board of Education~~.
100 3. The commission shall transmit all fees, donations,
101 and other receipts of money to the Institutional Assessment
102 Trust Fund.
103 4. The commission shall expend funds as necessary to
104 assist in the application and enforcement of its powers and
105 duties. The Chief Financial Officer shall pay out all moneys and
106 funds as directed under this chapter upon vouchers approved by
107 the Executive Director of the Commission for Independent
108 Education ~~Department of Education~~ for all lawful purposes
109 necessary to administering this chapter. The commission shall

110 make annual reports to the Executive Office of the Governor, the
111 President of the Senate, and the Speaker of the House of
112 Representatives ~~State Board of Education~~ showing in detail
113 amounts received and all expenditures. The commission shall
114 include in its annual report ~~to the State Board of Education~~ a
115 statement of its major activities during the period covered by
116 the report.
117 (2) The commission may:
118 (e) Advise the Governor, the Legislature, the State Board
119 of Education, ~~the Council for Education Policy Research and~~
120 ~~Improvement,~~ and the Commissioner of Education on issues
121 relating to private postsecondary education.
122 ========== T I T L E A M E N D M E N T ==========
123 Remove line(s) 294-296 and insert:
124 terminology; amending s. 1005.21, F.S.; relating to the
125 Commission for Independent Education; providing for the
126 commission to be administratively housed in the department;
127 requiring the department to provide certain support services;
128 providing for the commission to exercise its powers and duties
129 independently; requiring the commission to appoint, review, and
130 fix the salary of its executive director; providing powers and
131 duties of the executive director; requiring the department to
132 provide the commission certain rate and positions; amending s.
133 1005.22, F.S.; relating to powers and duties of the Commission
134 for Independent Education; revising provisions relating to rule-
135 making; requiring the Commission to prepare and submit a
136 legislative budget request; revising requirement regarding
137 expenditure of funds; conforming provisions; amending s.
138 1006.53, F.S.;

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED __ (Y/N)
ADOPTED AS AMENDED __ (Y/N)
ADOPTED W/O OBJECTION __ (Y/N)
FAILED TO ADOPT __ (Y/N)
WITHDRAWN __ (Y/N)
OTHER ____

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Ambler and Mealor offered the following:
4
5 **Amendment (with title amendment)**
6 Remove line(s) 5376-5479
7
8
9 ========== T I T L E A M E N D M E N T ==========
10 Remove line(s) 373-384 and insert:
11 regarding certain college-prep requirements; amending s.
12 1008.32, F.S.; relating to State

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Brandenburg and Mealor offered the
4 following:
5
6 **Amendment (with title amendment)**
7 Remove line(s) 4824-4923 and insert:
8 State Board of Education and the Board of Governors shall
9 recommend ~~develop~~ policies and guidelines to the Legislature
10 with input from statewide K-20 advisory groups established by
11 the Commissioner of Education relating to:
12 (a) The alignment between the exit requirements of one
13 system and the admissions requirements of another system into
14 which students typically transfer.
15 (b) The identification of common courses, the level of
16 courses, institutional participation in a statewide course
17 numbering system, and the transferability of credits among such
18 institutions.
19 (c) Identification of courses that meet general education
20 or common degree program prerequisite requirements at public
21 postsecondary educational institutions.

22 (d) Dual enrollment course equivalencies.
23 (e) Articulation agreements.
24 Section 107. Subsection (1) of section 1007.22, Florida
25 Statutes, is amended to read:
26 1007.22 Articulation; postsecondary institution
27 coordination and collaboration.--
28 (1) The university boards of trustees, community college
29 boards of trustees, and district school boards are encouraged to
30 ~~may~~ establish intrainstitutional and interinstitutional programs
31 to maximize articulation. Programs may include upper-division-
32 level courses offered at the community college, distance
33 learning, transfer agreements that facilitate the transfer of
34 credits between public and nonpublic postsecondary institutions,
35 and the concurrent enrollment of students at a community college
36 and a state university to enable students to take any level of
37 baccalaureate degree coursework.
38 Section 108. Subsections (1) and (2) of section 1007.23,
39 Florida Statutes, are amended and a new subsection (6) is added
40 to read:
41 1007.23 Statewide articulation agreement.--
42 (1) To maximize the use of funds appropriated by the
43 Legislature to provide Florida residents with affordable access
44 to postsecondary education programs at public postsecondary
45 educational institutions, the State Board of Education and the
46 Board of Governors, shall enter into ~~establish in rule~~ a
47 statewide articulation agreement that governs:
48 (a) Articulation between secondary and postsecondary
49 education;
50 (b) Admission of associate in arts degree graduates from
51 community colleges and state universities;

52 (c) Admission of applied technology diploma program
53 graduates from community colleges or career centers;
54 (d) Admission of associate in science degree and associate
55 in applied science degree graduates from community colleges;
56 (e) The use of acceleration mechanisms, including
57 nationally standardized examinations through which students may
58 earn credit;
59 (f) General education requirements and statewide course
60 numbers as provided for in ss. 1007.24 and 1007.25; and
61 (g) Articulation among programs in nursing.
62 (2) The articulation agreement must specifically provide
63 that every associate in arts graduate of a community college
64 shall have met all general education requirements and must be
65 granted admission to the upper division of a state university
66 except to a limited access or teacher certification program or a
67 major program requiring an audition. ~~After admission has been~~
68 ~~granted to students under provisions of this section and to~~
69 ~~university students who have successfully completed 60 credit~~
70 ~~hours of coursework, including 36 hours of general education,~~
71 ~~and met the requirements of s. 1008.29, admission shall be~~
72 ~~granted to state university and community college students who~~
73 ~~have successfully completed 60 credit hours of work, including~~
74 ~~36 hours of general education.~~ Community college associate in
75 arts graduates shall receive priority for admission to a state
76 university over out-of-state students. Orientation programs and
77 student handbooks provided to freshman enrollees and transfer
78 students at state universities must include an explanation of
79 this provision of the articulation agreement.
80 (6) Complaints regarding an institution's failure to
81 comply with the provisions of the statewide articulation

82 agreement or legislative intent regarding the articulation of
83 students as expressed in this chapter shall be forwarded to the
84 State Board of Education and the Board of Governors for
85 investigation and resolution. Each public postsecondary
86 educational institution shall advise applicants and students of
87 this process. The boards shall annually report to the Executive
88 Office of the Governor, the President of the Senate, and the
89 Speaker of the House of Representatives of the investigations
90 conducted pursuant to this subsection and outcomes of such
91 investigations. Any public postsecondary educational
92 institution found to have violated the terms of the statewide
93 articulation agreement or the legislative intent of articulation
94 of students as expressed in this chapter may be penalized at a
95 rate equal to 5 times the value of the funding level for upper
96 level full-time equivalent enrollment for each occurrence.
97 Section 109. Subsections (1), (2), (3), (4), and (7) of
98 section 1007.24, Florida Statutes, are amended to read:
99 1007.24 Statewide course numbering system.--
100 (1) To maximize the use of funds appropriated by the
101 Legislature to provide Florida residents with affordable access
102 to postsecondary education program at public postsecondary
103 educational institutions, the Department of Education shall
104 develop, coordinate, and maintain a statewide course numbering
105 system for postsecondary and dual enrollment education in school
106 districts, public postsecondary educational institutions, and
107 participating nonpublic postsecondary educational institutions.
108 It is the intent of the Legislature that the statewide course
109 numbering system ~~that will~~ improve program planning, increase
110 communication among all delivery systems, and facilitate student
111 acceleration and the transfer of students and credits between

112 public school districts, public postsecondary educational
113 institutions, and participating nonpublic educational
114 institutions. The continuing maintenance of the system shall be
115 accomplished with the assistance of appropriate faculty
116 committees representing public and participating nonpublic
117 educational institutions.
118 (2) The Commissioner of Education in conjunction with the
119 Chancellor of the State University System shall appoint faculty
120 committees representing faculties of participating institutions
121 to recommend a single level for each course, including
122 postsecondary career education courses, included in the
123 statewide course numbering system.
124 (a) Any course designated as an upper-division-level
125 course must be characterized by a need for advanced academic
126 preparation and skills that a student would be unlikely to
127 achieve without significant prior coursework.
128 (b) A course that is offered as part of an associate in
129 science degree program and as an upper-division course for a
130 baccalaureate degree shall be designated for both the lower and
131 upper division.
132 (c) A course designated as lower-division may be offered
133 by any community college.
134 (3) The Commissioner of Education shall recommend to the
135 State Board of Education the levels for the courses. The State
136 Board of Education, with input from the Board of Governors of
137 the State University System, shall approve the levels for the
138 courses.
139
140
141 ========== T I T L E A M E N D M E N T ==========

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142 Remove line(s) 329-331 and insert:
143 removing reference to State Board rule; requiring State Board
144 and Board of Governors to enter into a statewide articulation
145 agreement; revising provisions relating to admissions; providing
146 for investigations of complaints, annual report, and penalties;
147 amending s. 1007.24, F.S.; relating to

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Brandenburg and Mealor offered the
4 following:
5
6 **Amendment (with directory amendment)**
7 Remove line(s) 5097-5136 and insert:
8
9 (6) Advanced placement shall be the enrollment of an
10 eligible secondary student in a course offered through the
11 Advanced Placement Program administered by the College Board.
12 Postsecondary credit for an advanced placement course shall be
13 limited to students who score a minimum of 3, on a 5-point
14 scale, on the corresponding Advanced Placement Examination. The
15 specific courses for which students receive such credit shall be
16 identified in the statewide articulation agreement ~~determined by~~
17 ~~the department~~. Students of Florida public secondary schools
18 enrolled pursuant to this subsection shall be exempt from the
19 payment of any fees for administration of the examination
20 regardless of whether or not the student achieves a passing
21 score on the examination.

22
23 (7) Credit by examination shall be the program through
24 which secondary and postsecondary students generate
25 postsecondary credit based on the receipt of a specified minimum
26 score on nationally standardized general or subject-area
27 examinations. For the purpose of statewide application, such
28 examinations and the corresponding minimum scores required for
29 an award of credit shall be delineated by the State Board of
30 Education and the Board of Governors in the statewide
31 articulation agreement. The maximum credit generated by a
32 student pursuant to this subsection shall be mitigated by any
33 related postsecondary credit earned by the student prior to the
34 administration of the examination. This subsection shall not
35 preclude community colleges and universities from awarding
36 credit by examination based on student performance on
37 examinations developed within and recognized by the individual
38 postsecondary institutions.
39 (8) The International Baccalaureate Program shall be the
40 curriculum in which eligible secondary students are enrolled in
41 a program of studies offered through the International
42 Baccalaureate Program administered by the International
43 Baccalaureate Office. The State Board of Education and the Board
44 of Governors shall ~~establish rules which~~ specify in the
45 statewide articulation agreement the cutoff scores and
46 International Baccalaureate Examinations which will be used to
47 grant postsecondary credit at community colleges and
48 universities. Any changes to the cutoff scores ~~such rules~~, which
49 have the effect of raising the required cutoff score or of
50 changing the International Baccalaureate Examinations which will
51 be used to grant postsecondary credit, shall only apply to

52 students taking International Baccalaureate Examinations after
53 such changes ~~rules~~ are adopted by the State Board of Education
54 and the Board of Governors. Students shall be awarded a maximum
55 of 30 semester credit hours pursuant to this subsection. The
56 specific course for which a student may receive such credit
57 shall be specified in the statewide articulation agreement
58 ~~determined by the department~~. Students enrolled pursuant to this
59 subsection shall be exempt from the payment of any fees for
60 administration of the examinations regardless of whether or not
61 the student achieves a passing score on the examination.
62 (9) The Advanced International Certificate of Education
63 Program and the International General Certificate of Secondary
64 Education (pre-AICE) Program shall be the curricula in which
65 eligible secondary students are enrolled in programs of study
66 offered through the Advanced International Certificate of
67 Education Program or the International General Certificate of
68 Secondary Education (pre-AICE) Program administered by the
69 University of Cambridge Local Examinations Syndicate. The State
70 Board of Education and the Board of Governors shall ~~establish~~
71 ~~rules which~~ specify in the statewide articulation agreement the
72 cutoff scores and Advanced International Certificate of
73 Education examinations which will be used to grant postsecondary
74 credit at community colleges and universities. Any changes to
75 the cutoff scores ~~such rules~~, which have the effect of raising
76 the required cutoff score or of changing the Advanced
77 International Certification of Education examinations which will
78 be used to grant postsecondary credit, shall apply to students
79 taking Advanced International Certificate of Education
80 examinations after such changes ~~rules~~ are adopted by the State

81 Board of Education and the Board of Governors in the statewide
82 articulation agreement. Students shall be awarded a maximum
83
84 ========== D I R E C T O R Y A M E N D M E N T ==========
85 Remove line(s) 5084 and insert:
86 Section 114. Subsections (3), (6), (7), (8), (9), and (11)
87 of section

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Brandenburg and Mealor offered the
4 following:
5
6 **Amendment (with title amendment)**
7 Remove line(s) 5194-5195 and insert:
8 State Board of Education and the Board of Governors shall
9 specify in the statewide articulation agreement ~~prescribe by~~
10 ~~rule~~
11
12
13 ========== T I T L E A M E N D M E N T ==========
14 Remove line(s) 357-359 and insert:
15 requiring the State Board and the Board of Governors to specify
16 roles and responsibilities for the system in the statewide
17 articulation agreement; amending s. 1007.33, F.S.; relating to
18 site-

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Flores and Mealor offered the following:
4
5 **Amendment**
6 Remove line(s) 2965-2966 and insert:
7 Chapter 120 when acting pursuant to statutory authority derived
8 from the Legislature. The Board of Governors may adopt rules
9 pursuant to Chapter 120 when exercising the powers, duties, and
10 authority granted by s. 7, Article IX of the State Constitution.
11
12

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Flores and Mealor offered the following:
4
5 **Amendment**
6 Remove line(s) 3269-3270 and insert:
7 Chapter 120 when acting pursuant to statutory authority derived
8 from the Legislature. Each board of trustees may adopt rules
9 pursuant to chapter 120 when exercising the powers, duties, and
10 authority granted by s. 7, Article IX of the State Constitution.
11
12

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Brandenburg and Mealor offered the
4 following:
5
6 **Amendment**
7 Remove line(s) 5779-5924 and insert:
8 following Florida documents that demonstrate clear and
9 convincing evidence of continuous residence in the state for at
10 least 12 consecutive months prior to the student's initial
11 enrollment in an institution of higher education: a voter's
12 information card pursuant to s. 97.071, F.S.,; a driver's
13 license; an identification card issued by the State of Florida;
14 a vehicle registration; a declaration of domicile; proof of
15 purchase of a permanent home; a transcript from a Florida high
16 school; Florida GED diploma and transcript; proof of permanent
17 full-time employment; proof of 12 consecutive months of payment
18 of utility bills; a domicile lease and proof of 12 consecutive
19 months of payments; or other official state or court documents
20 evidencing legal ties to Florida. No single piece of evidence
21 shall be conclusive.

22 2. Every applicant for admission to an institution of
23 higher education shall be required to make a statement as to his
24 or her length of residence in the state and, further, shall
25 establish that his or her presence or, if the applicant is a
26 dependent child, the presence of his or her parents in the state
27 currently is, and during the requisite 12-month qualifying
28 period was, for the purpose of maintaining a bona fide domicile,
29 rather than for the purpose of maintaining a mere temporary
30 residence of abode incident to enrollment in an institution of
31 higher education.
32 (b) However, with respect to a dependent child living with
33 an adult relative other than the child's parent, such child may
34 qualify as a resident for tuition purposes if the adult relative
35 is a legal resident who has maintained legal residence in this
36 state for at least 12 consecutive months immediately prior to
37 the child's initial enrollment in an institution of higher
38 education ~~qualification~~, provided the child has resided
39 continuously with such relative for the 5 years immediately
40 prior to the child's initial enrollment ~~qualification~~, during
41 which time the adult relative has exercised day-to-day care,
42 supervision, and control of the child.
43 c) The legal residence of a dependent child whose parents
44 are divorced, separated, or otherwise living apart will be
45 deemed to be this state if either parent is a legal resident of
46 this state, regardless of which parent is entitled to claim, and
47 does in fact claim, the minor as a dependent pursuant to federal
48 income tax provisions.
49 (d) A person who is classified as a nonresident for tuition
50 purposes may become eligible for reclassification as a resident
51 for tuition purposes if that person or, if that person is a

52 dependent child, his or her parent presents clear and convincing
53 evidence that supports permanent residency in this state rather
54 than temporary residency for the purpose of pursuing an
55 education, such as documentation of full-time permanent
56 employment for the prior 12 months or the purchase of a home in
57 this state and residence therein for the prior 12 months. If a
58 person who is a dependent child and his or her parent move to
59 this state while such a child is a high school student and the
60 child graduates from a high school in this state, the child may
61 become eligible for reclassification as a resident for tuition
62 purposes when the parent qualifies for permanent residency.
63 (3)(a) An individual shall not be classified as a resident
64 for tuition purposes and, thus, shall not be eligible to receive
65 the in-state tuition rate until he or she has provided such
66 evidence related to legal residence and its duration or, if that
67 individual is a dependent child, documentation of his or her
68 parent's legal residence and its duration, as well as
69 documentation confirming his or her status as a dependent child,
70 as ~~may be~~ required by law and by officials of the institution of
71 higher education from which he or she seeks the in-state tuition
72 rate. The documentation shall provide clear and convincing
73 evidence that residency in this state was for a minimum of 12
74 months prior to the student's initial enrollment in an
75 institution of higher education. No single piece of evidence
76 shall be conclusive.
77 (b) Each institution of higher education must:
78 1. Determine whether an applicant who has been granted
79 admission to that institution is a dependent child.
80 2. Affirmatively determine that an applicant who has been
81 granted admission to that institution as a Florida resident

82 meets the residency requirements of this section at the time of
83 initial enrollment.
84 (4) With respect to a dependent child, the legal residence
85 of such individual's parent or parents is prima facie evidence
86 of the individual's legal residence, which evidence may be
87 reinforced or rebutted, relative to the age and general
88 circumstances of the individual, by the other evidence of legal
89 residence required of or presented by the individual. However,
90 the legal residence of an individual whose parent or parents are
91 domiciled outside this state is not prima facie evidence of the
92 individual's legal residence if that individual has lived in
93 this state for 5 consecutive years prior to enrolling or
94 reregistering at the institution of higher education at which
95 resident status for tuition purposes is sought.
96 (5) In making a domiciliary determination related to the
97 classification of a person as a resident or nonresident for
98 tuition purposes, the domicile of a married person, irrespective
99 of sex, shall be determined, as in the case of an unmarried
100 person, by reference to all relevant evidence of domiciliary
101 intent. For the purposes of this section:
102 (a) A person shall not be precluded from establishing or
103 maintaining legal residence in this state and subsequently
104 qualifying or continuing to qualify as a resident for tuition
105 purposes solely by reason of marriage to a person domiciled
106 outside this state, even when that person's spouse continues to
107 be domiciled outside of this state, provided such person
108 maintains his or her legal residence in this state.
109 (b) A person shall not be deemed to have established or
110 maintained a legal residence of this state and subsequently to
111 have qualified or continued to qualify as a resident for tuition

112 purposes solely by reason of marriage to a person domiciled in
113 this state.
114 c) In determining the domicile of a married person,
115 irrespective of sex, the fact of the marriage and the place of
116 domicile of such person's spouse shall be deemed relevant
117 evidence to be considered in ascertaining domiciliary intent.
118 (6) Any nonresident person, irrespective of sex, who
119 marries a legal resident of this state or marries a person who
120 later becomes a legal resident may, upon becoming a legal
121 resident of this state, accede the benefit of the spouse's
122 immediately precedent duration as a legal resident for purposes
123 of satisfying the 12-month durational requirement of this
124 section.
125 (7) A person shall not lose his or her resident status for
126 tuition purposes solely by reason of serving, or, if such person
127 is a dependent child, by reason of his or her parent's or
128 parents' serving, in the Armed Forces outside this state.
129 (8) A person who has been properly classified as a resident
130 for tuition purposes but who, while enrolled in an institution
131 of higher education in this state, loses his or her resident
132 tuition status because the person, or if he or she is a
133 dependent child, the person's parent or parents establish
134 domicile or legal residence elsewhere shall continue to enjoy
135 the in-state tuition rate for a statutory grace period, which
136 period shall be measured from the date on which the
137 circumstances arose that culminated in the loss of resident
138 tuition status and shall continue for 12 months. However, if
139 the 12-month grace period ends during a semester or academic
140 term for which such former resident is enrolled, such grace

141 period shall be extended to the end of that semester or academic
142 term.
143 (9) Any person who ceases to be enrolled at or who
144 graduates from an institution of higher education while
145 classified as a resident for tuition purposes and who
146 subsequently abandons his or her domicile in this state shall be
147 permitted to reenroll at an institution of higher learning in
148 this state as a resident for tuition purposes without the
149 necessity of meeting the 12-month durational requirement of this
150 section if that person has reestablished his or her domicile in
151 this state within 12 months of such abandonment and continuously
152 maintains the reestablished domicile during the period of
153 enrollment. The benefit of this subsection shall not be
154 accorded more than once to any one person.
155 (10) The following persons shall be classified as residents
156 for tuition purposes:
157 (a) Active duty members of the Armed Services of the United
158 States residing or stationed in this state, their spouses, and
159 dependent children, and active duty members of the Florida
160 National Guard who qualify under s. 250.10(7) and (8) for the
161 tuition assistance program. <u>In the event that such active duty</u>
162 <u>personnel are redeployed outside of the state while such</u>
163 <u>personnel, their spouses, or dependent children are enrolled</u>
164 <u>degree-seeking students at a Florida institution of higher</u>
165 <u>education, such persons shall continue to be residents for</u>
166 <u>tuition purposes until the completion of the degree.</u>
167
168

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Cretul and Mealor offered the following:
4
5 **Amendment**
6 Remove line(s) 6640 and insert:
7 and other moneys not required for the payment of direct costs,
8 state operating revenue, or
9

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED __ (Y/N)
ADOPTED AS AMENDED __ (Y/N)
ADOPTED W/O OBJECTION __ (Y/N)
FAILED TO ADOPT __ (Y/N)
WITHDRAWN __ (Y/N)
OTHER ____

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Cretul and Mealor offered the following:
4
5 **Amendment**
6 Remove line(s) 6704 and insert:
7 grants, state operating revenues, or any other operating
8 revenues of a state university.
9
10

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 32 (for drafter's use only)

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Ambler and Mealor offered the following:
4
5 **Amendment**
6 Remove line 778 and insert:
7 appoint a Chancellor to aid the board in
8

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Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED __ (Y/N)
ADOPTED AS AMENDED __ (Y/N)
ADOPTED W/O OBJECTION __ (Y/N)
FAILED TO ADOPT __ (Y/N)
WITHDRAWN __ (Y/N)
OTHER _____

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Flores and Mealor offered the following:
4
5 **Amendment (with directory and title amendments)**
6 Between line(s) 2183 - 2184 insert:
7 (5) EDUCATION GOVERNANCE TRANSFERS.--
8 (a) Effective July 1, 2001:
9 1. The Board of Regents is abolished.
10 2. All of the powers, duties, functions, records,
11 personnel, and property; unexpended balances of appropriations,
12 allocations, and other funds; administrative authority;
13 administrative rules; pending issues; and existing contracts of
14 the Board of Regents are transferred by a type two transfer,
15 pursuant to s. 20.06(2), to the State Board of Education.
16 3. The State Board of Community Colleges is abolished.
17 4. All of the powers, duties, functions, records,
18 personnel, and property; unexpended balances of appropriations,
19 allocations, and other funds; administrative authority;
20 administrative rules; pending issues; and existing contracts of
21 the State Board of Community Colleges are transferred by a type

22 two transfer, pursuant to s. 20.06(2), from the Department of
23 Education to the State Board of Education.
24 5. The Postsecondary Education Planning Commission is
25 abolished.
26 6. The Council for Education Policy Research and
27 Improvement is created as an independent office under the Office
28 of Legislative Services.
29 7. All personnel, unexpended balances of appropriations,
30 and allocations of the Postsecondary Education Planning
31 Commission are transferred to the Council for Education Policy
32 Research and Improvement.
33 8. The Articulation Coordinating Committee and the
34 Education Standards Commission are transferred by a type two
35 transfer, pursuant to s. 20.06(2), from the Department of
36 Education to the State Board of Education.
37 (b) All rules of the State Board of Education, the
38 Commissioner of Education, and the Department of Education, and
39 all rules of the district school boards, the community college
40 boards of trustees, and the state university boards of trustees,
41 in effect on January 2, 2003, remain in effect until
42 specifically amended or repealed in the manner provided by law.
43 (c) Effective January 7, 2003:
44 1. The administrative rules of the Department of Education
45 and the Commissioner of Education shall become the rules of the
46 State Board of Education.
47 2. The administrative rules of the State Board of
48 Education shall become the rules of the appointed State Board of
49 Education.
50 (d) All administrative rules of the State Board of
51 Education, the Commissioner of Education, and the Department of

52 Education are transferred by a type two transfer, as defined in
53 s. 20.06(2), to the appointed State Board of Education.
54 (e) This act creating the Florida K-20 Education Code
55 shall not affect the validity of any judicial or administrative
56 action involving the Department of Education, pending on January
57 7, 2003. This act shall not affect the validity of any judicial
58 or administrative action involving the Commissioner of Education
59 or the State Board of Education, pending on January 7, 2003, and
60 the appointed State Board of Education shall be substituted as a
61 party of interest in any such action.
62 (f) Effective July 1, 2006, any remaining powers, duties,
63 functions, records, property, unexpended balances of
64 appropriations, allocations, and other funds; administrative
65 authority; administrative rules; pending issues; and existing
66 contracts of the Board of Regents that were previously
67 transferred to the State Board of Education after the Board of
68 Regents was abolished pursuant to paragraph (a) are transferred
69 to the Board of Governors in accordance with s. 7(d), Art.IX of
70 the State Constitution.
71
72
73 ========== D I R E C T O R Y A M E N D M E N T ==========
74 Remove line(s) 2169-2170 and insert:
75 Section 63. Subsections (3) and (5) of section 1000.01,
76 Florida Statutes, are amended to read:
77
78 ========== T I T L E A M E N D M E N T ==========
79 Remove line 160 and insert:
80 other public education programs; providing for certain
81 transfers; amending s. 1000.03,

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Ambler and Mealor offered the following:
4
5 **Amendment**
6 Remove line 2950 and insert:
7 state to the extent authorized by the State Constitution and
8 state law.
9

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Homan and Mealor offered the following:
4
5 **Amendment**
6 Remove line 3274 and insert:
7 agent of the university. Each university shall comply with the
8 provisions of s. 287.055 for the procurement of professional
9 services and may approve and execute all contracts for planning,
10 construction, and equipment. For the purpose of a university's
11 contracting authority, a "continuing contract" for professional
12 services under the provisions of s. 287.055 is one in which
13 construction costs do not exceed $1 million or the fee for study
14 activity does not exceed $100,000. Contracts executed pursuant
15 to this paragraph are subject to the requirements of s. 1010.62.

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Homan and Mealor offered the following:
4
5 **Amendment**
6 Between line(s) 3486-3487 insert:
7 (j) Each university board of trustees shall adjust
8 property records and dispose of state-owned tangible property in
9 the university's custody in accordance with procedures
10 established by the board in accordance with the provisions of
11 chapter 273. Notwithstanding the provision of s. 273.055(5),
12 all moneys received from the disposition of state-owned tangible
13 personal property shall be retained by the university and
14 disbursed for the acquisition of tangible personal property and
15 for all necessary operating expenditures. The university shall
16 maintain records of the accounts into which such moneys are
17 deposited.
18

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Homan and Mealor offered the following:
4
5 **Amendment (with title amendment)**
6 Remove line(s) 3494-3557
7
8
9 ========== T I T L E A M E N D M E N T ==========
10 Remove line(s) 223-224 and insert:
11 the university boards of trustees;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 38 (for drafter's use only)

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) A. Gibson and Mealor offered the
4 following:
5
6 **Amendment**
7 Remove line 3825 and insert:
8 ~~State Board of Education~~ for review. The Board of Governors
9 ~~State Board of Education~~
10

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Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Cretul and Mealor offered the following:
4
5 **Amendment**
6 Remove line(s) 6021-6024 and insert:
7 (b) The minimum percentage of funds from student financial
8 aid fee revenues that shall be used to provide financial aid
9 based on need shall be as follows:
10 1. For awards provided prior to the 2007-2008 academic
11 year, 75 percent.
12 2. For awards provided for the 2007-2008 academic year, 80
13 percent.
14 3. For awards provided for the 2008-2009 academic year, 85
15 percent.
16 4. For awards provided for the 2009-2010 academic year and
17 thereafter, 90 percent.

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Rice and Mealor offered the following:
4
5 **Amendment (with title amendment)**
6 Remove line 2373 and insert:
7 (d) To adopt, in conjunction with the Board of Governors
8
9 ========== T I T L E A M E N D M E N T ==========
10 Remove line(s) 181-182 and insert:
11 Board of Education including requiring the State Board to work
12 in conjunction with the Board of Governors on certain matters;
13 providing for

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 41(for drafter's use only)

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED __ (Y/N)

ADOPTED AS AMENDED __ (Y/N)

ADOPTED W/O OBJECTION __ (Y/N)

FAILED TO ADOPT __ (Y/N)

WITHDRAWN __ (Y/N)

OTHER ____

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Rice and Mealor offered the following:
4
5 **Amendment (with title amendment)**
6 Remove line 2652 and insert:
7 EDUCATION.--The State Board of Education, in conjunction with
8
9
10 ========== T I T L E A M E N D M E N T ==========
11 Remove line(s) 190-191 and insert:
12 authority; providing for the State Board to work in conjunction
13 with the Board of Governors on certain matters; deleting
14 requirement that

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Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	_____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Rice and Mealor offered the following:
4
5 **Amendment (with title amendment)**
6 Remove line(s) 5272-5307 and insert:
7 (4) The State Board of Education, in conjunction with the
8 Board of Governors ~~by rule~~, shall set the minimum scores that
9 constitute successful completion of the examination. In
10 establishing the minimum scores that constitute successful
11 completion of the examination, the boards ~~State Board of~~
12 ~~Education~~ shall consider any possible negative impact of the
13 tests on minority students. Determinations regarding a student's
14 successful completion of the examination shall be based on the
15 minimum standards ~~prescribed by rule~~ for the date the student
16 initially takes the examination.
17 (8)(a) The State Board of Education, by rule, shall
18 establish fees for the administration of the examination by
19 community colleges at times other than regularly scheduled dates
20 to accommodate examinees who are unable to be tested on those

21 dates. The board shall establish the conditions under which
22 examinees may be admitted to the special administrations.
23 (b) The Board of Governors may establish fees for the
24 administration of the examination by state universities at times
25 other than regularly scheduled dates to accommodate examinees
26 who are unable to be tested on those dates. The board may
27 establish the conditions under which examinees may be admitted
28 to the special administrations.
29 (9) Any student fulfilling one or both of the following
30 requirements before completion of associate in arts degree
31 requirements or baccalaureate degree requirements is exempt from
32 the testing requirements of this section:
33 (a) Achieves a score that meets or exceeds a minimum score
34 on a nationally standardized examination, as established by the
35 State Board of Education in conjunction with the Board of
36 Governors; or
37 (b) Demonstrates successful remediation of any academic
38 deficiencies identified by the college placement test and
39 achieves a cumulative grade point average of 2.5 or above, on a
40 4.0 scale, in postsecondary-level coursework identified by the
41 State Board of Education in conjunction with the Board of
42 Governors. The Department of
43
44
45 ========== T I T L E A M E N D M E N T ==========
46 Remove line(s) 364-366 and insert:
47 Education in conjunction with Board of Governors to establish
48 minimum passing scores and identify course-work to satisfy
49 testing requirements; authorizing State Board and Board of

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Rice and Mealor offered the following:
4
5 **Amendment (with title amendment)**
6 Remove line(s) 5344-5345 and insert:
7 The State Board of Education, in conjunction with the Board of
8 Governors, shall specify the
9
10
11 ========== T I T L E A M E N D M E N T ==========
12 Remove line(s) 372-373 and insert:
13 of Education in conjunction with the Board of Governors to
14 specify certain college-prep requirements;

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED __ (Y/N)
ADOPTED AS AMENDED __ (Y/N)
ADOPTED W/O OBJECTION __ (Y/N)
FAILED TO ADOPT __ (Y/N)
WITHDRAWN __ (Y/N)
OTHER ____

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Rice and Mealor offered the following:
4
5 **Amendment (with title amendment)**
6 Remove line(s) 5647-5648 and insert:
7 Board of Education, in conjunction with the Board of Governors,
8 shall develop articulation
9
10 ========== T I T L E A M E N D M E N T ==========
11 Remove line(s) 404-407 and insert:
12 requiring the State Board of Education to develop articulation
13 accountability measures and establish an articulation
14 accountability process in conjunction with the Board of
15 Governors; amending s. 1008.45, F.S.;

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED __ (Y/N)
ADOPTED AS AMENDED __ (Y/N)
ADOPTED W/O OBJECTION __ (Y/N)
FAILED TO ADOPT __ (Y/N)
WITHDRAWN __ (Y/N)
OTHER ____

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Rice and Mealor offered the following:
4
5 **Amendment (with title amendment)**
6 Remove line(s) 6878-6879 and insert:
7 community colleges, and, in conjunction with the Board of
8 Governors, universities pursuant
9
10 ========== T I T L E A M E N D M E N T ==========
11 Remove line(s) 503-504 and insert:
12 submit budget request for state universities in conjunction with
13 the Board of Governors; amending s. 1011.40, F.S.; relating to

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED __ (Y/N)
ADOPTED AS AMENDED __ (Y/N)
ADOPTED W/O OBJECTION __ (Y/N)
FAILED TO ADOPT __ (Y/N)
WITHDRAWN __ (Y/N)
OTHER _____

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Homan and Mealor offered the following:
4
5 **Amendment (with title amendment)**
6 Remove line(s) 8421-8440 and insert:
7 Section 188. Sections 186.805, 388.42, 388.43, 410.504,
8 1004.32, 1004.35, 1004.36, 1004.38, 1004.381, 1004.382,
9 1004.383, 1004.50, 1004.51, 1004.53, 1004.54, and 1004.59,
10 Florida Statutes, are repealed. It is the intent of the
11 Legislature that the repeal of ss. 186.805, 388.42, 388.43,
12 410.504, 1004.32, 1004.35, 1004.36, 1004.38, 1004.381, 1004.382,
13 1004.383, 1004.50, 1004.51, 1004.53, 1004.54, and 1004.59,
14 Florida Statutes, by this act is to remove existing statutory
15 authorization that is no longer necessary for the establishment,
16 operation, or maintenance of the entities that were established,
17 operated, or regulated under those provisions and does not
18 affect the authority of a state university or the Board of
19 Governors of the State University System under s. 7, Art. IX of
20 the State Constitution and s. 1001.705, Florida Statutes, to

21 continue such entities and their operation and regulation in
22 accordance with that authority.
23 Section 189. Sections 288.705, 458.3147, 689.12,
24 741.03055, 741.03056, 1001.72, 1001.75, 1004.26, 1007.261,
25 1007.31, 1007.32, 1008.51,
26
27 ========== T I T L E A M E N D M E N T ==========
28 Remove line(s) 640-691 and insert:
29 relating to the Data Bank on Older Floridians; repealing s.
30 388.42, F.S., relating to John A. Mulrennan, Sr., Arthropod
31 Research Laboratory; repealing s. 388.43, F.S., relating to the
32 Florida Medical Entomology Laboratory; repealing s. 410.504.
33 F.S., relating to the multidisciplinary center on elderly living
34 environments; repealing s. 1004.32, F.S., relating to New
35 College of Florida; repealing s. 1004.35, F.S., relating to
36 Broward County campuses of Florida Atlantic University
37 coordination with other institutions; repealing s. 1004.36,
38 F.S., relating to Florida Atlantic University campuses;
39 repealing s. 1004.38, F.S., relating to master of science
40 program in speech-language pathology at Florida International
41 University; repealing s. 1004.381, F.S., relating to nursing
42 degree program at University of West Florida; repealing s.
43 1004.382, F.S., relating to master's in social work program at
44 Florida Atlantic University; repealing s. 1004.383, F.S.,
45 relating to chiropractic medicine degree program at Florida
46 State University; repealing s. 1004.50, F.S., relating to the
47 Institute on Urban Policy and Commerce; repealing s. 1004.51,
48 F.S., relating to Community and Faith-based Organizations
49 Initiative and the Community and Library Technology Access
50 Partnership; repealing s. 1004.53, F.S., relating to

51 Interdisciplinary Center for Brownfield Rehabilitation
52 Assistance; repealing s. 1004.54, F.S., relating to the Learning
53 Development and Evaluation Center; repealing s. 1004.59, F.S.,
54 relating to the Florida Conflict Resolution Consortium;
55 repealing s. 288.705, F.S.; relating to statewide contracts
56 register; repealing s. 458.3147, F.S., relating to medical
57 school eligibility of military academy students or graduates;
58 repealing s. 689.12, F.S., relating to state lands conveyed for
59 educational purposes; repealing s. 741.03055, F.S., relating to
60 review of premarital preparation courses, pilot programs, and
61 questionnaire and curriculum; repealing s. 741.03056, F.S.,
62 relating to informational questionnaire; repealing s. 1001.72,
63 F.S., relating to university boards of trustees to constitute a
64 corporation; repealing s. 1001.75, F.S., relating to powers and
65 duties of university presidents;

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Ambler offered the following:
4
5 **Substitute Amendment for Amendment (47) by Representative**
6 **(with title amendment)**
7 Remove line(s) 8421-8440 and insert:
8 Section 188. Sections 186.805, 388.42, 388.43, 410.504,
9 1004.32, 1004.35, 1004.36, 1004.38, 1004.381, 1004.382,
10 1004.383, 1004.50, 1004.51, 1004.53, 1004.54, and 1004.59,
11 Florida Statutes, are repealed. It is the intent of the
12 Legislature that the repeal of ss. 186.805, 388.42, 388.43,
13 410.504, 1004.32, 1004.35, 1004.36, 1004.38, 1004.381, 1004.382,
14 1004.383, 1004.50, 1004.51, 1004.53, 1004.54, and 1004.59,
15 Florida Statutes, by this act is to remove existing statutory
16 authorization that is no longer necessary for the establishment,
17 operation, or maintenance of the entities that were established,
18 operated, or regulated under those provisions and does not
19 affect the authority of a state university or the Board of
20 Governors of the State University System under s. 7, Art. IX of
21 the State Constitution and s. 1001.705, Florida Statutes, to

22 continue such entities and their operation and regulation in
23 accordance with that authority.
24 Section 189. Sections 288.705, 458.3147, 689.12,
25 741.03055, 741.03056, 1001.72, 1001.75, 1007.261, 1007.31,
26 1007.32, 1008.51,
27
28 ========== T I T L E A M E N D M E N T ==========
29 Remove line(s) 640-693 and insert:
30 relating to the Data Bank on Older Floridians; repealing s.
31 388.42, F.S., relating to John A. Mulrennan, Sr., Arthropod
32 Research Laboratory; repealing s. 388.43, F.S., relating to the
33 Florida Medical Entomology Laboratory; repealing s. 410.504.
34 F.S., relating to the multidisciplinary center on elderly living
35 environments; repealing s. 1004.32, F.S., relating to New
36 College of Florida; repealing s. 1004.35, F.S., relating to
37 Broward County campuses of Florida Atlantic University
38 coordination with other institutions; repealing s. 1004.36,
39 F.S., relating to Florida Atlantic University campuses;
40 repealing s. 1004.38, F.S., relating to master of science
41 program in speech-language pathology at Florida International
42 University; repealing s. 1004.381, F.S., relating to nursing
43 degree program at University of West Florida; repealing s.
44 1004.382, F.S., relating to master's in social work program at
45 Florida Atlantic University; repealing s. 1004.383, F.S.,
46 relating to chiropractic medicine degree program at Florida
47 State University; repealing s. 1004.50, F.S., relating to the
48 Institute on Urban Policy and Commerce; repealing s. 1004.51,
49 F.S., relating to Community and Faith-based Organizations
50 Initiative and the Community and Library Technology Access
51 Partnership; repealing s. 1004.53, F.S., relating to
52 Interdisciplinary Center for Brownfield Rehabilitation

53 Assistance; repealing s. 1004.54, F.S., relating to the Learning
54 Development and Evaluation Center; repealing s. 1004.59, F.S.,
55 relating to the Florida Conflict Resolution Consortium;
56 repealing s. 288.705, F.S.; relating to statewide contracts
57 register; repealing s. 458.3147, F.S., relating to medical
58 school eligibility of military academy students or graduates;
59 repealing s. 689.12, F.S., relating to state lands conveyed for
60 educational purposes; repealing s. 741.03055, F.S., relating to
61 review of premarital preparation courses, pilot programs, and
62 questionnaire and curriculum; repealing s. 741.03056, F.S.,
63 relating to informational questionnaire; repealing s. 1001.72,
64 F.S., relating to university boards of trustees to constitute a
65 corporation; repealing s. 1001.75, F.S., relating to powers and
66 duties of university presidents; repealing s. 1007.261, F.S.,
67 relating to
68

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 47(for drafter's use only)

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	_____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Hukill and Mealor offered the following:
4
5 **Amendment**
6 Remove line(s) 2985-2990
7

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 48(for drafter's use only)

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	_____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Homan and Mealor offered the following:
4
5 **Amendment**
6 Remove line(s) 3060-3074
7

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 49(for drafter's use only)

Bill No. **PCB CU 06-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Colleges & Universities
2 Committee
3 Representative(s) Hukill and Mealor offered the following:
4
5 **Amendment**
6 Remove line(s) 3278-3294 and insert:
7 (c) Each board of trustees has responsibility for
8 requiring no more than 120 semester hours of coursework for
9 baccalaureate degree programs unless approved by the Board of
10 Governors. At least half of the required coursework for any
11 baccalaureate degree must be offered at the lower-division
12 level, except in program areas approved by the Board of
13 Governors.
14 (d) Each board of trustees has responsibility for ensuring
15 that students have access to general education courses as
16 identified by the university.
17
18

HB 881

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 881 CS Physician Licensure Requirements
SPONSOR(S): Flores
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Health Care Regulation Committee	9 Y, 1 N, w/CS	Hamrick	Mitchell
2) Colleges & Universities Committee		Davis	Tilton
3) Health Care Appropriations Committee			
4) Health & Families Council			
5)			

SUMMARY ANALYSIS

Section 458.3124, F.S., relating to restricted licensure and certain experienced foreign trained physicians, provides a mechanism for foreign trained physicians who meet certain requirements to sit for Step III of the United States Medical Licensing Examination (USMLE). The bill amends two of the eligibility requirements:

- The requirement a foreign trained physician has passed Steps I and II of the USMLE must include the clinical knowledge and clinical skills component of the Step II exam.
- The July 1, 1996 residency requirement is replaced with the requirement a foreign trained physician be a Florida resident for at least 5 years.

Section 458.3124, F.S., specifies the process for foreign trained physicians to apply for licensure under that section, but limits it to persons who apply on or before December 31, 2000. The bill removes the December 31, 2000 application deadline. The bill also requires that the eligibility requirements to sit for Step III of the USMLE serve as eligibility requirements to receive a restricted license.

The bill removes provisions relating to an obsolete application and examination fee which had to be submitted to the Department of Health (DOH) when applying for licensure. According to the DOH, this examination fee relates to a state-developed examination that foreign trained physicians previously had to take in order to receive licensure. Current law prohibits the DOH and the 28 boards under the department's Division of Medical Quality Assurance from administering a state-developed written examination if a national examination is available; therefore, the exam is no longer administered and the fee is no longer applicable.

The bill also removes a cap on the number of times that a person applying for licensure was permitted to take the examination—a maximum of 5 times within 5 years.

The bill creates a new section of law that defines "international medical graduate" and provides legislative intent and a summary of current licensure options available for international medical graduates.

The bill does not appear to have a fiscal impact on state or local governments.

The bill takes effect on July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Safeguard individual liberty-The bill allows international medical graduates to work in the profession for which they were trained if certain requirements are met.

B. EFFECT OF PROPOSED CHANGES:

Background

Section 458.3124, F.S., relating to restricted licensure and certain experienced foreign trained physicians, provides a mechanism for foreign trained physicians who meet certain criteria to apply to take Step III of the United States Medical Licensing Examination (USMLE). The physician must:

- have graduated from a medical school that is listed in the World Directory of Medical Schools and is located in a country other than the United States, Canada, or Puerto Rico;
- have passed Part I and Part II of the USMLE;
- have received certification from the Educational Commission for Foreign Medical Graduates (ECFMG);
- have legally practiced medicine for at least 5 years in the country where the medical school is located;
- not have been the subject of discipline, investigation, or prosecution; and
- have been a resident of this state since July 1, 1996.

Section 458.3124, F.S., also specifies the process for foreign trained physicians to apply for licensure, but limits it to those who apply on or before December 31, 2000.

This section of law provides that a foreign trained physician with a restricted license must practice for the first year under the direct supervision of a licensed medical doctor, approved by the Board of Medicine. For the second year, the foreign trained physician is required to practice under indirect supervision in a community service setting that serves the indigent population. According to rules promulgated by the Department of Health (DOH), direct supervision requires that the supervising physician be on the premises and be immediately available when needed by the physician holding a restricted license.[1] The restricted licensee must practice at least 30 hours per week under direct supervision for one year. Indirect supervision does not require the physical presence of the supervising physician, but requires the supervising physician to be reasonably available to provide consultation or direction in a timely fashion in order to provide appropriate care to the patient.[2] The restricted licensee must practice under indirect supervision for one year in a location that serves the indigent population, such as non-profit organizations, public health units, prisons, or other community service organizations approved by the Board of Medicine.

If the foreign trained physician successfully completes the two-year period of direct and indirect supervised training and successfully passes Step III of the USMLE examination, he/she is eligible for full licensure.

[1] See 64B8-4.027, F.A.C.
[2] Ibid.

Educational Commission for Foreign Medical Graduates (ECFMG) Program Certification

To receive a license to practice medicine in Florida, foreign trained physicians must receive a certificate from the ECFMG Program. The ECFMG, through its program of certification, assesses whether international medical graduates are ready to enter residency or fellowship programs in the United States that are accredited by the Accreditation Council for Graduate Medical Education (ACGME).[3]

ECFMG and its organizational members define an international medical graduate as a physician who received his/her basic medical degree or qualification from a medical school located outside the United States and Canada. ECFMG Certification assures directors of ACGME-accredited residency and fellowship programs, and the people of the United States, that international medical graduates have met minimum standards of eligibility required to enter such programs. International medical graduates (IMG), who were formally referred to as foreign trained medical graduates, must have had at least four credit years (or academic years for which credit has been given toward completion of the medical curriculum) in attendance at a medical school listed in the International Medical Education Directory (IMED).

In general, an international medical graduate is defined as a physician whose basic medical degree or qualification was conferred by a medical school located outside the United States, Canada, and Puerto Rico.

To be eligible for certification by ECFMG, international medical graduates must meet an examination and medical education credential requirement. To meet the examination requirement applicants must pass Step I and both parts of Step II of the United States Medical Licensing Examination (USMLE). Step II of the exam has two separately administered components: the Clinical Knowledge (CK) component and the Clinical Skills (CS) component.[4] Part III of the USMLE may be taken at any time after successfully completing parts I and II. Currently, an individual may not receive full licensure until he/she has passed all parts of the USMLE, received ECFMG certification and completed an accredited residency program. The medical education credential requirement requires an applicant to provide his/her medical education credentials, which includes his/her final medical diploma and final medical school transcript. ECFMG certification is one of the eligibility requirements to take Step III of the USMLE examination.

Effect of Proposed Changes

Section 458.3124, F.S., relating to restricted licensure and certain experienced foreign trained physicians, provides a mechanism for foreign trained physicians who meet certain requirements to sit for Step III of the USMLE. The bill amends two of the eligibility requirements:

- The requirement a foreign trained physician has passed Steps I and II of the USMLE must include the clinical knowledge and clinical skills component of the Step II exam.
- The July 1, 1996 residency requirement is replaced with the requirement a foreign trained physician be a Florida resident for at least 5 years.

Section 458.3124, F.S., specifies the process for foreign trained physicians to apply for licensure, but limits it to those who apply on or before December 31, 2000. The bill removes the December 31, 2000 application deadline. The bill also requires that the eligibility requirements to sit for Step III of the USMLE serve as eligibility requirements to receive a restricted license.

The bill removes provisions relating to an obsolete application and examination fee which had to be submitted to the DOH when applying for licensure. According to the DOH, this examination fee relates to a state-developed examination that foreign trained physicians previously had to take in order to

[3] ECFMG Information Booklet. *Frequently Asked Questions.* http://www.ecfmg.org/2006ib/ibfaq.html (February 12, 2006)
[4] Ibid.

receive licensure. Current law prohibits the DOH and the 28 boards under the department's Division of Medical Quality Assurance from administering a state-developed written examination if a national examination is available; therefore, the exam is no longer administered and the fee is no longer applicable.

The bill also removes a provision that a person applying for licensure may take the examination a maximum of 5 times within 5 years.

The bill creates a new section of law that defines "international medical graduate" and provides legislative intent and a summary of current licensure options available for international medical graduates. The bill states that, pursuant to s. 456.021(1), F.S., it is the intent to use foreign-speaking state residents that are duly qualified to become actively qualified in their profession so that all people of this state may receive better services. The current options available for an international medical graduate to become licensed to practice medicine in the state are:

- Full license, pursuant to s. 458.311, F.S.;
- Restricted licensure, pursuant to s. 458.3124, F.S.;
- House physician, pursuant to s. 458.345, F.S.; and
- Visiting physician, pursuant to ss. 458.3135, 458.3137, and 458.3145, F.S.

The bill takes effect July 1, 2006.

C. SECTION DIRECTORY:

Section 1. Amends s. 458.3124, F.S., to revise criteria to provide foreign-trained physicians the ability to receive a restricted license and apply to sit for part III of the United States Medical Licensing Examination.

Section 2. Creates s. 458.3126, F.S., to define "international medical graduate"; provide legislative intent; provide a summary of current licensure options available for international medical graduates and provide statutory cross-references.

Section 3. Provides that the bill will take effect on July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   The bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

   The bill does not appear to have a fiscal impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   The bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

   The bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Under the requirements of a restricted license, a practitioner must work in a community setting that serves the indigent population for one year.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to spend funds or take an action requiring the expenditure of funds. The bill does not reduce the percentage of state tax shared with counties or municipalities. The bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No additional rule-making authority is needed to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 15, 2006, the Health Care Regulation Committee adopted a strike-all amendment offered by the bill's sponsor. The Committee Substitute differs from the original bill in the following ways:

- Removes the "community-based internships" provision that provided individuals the option, with approval by the Board of Medicine, to complete a 2-year community-based internship at a hospital licensed in the state, in lieu of a residency program. If a doctor successfully completed the community-based internship, he/she meets the residency education requirement.
- Removes the December 31, 2000 deadline from current law relating to the restricted licensure of international medical graduates.
- Creates a new section in statute that defines "international medical graduate" and provides legislative intent and a summary of current licensure options available for international medical graduates.

The bill, as amended, was reported favorably as a committee substitute. This analysis is drafted to the committee substitute.

CHAMBER ACTION

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1 The Health Care Regulation Committee recommends the following:
2
3 **Council/Committee Substitute**
4 Remove the entire bill and insert:
5 A bill to be entitled
6 An act relating to physician licensure requirements;
7 amending s. 458.3124, F.S.; revising criteria by which
8 certain foreign-trained physicians may receive a
9 restricted license and apply to take a certain portion of
10 the United States Medical Licensing Examination; revising
11 requirements for a foreign-trained physician applying for
12 certain licensure; creating s. 458.3126, F.S.; defining
13 the term "international medical graduate"; providing
14 legislative intent; providing references to statutory
15 requirements and a summary of options available for
16 international medical graduates to become qualified to
17 practice medicine in the state; providing an effective
18 date.
19
20 Be It Enacted by the Legislature of the State of Florida:
21
22 Section 1. Section 458.3124, Florida Statutes, is amended
23 to read:

24 458.3124 Restricted license; certain experienced foreign-
25 trained physicians.--
26 (1) A person who was trained in a medical school that is
27 listed in the World Directory of Medical Schools published by
28 the World Health Organization and is located in a country other
29 than the United States, Canada, or Puerto Rico may receive a
30 restricted license and apply to take Step III of the United
31 States Medical Licensing Examination, if the person:
32 (a) Legally practiced medicine for at least 5 years in the
33 country in which the school is located;
34 (b) Has passed Steps I and II, including the clinical
35 knowledge and clinical skills components, of the United States
36 Medical Licensing Examination;
37 (c) Is certified by the Educational Commission for Foreign
38 Medical Graduates as qualified for a restricted license to
39 practice medicine;
40 (d) Is not subject to discipline, investigation, or
41 prosecution in any jurisdiction for acts that threaten the
42 public health, safety, or welfare or violate chapter 456 or this
43 chapter; and
44 (e) Has been a resident of this state for at least 5 years
45 ~~since July 1, 1996~~.
46 (2) A person applying for licensure under this section
47 must submit to the Department of Health ~~on or before December~~
48 ~~31, 2000:~~
49 ~~(a)~~ a completed application and documentation required by
50 the Board of Medicine to prove compliance with subsection (1).~~;~~
51 ~~and~~

52 ~~(b) A nonrefundable application fee not to exceed $500 and~~
53 ~~a nonrefundable examination fee not to exceed $300 plus the~~
54 ~~actual cost to purchase and administer the examination.~~
55 ~~(3) A person applying under this section may take the~~
56 ~~examination a maximum of 5 times within 5 years.~~
57 (3) ~~(4)~~ A restricted licensee under this section must
58 practice under the supervision of a licensee approved by the
59 board, with the first year of licensure under direct supervision
60 and the second year in community service under indirect
61 supervision, including practicing with organizations that serve
62 indigent populations, such as s. 501(c)(3) agencies, public
63 health units, prisons, or other organizations approved by the
64 board.
65 (4) ~~(5)~~ Notwithstanding s. 458.311(1)(f), a person who
66 successfully meets the requirements of this section and who
67 successfully passes Step III of the United States Medical
68 Licensing Examination is eligible for full licensure as a
69 physician.
70 (5) ~~(6)~~ The board shall adopt rules to implement this
71 section.
72 Section 2. Section 458.3126, Florida Statutes, is created
73 to read:
74 458.3126 International medical graduates.--
75 (1) An "international medical graduate," also referred to
76 as a "foreign-trained physician," is a person who has trained in
77 an allopathic foreign medical school that is listed in the
78 International Medical Education Directory and is located outside
79 the United States, Canada, or Puerto Rico.

80 (2) Pursuant to s. 456.021(1), it is the intent of the
81 Legislature to use foreign-speaking state residents who are duly
82 qualified to become actively qualified in their respective
83 professions so that all people of this state may receive better
84 services. The intent of this section is to provide a summary of
85 the different options available for international medical
86 graduates to practice medicine in the state. The following
87 summary of options is not inclusive, and it is recommended that
88 the entire section of any statute referenced in paragraphs (a)-
89 (d) be read to ensure full compliance.
90 (a) An international medical graduate may receive a full
91 license if he or she, among other requirements under s. 458.311,
92 has a valid Educational Commission for Foreign Medical Graduates
93 (ECFMG), has completed a 2-year approved residency in one
94 specialty area, and has obtained a passing score on all steps of
95 the United States Medical Licensing Examination (USMLE).
96 (b) An international medical graduate may receive a
97 restricted license and sit for Step III of the USMLE if he or
98 she, among other requirements under s. 458.3124, passed Steps I
99 and II of the USMLE, has been certified by the ECFMG, and has
100 been a resident of the state for at least 5 years. Under s.
101 458.3124(3), an international medical graduate who is a
102 restricted licensee must practice under the direct supervision
103 of a board-approved licensed physician for the first year of
104 licensure and under the indirect supervision of a physician in a
105 community service setting that serves the indigent population
106 for the second year of licensure. If the international medical

107 graduate passes Step III of the USMLE, he or she is eligible for
108 full licensure under s. 458.3124(4).
109 (c) An international medical graduate may practice in a
110 hospital or teaching hospital as a house physician under s.
111 458.345. The registration application is renewable every 2 years
112 under s. 458.345.
113 (d) An international medical graduate who is a visiting
114 physician may be issued a temporary certificate under ss.
115 458.3135 and 458.3137 and a medical faculty certificate under s.
116 458.3145.
117 Section 3. This act shall take effect July 1, 2006.